

21 Hobson Avenue
P O Box 480, Kerikeri
New Zealand

Duffill Watts & King Ltd

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CONSULTING ENGINEERS

25 August 2006

Far North District Council
Private Bag 752
KAIKOHE

Attn: Peter Johnson, Utilities Manager

RECEIVED
28 AUG 2006
UTILITY SERVICES

Received:	
28 AUG 2006	
Dept	Doc Ref

102471/01

Dear Peter,

**89 LOT SUBDIVISION, CABLE BAY
RC 2051164
WATER SUPPLY AND WASTE WATER RETICULATION**

Your agreement in principle and/or approval is sought for the following proposed variations to the construction works at the above development.

Wastewater Reticulation

The approved resource consent for the above referenced subdivision requires effluent to be disposed of to ground, via an on site treatment plant.

In our letter dated 08 May 2006 we confirmed an agreement to comply with your preference for the development to be connected to the existing public system, as an alternative to on site disposal. However, during the detailed design development of this alternative system it has become apparent that nearly 40% of the reticulation would be required to serve only 13 of the large rural lots. These lots, which range from 3,500m² to 11,000m², are of more than adequate area to sustain individual On Site Effluent Disposal systems. We therefore request your approval to install sanitary sewer reticulation to the boundary of 76 instead of 89 lots, as indicated on the attached marked up plan.

Waster Supply Reticulation

The approved resource consent requires that all lots be connected by underground means to the Doubtless Bay Water Company supply. However the same conditions also require each of the large rural lots to be provided with an on site storage tank for stormwater collection.

The provision of these storage tanks will produce benefits associated with reduced discharges to the stormwater disposal system, assuming that the occupiers are not connected to a reticulated water supply.

We therefore request your approval to connect only the smaller residential lots to the Doubtless Bay Water Company supply, as indicated on the attached marked up plan.

Your prompt attention to these requests would be appreciated as it is intended to commence construction on site shortly

Please do not hesitate to contact Tom Adcock on 09 407 9332 should you have any queries or require further assistance.

Yours faithfully

DUFFILL WATTS & KING LTD

per



D W Brierley

Copies Cable Bay Sections Ltd, attn Alex Blunt
Far North District Council, attn Resource Consents Manager

Enclosures Marked up plan reference 102471/250806



**Far North
District Council**

Private Bag 752, Memorial Ave

Kaikōhe 0400, New Zealand

Freephone: 0800 920 029

Phone: (09) 405 2750

Fax: (09) 401 2137

Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

Tuesday, 29 August 2006

DW Brierley
21 Hobson Avenue
PO Box 480
Kerikeri

Te Kaunihera o Tai Tokerau Ki Te Raki

Frontier of opportunity

Dear Dave

RE: 89 Lot Subdivision, Cable Bay, RC 2051164

Thank you for your letter of 25 August, 2006 outlining your proposals for water and wastewater connections. We have no objections to the 13 large rural lots having individual On site Effluent Disposal systems provided that these are fit for purpose.

On the water connections again we have no objections to your proposal of only connecting the smaller residential lots to the Doubtless Bay Water Company supply.

Yours sincerely


Lars Fog
Utilities Planning & Development Manager

GIFP

P O Box 165, Mangonui
Northland, New Zealand

Telephone: [64] (9) 406 0520
Fax: [64] (9) 406 0537
Email: dbwater@xtra.co.nz

Doubtless Bay
water

20th October 2006

The Manager
Far North District Council
Private Bag
Kaikohe
Northland

ENVIRONMENTAL
24 OCT 2006
RECEIVED

Attn: G Phillips – Planning Office - URGENT
C Manley – CEO

Dear Sir

RE: CABLE BAY SECTIONS RC 2051164

We are disappointed to say the least at your failure to respond to our urgent phone call and 'left messages'.

Despite assurances given to us at our meeting in Coopers Beach regarding the standardisation of Council Planners decisions *not* to include fire fighting hydrants in recourse consent conditions issued in the Mangonui, Coopers Beach, Cable Bay and Taipa area, we are facing the same problem again with the sub-division in question.

The inconsistencies from your department create confusion and cost all parties concerned dearly in time and money. We remind you again that Doubtless Bay Water Supply Co Ltd reticulates potable drinking water only to the above areas. We do not supply water for fire fighting requirements, nor do we have the necessary resource consents to do so.

Please issue a written variation to the above consent, cancelling this requirement, and notify the developer Mr Alex Blunt and ourselves by return.

Should we not hear from you by 4pm on Wednesday the 25th October regarding this matter, we will proceed with the installation on the basis that NO fire hydrant facilities will be required under the consent as per your assurances.

Yours faithfully

DOUBTLESS BAY WATER SUPPLY CO LTD

per



J Sutton
CEO

Received
24 OCT 2006
mlj 301 leg



17 May 2006

Fiona King
345 State Highway 1
RD2
Kaitia

Far North District Council
C/- Law North Partners
Private Bag 1001
Kerikeri

Northland Regional
Council
Private Bag 9021
Whangarei

McBreen Jenkins
Construction Ltd
C/- Bay of Islands
Planning
PO Box 795
Kerikeri

Attn: J Kemp

Dear Parties

RE: Lodgement ENV-2006-AKL-000309 (formally ENV A 0063/06) Fiona G King v Far North District Council and Northland Regional Council
Topic: ENV-2006-329-000018 Subdivision at Cable Bay, Mangonui

On 17 May 2007 the Court received a notice of withdrawal from the Appellant in relation to the above proceedings.

Further to correspondence with all parties and confirmation of there being no outstanding issues, including as to costs, the Court confirms that that above file is withdrawn.

The Court file is now closed.

Yours faithfully,

Ronda Amende
Case Manager Mediation
DDI: 09 916 9808
Fax: 09 916 9090
Email: Ronda.Amende@justice.govt.nz



17 May 2006

Fiona King
345 State Highway 1
RD2
Kaitia

Far North District Council
C/- Law North Partners
Private Bag 1001
Kerikeri

Northland Regional
Council
Private Bag 9021
Whangarei

McBreen Jenkins
Construction Ltd
C/- Bay of Islands
Planning
PO Box 795
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Ronda Amēde
Case Manager Mediation
DDI: 09 916 9808
Fax: 09 916 9090
Email: Ronda.Amende@justice.govt.nz

DECISION OF THE JOINT HEARINGS COMMITTEE

IN THE MATTER of the Resource Management Act 1991:

AND

IN THE MATTER of an application under the aforesaid Act, 1991 by McBreen Jenkins Construction Limited

APPLICATION NUMBER RC 2051164

Hearings application to subdivide to create 89 residential and rural residential sites.

The property in respect of which the application is made, is situated at Cable Bay, Mangonui and is legally described as Lot 4 DP312738.

HEARING

Before the FNDC / NRC Joint Hearings Committee, on the 14th and 15th of November 2005.

FAR NORTH DISTRICT COUNCIL
DECISION

That pursuant to S.104, s.104B, S.104D and S.220 of the Resource Management Act 1991, Council grant consent to the application (being RC20501164) by McBreen Jenkins Construction limited to subdivide, creating 89 residential and rural residential sites on the property located at Cable Bay, being legally described as Lot 4 DP 312738 subject to the following conditions:

SUBDIVISION CONDITIONS:

- (1)
- (1) That the subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Wood and Partners dated 03/12/04 and attached to this consent with the Council's "Approved Plan" stamp affixed to it (dated 2 December 2005) as well as the approved management plan, which shall in addition to other matters set out in the management plan reflect all of the conditions of this consent.
- (2) This consent may be given effect to on a staged basis. Should this occur the applicant shall provide adequate information at the time of submitting the survey plan or requesting a certificate pursuant to Section 224 (c) of the Act demonstrating that all relevant and necessary conditions have been satisfied.

It is noted that all bush protection shall be undertaken as part of the first stage.

- (2) That, prior to approval under Section 223 of the Act, the title plan shall show:

- (1) Areas 201 and 203 and all areas outside of the defined building platforms on allotments 28, 29, 30, 31, allotments 49 to 79 inclusive and allotments 81, 82, 83, 84, 86, 87 and 88 as areas to be subject to a land covenant (bush protection).
- (2) Defined building areas not exceeding 400m² in area on all rural residential sized sites within the subdivision.
- (3) The endorsement of the following conditional amalgamations, pursuant to Section 220 (1) (b) (iv) of the Resource Management Act 1991;

That Lot 403 on the subdivision plan [legal access] be held as to four undivided one- quarter shares by the owners of Lots 77, 78, 79 and 201 thereon as Tenants in Common in the said shares and that individual certificates of title be issued in accordance therewith. [LINZ ref: A634864]

That Lot 401 on the subdivision plan [legal access] be held as to four undivided one- quarter shares by the owners of Lots 27, 28, 29 and 30 thereon as Tenants in Common in the said shares and that individual certificates of title be issued in accordance therewith. [LINZ ref: A634864]

That Lot 402 on the subdivision plan [legal access] be held as to two undivided one- half shares by the owners of Lots 51 and 52 thereon as Tenants in Common in the said shares and that individual certificates of title be issued in accordance therewith. [LINZ ref: A634864]

- (4) Lot 301 to vest in the Far North District Council as road.
 - (5) Show all easements in a Memorandum of Easements subject to the satisfaction of the Far North District Council.
 - (6) Provide for Council's approval a preferred road name and two alternatives for the Road to Vest. The applicant is advised that in accordance with Community Board policy, that the road names should reflect the history of the area.
 - (7) Submit the detailed designs, drawings, specifications and calculations for the following works, in accordance with the Standards, for the approval of Council; and no work is to commence until the plans signed by the Council have been returned to the consent holder or their agent:
- (3) That before a certificate is issued pursuant to Section 224 of the Act, the consent holder shall:

General:

- (1) Five working days before the commencement of any physical work on the site, provide a construction management plan from a suitably qualified project manager for approval by the Council. The plan is to contain information on, and site management procedures for, the following matters:

- * The timing of civil engineering, building construction and any demolition works, including hours of operation and key project and site management personnel and their contact details;
- * The transportation of demolition, construction and waste materials to and from the site, the loading and unloading of materials and the associated controls on vehicles through sign-posted site entrances and exits;
- * The excavation and filling works, including any retaining structures and any necessary de-watering requirements/methods, to be prepared by a Chartered Professional Engineer with suitable geotechnical qualifications and expertise;
- * Control of dust and on-site noise (including compliance with construction noise standards) and any appropriate avoidance or remedial measures;
- * Prevention of earth, mud, gravel or other material being deposited on adjoining roads by vehicles exiting the site, and proposing remedial measures should that occur;
- * Identification measures, including signage, to inform adjacent landowners, occupiers, pedestrians and other users of Stratford Road and Dudley Crescent.

The Project Manager shall be the contact person for any complaints and shall be responsible for resolving issues resulting in complaints to the satisfaction of the Resource Consents Manager.

- (2) Pay, as may be required, the Council's actual and reasonable monitoring and administration fees for assessing compliance with these conditions, and for any additional site visits that may be necessary.
- (3) Appoint an Owner's Representative (Independent Qualified Person) acceptable to the Council, in accordance with Appendix E of the Council's Engineering Standards and guidelines 2004, who shall be responsible for such design, plans, provision of information (including as-built drawings and a digital copy thereof), applications (including to the Regional Council as appropriate), producer statements and fees as may apply to the works being considered.
- (4) An Incorporated Society (or other legal entity) shall be formed to the satisfaction of the Chief Executive or delegate of the Far North District Council to be responsible for the ongoing maintenance of the common areas, and the stormwater and waste water systems. The owner of each residential and rural residential allotment within the subdivision will be required to be a member of the approved entity.

This condition shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

- (5) Submit an amended Management Plan to the satisfaction of the Resource Consents Manager reflecting the draft Management Plan submitted with the application and amended as required to reflect all of the conditions of this consent and the following particular matters:
- (i) No building shall exceed a height of 6 metres as measured by the rolling height method set out in the District Plan.
 - (ii) The colours of all buildings are to comply with British Standard specification BS5252 Colour Range and have a reflective value of 30 % or less.

The requirements of the approved management plan shall be complied with at all times.

This condition shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

- (6) Provide three copies of as-built plans which are to include the following information:
- (i) Drawings showing the location of all underground services, including co-ordinates of hydrants, valves and manhole lids and levels of manhole inverts and lids to DOSLI datum. This information is also to be provided in a digital format to enable it to be added to Councils GIS data base
 - (ii) Stormwater overland flow paths including the extent and level of the 1:100 year ARI
 - (iii) The area and extent of any fill material placed on the site
 - (iv) A schedule of assets, which are to vest in the Council, listing the quantity, the unit rate, and the value of the components (this information is required for valuation purposes).
- (v) Information for RAMM database:
- i. Subgrade depth, aggregate type and source
 - ii. Base course depth, aggregate type and source
 - iii. Lime or cement stabilisation details
 - iv. Seal coat details including binder type/grade and residual application rate
 - v. Details of asphaltic concrete (where used)

Stormwater:

- (7) Prior to any site works commencing submit to Council a storm water management report prepared by a Registered Engineer or approved Independent Qualified Person. This plan shall be in accordance with the Far North District Councils Engineering Standards and Guidelines

and shall address the means of controlling and disposing of storm water from the development site, including any water received from upstream catchments. Recommendations made in the report are to be adhered to by the applicant (including any on-going recommendations); with works certification and as-built plans to be submitted on completion of the necessary works, to the satisfaction of the Council.

- (8) Complete all of the physical works, to the Council's satisfaction, required to construct the appropriate stormwater management measures as recommended in the report required by condition 3(i).
- (9) Without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed as a secondary / overland (Q_{100}) flow path [on the stormwater management plan prepared previously], and as shown on the as-built drawing (attached).

Roading:

- (10) Prior to the commencement of the road/civil construction the applicant is to submit to Council for its approval:
 - (i) Plans and details of all work to be carried out on public land;
 - (ii) A traffic management plan;
 - (iii) Details of the successful roading contractor;
 - (iv) Details of the planned start date and duration of contract;
 - (v) Details of the supervising Engineer or Independent Qualified Person.
- (11) Provide and complete the proposed new road to a full 20 metre legal width, formed, surfaced and provided with adequate stormwater control in accordance with the FNDC Engineering Standards and Guidelines 2004 and NZS4400 2004 to the satisfaction of Council. Prior approval by the Council of engineering drawings for the construction of such road, in accordance with the aforementioned Standards, is a prerequisite of any construction commencing.
- (12) Provide certification from a Chartered Professional Engineer (or MIPENZ) that all work has been completed in accordance with the approved plans [Condition (3)(11)], including the Producer Statements for Engineering Services and Earthworks and the Construction Checklist documentation as set out in Appendix C of the Standards.

Provide 3 hard copies and an electronic copy [in Drawing (.dwg) or Digital Exchange (.dxf) format] of the as-built plans, including locations and levels of underground services, in accordance with the checklist requirements of Appendix C in the Standards.

The plans are to indicate all stormwater overland flow paths within the site and across adjacent lower properties. These as-built plans are also to show the area and extent of any fill material which is placed on any of the lots within the subdivision.

- (13) Provide and complete the private access ways indicated on the subdivision plan, formed, surfaced and provided with adequate stormwater control, to the standard specified in Rule 14.1.6.1.2, and the Table forming Appendix 7B, of the Proposed District Plan (July 2003), to the satisfaction of the Council. Prior approval by the Council of engineering drawings of such works is required before any construction begins.
- (14) Pursuant to Rule 14.1.6.1.2 (q) of the Proposed District Plan (July 2003), provide, for the Council's approval, a legal document which apportions future maintenance and upgrading costs of the private access ways amongst the benefiting owners. Such an approved document is to be given effect by a separate registrable instrument.
- (15) Construct a right turn bay on State Highway 10 into Stratford Drive to the satisfaction of Transit New Zealand. Plans of these works shall be submitted to Transit New Zealand for their approval.
- (16) Pay to the Far North District Council the costs of preparing and installing one road sign.
- (17) Street lighting, reticulated by underground means, in accordance with Clause 3.3 of the Standards. The locations and number of street lights to be installed shall be determined by the Roading Manager Far North District Council.

Waste Water:

- (18) That the wastewater treatment and disposal system shall be designed by a Registered Engineer in accordance with the Auckland Regional Council Technical Publication N^o 58 and to the satisfaction of the Far North District Council.
- (19) The wastewater treatment and disposal system shall be regularly maintained and upgraded and / or replaced as necessary to ensure that it continues to operate properly.

This condition shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

Water Supply:

- (20) All sites shall be connected by underground reticulated means to the Doubtless Bay water supply.
- (21) All rural residential sites shall install a water tank in accordance with the requirements of any approved stormwater management plan and as required by the provisions of the Approved Management Plan.

- (22) Provide a fire fighting water supply [Part 6 and Clause 6.5 of the Standards], including evidence of consultation with / approval of the NZ Fire Service.

Earthworks:

- (23) NO BUILDING SHALL BE ERECTED ON THE PROPOSED LOTS WITHOUT THE PRIOR APPROVAL OF THE COUNCIL TO SPECIFIC DESIGNS FOR FOUNDATIONS, PREPARED BY A REGISTERED ENGINEER WITH GEOTECHNICAL EXPERTISE.
- (24) All earthworks to be undertaken on the site are to be supervised by a Registered Engineer, to be engaged by the consent holder. Council is to be advised in writing of the appointment of the engineer, and notified when work is to commence, and when it has been completed.
- (25) The consent holder is to ensure that stormwater diversion and erosion and sediment control measures are in place prior to the commencement of bulk earthworks. These measures shall be maintained to ensure they continue to operate to the appropriate standard.
- (26) Earthworks [Part 2 of the Standards] with a separate Producer Statement (works design) which also describes the testing / inspection regime and including retaining structures where required

Utilities:

- (28) All power and telephone services shall be provided by underground means.

Building Sites:

- (29) The defined building sites shall be pegged and temporary fencing constructed around the perimeter of the building site to ensure that bush clearance and construction works do not extend outside of these defined areas.

Bush / Habitat Protection:

- (30) The owner shall preserve the indigenous trees and bush on allotments 201 and 203 and all bush areas outside of the identified building platforms on allotments 28, 29, 30, 31, allotments 49 to 79 inclusive and allotments 81, 82, 83, 84, 86, 87 and 88 and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush or suffer or permit the cutting down damaging or destruction of any such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
- (31) The parent site shall be boundary fenced where there is bush to be protected as required by conditions (2) (1) and (3) (29) above to ensure that stock from a neighbouring site cannot access the bush protection areas.

- (32) No occupier of the land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as ferrets, cats or dogs) which have the potential to be kiwi predators.
- (33) Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced on the site. *This includes the introduction of invasive plant species, including those currently listed on the nationally-banned-for-sale list (see Northland regional Pest Management Strategy). Planting of other exotic species should be confined to the immediate vicinity of dwellings. And species with berry-type fruits are to be grown within netting to prevent seed spread by birds.*
- (34) An animal pest and weed eradication programme shall be provided to the satisfaction of the Far North District Council detailing the methodology for animal pest and weed eradication within the bush covenant areas. Animal pest and weed eradication shall have been commenced to the satisfaction of the Far North District Council prior to the issue of the section 224 (c) Certificate and shall be ongoing.
- (35) Any predator / pest control work carried out is to be done in a manner which will not endanger kiwi.
- (36) Conditions (3) (29) to (3) (33) shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

Revegetation and Landscape Planting:

- (37) A landscaping plan from a suitably-qualified person shall be provided to the Council's satisfaction, which indicates the means to lessen the visual impact of buildings, access ways and any earthworks. This plan shall be submitted with the resource consent application for the construction of a dwelling or accessory building on sites within the subdivision. On approval of this plan, the landscaping specified is to be provided within six months and adequately maintained thereafter. Plants requiring removal due to damage, disease or other cause shall be replaced with a similar specimen before the end of the next following planting season.

This condition shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

- (38) A planting plan shall be submitted to the satisfaction of the Far North District Council providing for the revegetation of cut and fill batters and retaining walls with native species. Planting of these areas shall occur in accordance with the approved plan and within the first planting season following completion of the works to which the plan relates.

- (39) A riparian planting and maintenance plan shall be submitted to the satisfaction of the Far North District Council detailing the proposed revegetation planting for the right bank of the Owhetu Creek and the bare areas within native bush on bush block 201. This revegetation planting shall also extend onto lots 87 and 88 outside of the identified building platforms.

The riparian planting plan shall be implemented within the first planting season following commencement of construction works for the subdivision. Regular maintenance and necessary replacement planting shall be undertaken on an ongoing basis to ensure the establishment of this area of planting to a level where it will continue to grow and establish of its own accord.

Note: This is likely to involve a minimum of 3 planting seasons.

- (40) To ensure the performance of Condition (3) (39) herein, the consent holder shall arrange for a bond of \$ 150,000 in favour of the Council, to be undertaken according to the following conditions:
- (a) The bond shall be arranged prior to the commencement of work on the site and shall be either paid in cash or secured by a guarantee, in accordance with the Council's "Bonds and Undertakings" Policy (# 3102);
 - (b) The bond is to be held for a minimum of 2 years from the date that the revegetation planting is initially completed, and shall be released when (in the opinion of the Council's Monitoring Officer) the planting can be determined to have been established without the need for further replacement planting or regular maintenance;
 - (c) Any costs incurred in the preparation, checking, monitoring and release of the bond are to be met by the consent holder.

ADVICE NOTE: The current scheduled fee for the preparation and/or release of bonds / covenants is a *Fixed Fee* of \$250.00.

STATUTORY INFORMATION / ADVICE

The following matters are noted as being relevant to the land, and possibly requiring additional action for statutory or code compliance. The applicant and any prospective purchasers should be aware of these matters; and hence the information will be placed on the property file and will be cited in any related Project or Land Information Memorandum that may be issued by the Council.

- Pursuant to Section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a Development Contributions Policy. Under this policy, the activity to which this consent relates is subject to Development Contributions.

You will be advised of the assessment of the Development Contributions payable under separate cover in the near future.

It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue of a Section 224 (c) Certificate.

Further information regarding the Council's Development Contributions Policy may be obtained from the Long Term Council Community Plan (LTCCP) or the Council's web-site at www.fndc.govt.nz .

- The Consent Holder, and subsequent owners of the land, should notify the New Zealand Historic Places Trust prior to commencing any work involving building, ground disturbance or tree planting, with regard to the historic (archaeological) site registered on the property, and should comply with the requirements and provisions of the Historic Places Act 1993.

If during the course of undertaking the site works there is a discovery made of any archaeological find, or suspected find, the work on that portion of the site should cease immediately and the NZ Historic Places Trust and a representative of the relevant local iwi contacted. Comply in all respects with the requirements and provisions of the Historic Places Act 1993.

- THAT THE APPLICANTS BE INFORMED OF THE SERVICE REQUIREMENTS OF TELECOM AUCKLAND LIMITED AND TOP ENERGY. COPIES OF THESE REQUIREMENTS ARE ENCLOSED WITH THE CONSENT.
- THE REGISTERED PROPRIETOR OF THE LAND IS ADVISED THAT ANY EARTHWORKS (EXCAVATION OR FILLING) WHICH ALTERS EXISTING LAND CONTOURS AND IS UNDERTAKEN WITHIN 20 METRES OF ANY ROAD OR OTHER PROPERTY BOUNDARY REQUIRES PERMISSION FOR THE CONTROL OF EARTHWORKS, PURSUANT TO CHAPTER 22 OF THE FAR NORTH DISTRICT COUNCIL GENERAL BYLAWS, NOVEMBER 1990.
- Any prospective purchaser should be informed that any buildings greater than 50m² in area intended to be erected on the new allotments will be subject to [at least] a Restricted Discretionary Activity resource consent application because of restrictions contained in the zoning of the subdivision site.
- Prior to constructing a new or an additional vehicle access point to any site, the owner is to obtain a permit from the Council as to the siting (from a traffic safety point-of-view), earthworks, formation and drainage of such access in terms of the Council's Control of Vehicle Crossings Bylaw 2004.

NORTHLAND REGIONAL COUNCIL DECISION

CON20051353901

**MCBREEN JENKINS CONSTRUCTION LIMITED, P O BOX 48, WHANGAREI,
0115**

To undertake the following activities associated with the development of a subdivision at Stratford Drive, Cable Bay, in the catchment of Owhetu Creek and Opoi Stream, on Lot 4 DP 312738 Blk IV Mangonui SD at or about location coordinates 1643818E 6127407N.

Note: All locations referred to in this document are expressed as Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

- (01) **To discharge treated wastewater from a communal wastewater treatment and disposal system.**
- (02) **To discharge contaminants, primarily odour, from a communal wastewater treatment and disposal system.**
- (03) **To carry out approximately 64,000 m³ of earthworks for the construction of building platforms, subdivision roading and a stormwater pond.**
- (04) **To discharge stormwater to land during the period of land disturbance activities.**
- (05) **To divert stormwater from land disturbance activities.**

Subject to the following conditions:

(01) Discharge to Land

- 1 The quantity discharged shall not exceed 108 cubic metres within any consecutive 24-hour period.
- 2 Neither the 5-day biochemical oxygen demand (BOD₅), nor the total suspended solids (TSS) concentration in the treated wastewater, as measured immediately after the outlet from the Wastewater Treatment System to the disposal area, shall exceed 20 grams per cubic metre.
- 3 The wastewater collection, treatment, monitoring and disposal system shall be installed and/or constructed and maintained generally in accordance with the Innoflow Technologies Limited Report entitled "Proposed Wastewater Treatment and Land Application Scheme for Cable Bay Subdivision, Stratford Road, Cable Bay", Report Reference; L3779, Dated 31 January 2004, and the drawing; Innoflow Technologies Limited, "Cable Bay Subdivision, Advantex Wastewater Treatment and Land Application". Drawing number 0407297-1, dated 31.01.05 **(attached)**.

However, if there are any differences or apparent conflict between these documents and any conditions of this consent, then the conditions of consent shall prevail.

Advice Note: The term "maintained" requires that, for the term of the consent, the Consent Holder will continue to use and operate the components of the wastewater management system referred to in the Report and Drawing.

- 5 Each Lot owner shall install and maintain an onsite wastewater interceptor tank (septic tank) that meets or exceeds the specifications recommended in the Innoflow Technologies Limited Report entitled "Proposed Wastewater Treatment and Land Application Scheme for Cable Bay Subdivision, Stratford Road, Cable Bay", Report Reference; L3779, Dated 31 January 2004, inclusive of storage capacity, pumps, filters, control systems, alarms and monitoring systems. The interceptor tank and related components shall be compatible with the wastewater collection, treatment, and monitoring equipment servicing the subdivision.

Advice Note: The performance of each on-site system can influence the performance of other components in the wastewater collection, treatment and disposal system.

- 6 The Consent Holder shall ensure that a minimum of 108 cubic metres storage capacity in the Wastewater Treatment System, and 1,200 litres in each interceptor tank with a pump installed, is available to provide 24 hours storage capacity at design flow. For consent compliance purposes the storage volume shall be calculated as that over and above the high-level alarm set point.
- 7 To prevent overflows, an alarm system shall be installed and maintained within the Wastewater Treatment System that is activated when high wastewater levels and/or wastewater pump failures occur. This alarm system shall have an audible and visual alarm mechanism and shall, at all times, be connected by electronic link to a 24 hour remote monitoring system. This remote monitoring system shall be utilised to immediately notify the appropriate maintenance person(s) when any alarm is activated. The remote monitoring system shall be able to operate on a back-up power supply system for a minimum of 24 hours during a mains power failure event.
- 8 To enable the collection of wastewater samples, easy and safe access shall be provided and maintained to a sampling point immediately after the outlet from the central wastewater treatment system to the disposal area.
- 9 A meter with accuracy of $\pm 5\%$ shall be installed and maintained on the outlet from the Wastewater Treatment System to the disposal area to measure the volume of wastewater discharged.
- 10 The treated wastewater shall be discharged to land using wastewater irrigation lines that have pressure compensating drip emitters installed at no greater than 0.6 metre intervals.
- 11 The treated wastewater shall not be applied to land at an areal loading rate greater than 3.5 litres per square metre per day.

12 No wastewater shall be discharged within 15 metres of any watercourse, including any identifiable stormwater flow path.

13 No wastewater shall be discharged within 5 metres of any boundary with properties neighbouring Lot 4 DP 312738 Blk IV Mangonui SD that are at an elevation lower than the disposal area.

Advice Note: The purpose of this Condition is to reduce the risk of contaminants flowing onto neighbouring properties from any uphill disposal area.

14 The irrigation lines shall, at all times, be securely fixed to the surface of the soil to prevent, as far as is practicable, their displacement.

15 The Consent Holder shall, as far as practicable, prevent stormwater run-off from the surrounding areas entering the effluent irrigation fields. In addition, the Wastewater Treatment System shall be installed in such a manner that stormwater run off from the surrounding area is prevented from entering any tank.

16 The treatment and disposal areas shall be adequately fenced to prevent access by stock and restrict access by unauthorised persons.

17 The Consent Holder shall, prior to the exercise of this consent, install signage in prominent places adjacent to the Wastewater Treatment System and disposal area(s) to warn of the hazards associated with the management of wastewater. The signs shall be prepared in general accordance with New Zealand Standard 1319:1994, Safety Signs for the Occupational Environment.

18 Innoflow Technologies Limited, or its authorised agent, shall supervise the construction of the Wastewater Treatment System and disposal system, including the reticulation and discharge network.

19 The Consent Holder shall notify the Northland Regional Council, in writing, of the proposed date of commissioning of the Wastewater Treatment System, at least two weeks beforehand.

20 The Consent Holder shall, prior to commissioning of the Wastewater Treatment System, submit to the Northland Regional Council:

(a) A certificate of compliance or a statement from Innoflow Technologies Limited, or its authorised agent which provides sufficient details and information to enable the Northland Regional Council to determine compliance with Condition 3 and Conditions 5 to 14 of this consent.

(b) Final "as built" plans that show the location of all components of the wastewater treatment and disposal system. For the purpose of this Condition, the Consent Holder should ensure that the "as built" plans are drawn to scale and provide sufficient detail for a Northland Regional Council monitoring officer to locate all components identified on the plans.

- (c) A Plan identifying any areas within the land application area that are to be planted to ensure evapotranspiration is maximised. This Plan shall include, but not be limited to, details of the plant species to be utilised, the spacing between them, and the maintenance requirements for the plants within the planted disposal area. Any area utilised for the disposal of wastewater shall, prior to any wastewater being discharged to it, be planted in accordance with this Plan.
- 21 The Consent Holder shall, at all times, adequately maintain the plants within the disposal area.
- 22 The Consent Holder shall ensure that the wastewater collection, treatment, remote monitoring and disposal system is maintained by a suitably qualified person(s) who has proven experience in maintaining such systems, in accordance with Section 9 of Innoflow Technologies Limited Report entitled "*Proposed Wastewater Treatment and Land Application Scheme for Cable Bay Subdivision, Stratford Road, Cable Bay*", Report Reference; L3779, Dated 31 January 2004. In the event that this responsibility is transferred to a new person(s), the Consent Holder shall immediately advise the Northland Regional Council of the name and contact details of this new person.
- 23 The Consent Holder shall keep a record of all maintenance activities that are undertaken on the Wastewater Treatment System, reticulation system and disposal area. A copy of the records for the previous year (1 April to 31 March) shall be forwarded to the Northland Regional Council by 1 May each year, and also immediately upon written request by the Northland Regional Council.
- 24 The Consent Holder shall keep records of the daily quantity of wastewater discharged to land. A copy of the records for the previous year (1 April to 31 March) shall be forwarded to the Northland Regional Council by 1 May each year, and also immediately upon written request by the Northland Regional Council.
- 25 There shall be no surface ponding of any contaminants from any treatment and disposal area as a result of the exercise of this consent. In addition there shall be no runoff of any contaminants beyond the boundary of Lot 4 DP 312738 Blk IV Mangonui SD.
- 26 The exercise of this consent shall not cause any of the following adverse effects on the water quality of the un-named tributary feeding into the Opoi Stream below the irrigation fields, or the Opoi Stream;
- (a) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
 - (b) Any conspicuous change in the colour or visual clarity.
 - (c) Any emission of objectionable odour.
 - (d) The rendering of fresh water unsuitable for contact recreational activities.
 - (e) Any significant adverse effects on aquatic life.

(02) Discharge Contaminants (Odour) to Air

27 To minimise the likelihood of undesirable odours being emitted, the Consent Holder shall install activated carbon filters (or equivalent) on all air discharge vents of individual interceptor tanks and the Wastewater Treatment System.

28 The Consent Holder's operations shall not give rise to any discharge of contaminants at or beyond the legal property boundary of proposed Lots 20 and 21, which is deemed by a suitably trained and experienced Enforcement Officer of the Northland Regional Council to be noxious, dangerous, offensive or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment.

03 – 05 Earthworks, Stormwater Discharges and Stormwater Diversion

28 The Consent Holder shall ensure that the works are constructed generally in accordance with the Wood and Partners Plans entitled: "*Cable Bay Subdivision, Cut-Fill Plan*", "*Cable Bay Subdivision, Sediment Control Plan*", "*Cable Bay, Stormwater Quality Pond*", "*Cable Bay, Pond Details*", "*Cable Bay, Typical SW Pond Cross Sections*", Ref: 55247; Sheets 103 and 104, dated 12/01/05, and Sheets 344, 345 and 346, dated 22/02/05; (**attached**), and the Erosion and Sediment Control Plan (ESCP) required to be prepared in accordance with Condition 31.

29 The Consent Holder shall notify the Northland Regional Council in writing of the date that earthworks are intended to commence, at least two weeks beforehand.

30 No earthworks shall be carried out between 1 May and 1 October in any year without the prior written approval of the Northland Regional Council.

31 The Consent Holder shall, at least one month prior to the commencement of any earthworks, lodge with the Northland Regional Council, an Erosion and Sediment Control Plan (ESCP) which sets out the practices and procedures to be adopted in order that compliance with the conditions of these consents are achieved. The ESCP shall include, but not be limited to, the following:

- (a) The expected duration (timing and staging) of the proposed earthworks;
- (b) Erosion and sediment control measures, including at the proposed dumpsite for unsuitable materials, and details of all diversion drains, especially those immediately upslope of the existing residential area;
- (c) Catchment boundaries for the sediment control structures;
- (d) The commencement and completion dates for the implementation of the proposed erosion and sediment controls;
- (e) Diagrams and/or plans, of a scale suitable for on-site reference, showing the locations of the major cut and fill operations, disposal sites for unsuitable materials, erosion and silt control structures/measures, and water quality sampling sites;

- (f) Measures to control the effects of dust during construction;
- (g) Measures to be undertaken to avoid the discharge of sediment onto Stratford Road and Dudley Crescent;
- (h) A monitoring programme which identifies sampling sites, sampling methodology, and analyses details (including laboratory requirements), for the range of determinands mentioned in this consent;
- (i) Measures to prevent spillage of fuel, oil and similar contaminants;
- (j) Surface revegetation of all disturbed sites, and other surface covering to minimise sediment runoff following construction;
- (k) The name and contact telephone number of the person responsible for monitoring and maintaining all sediment control structures and activities; and
- (l) Contingency provisions for the potential effects of large/high intensity rain storm events.

The Consent Holder shall undertake the activities authorised by these consents in accordance with the ESCP.

Advice Note: It is suggested that access to the site, via Stratford Drive be avoided until earthworks have been completed.

The Sediment Control Plan submitted with the application, provides a suitable base for implementation of this condition, but additional matters need to be addressed to ensure compliance.

- 31 The Consent Holder may review and amend the ESCP in consultation with the Council, at any time, during the term of these consents.
- 32 The Consent Holder shall ensure that all diversion drains employed during the period of earthworks, are constructed to accommodate stormwater flows during not less than the 1 in 20 year storm event, without scouring.
- 33 Prior to the commencement of earthworks, the Consent Holder shall submit to the Northland Regional Council a stormwater management plan that demonstrates, to the satisfaction of the Northland Regional Council, the measures to be taken to ensure that the discharge of stormwater from the earthworks area onto Stratford Drive and Dudley Crescent is avoided.
- 34 Earthworks related to the activities authorised by these consents, and associated sediment control measures, shall be constructed and carried out in accordance with the principles and practises contained within the document entitled "*Erosion and Sediment Control – Guidelines for Land Disturbing Activities*", Auckland Regional Council Technical Publication No. 90, dated March 1999.
- 35 Following the completion of earthworks, all stormwater discharges from the development area, up to and including a 1 in 100 year return period rainfall event, shall be diverted into the Stormwater Quality Pond via pipeline reticulation or a stabilised overland flow pathway. All stormwater overland

flow pathways and the pond spillway, shall be constructed and maintained to prevent erosion of land and scouring of the downstream channel.

- 36 The Consent Holder shall minimise contamination of surface water by ensuring that slash, soil, debris and detritus is not placed in a position where it may enter any waterbody.
- 37 Notwithstanding any other conditions of these consents, the discharge of stormwater shall not cause the following effects on the water quality of Owhetu Creek and Opoi Stream, as measured at the downstream property boundary and State Highway 10 bridge, compared to the water quality immediately upstream of all earthworks activities:
- (a) The level of suspended solids to exceed 100 grams per cubic metre;
 - (b) The visual clarity of the water to be reduced by more than 20%; and
 - (c) There shall be no conspicuous oil or grease films, scums or foams, floatable or suspended materials, nor emissions of objectionable odour, nor any significant adverse effects on aquatic life.
- 38 To minimise sediment loss, all areas of bare land created by the exercise of these consents shall be topsoiled and established with suitable vegetation to achieve not less than an 80% ground cover by 31 May immediately following the earthworks season, or in accordance with any concessions granted in relation to Condition 30. Temporary mulching or other suitable ground cover shall be applied to achieve total ground cover of any areas left bare or unprotected for more than three months.
- 39 The Consent Holder's operations shall not give rise to any dust nuisance that is offensive or objectionable to neighbouring landowners/occupiers, including their properties.
- 40 Refuelling and servicing of machinery shall not be carried out in such a way that soil or water at the site is contaminated. Where an accidental spillage to land occurs all contaminated soil shall be collected and removed to a suitable disposal site. Where an accidental spillage to water occurs, the Consent Holder shall:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (b) Immediately notify the Northland Regional Council by telephone of an escape of contaminant; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the Northland Regional Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.
- 41 In the event of unknown archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall consult with local iwi and the New Zealand Historic Places Trust, and

shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals have been obtained.

42 These consents shall not lapse until the expiry date of the consents.

General Conditions

43 The Consent Holder shall, for the purposes of adequately monitoring the consents as required under Section 35 of the Act, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with these consents:

- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
- (b) Immediately notify the Northland Regional Council by telephone of an escape of contaminant; and
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
- (d) Report to the Northland Regional Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.

43 The Northland Regional Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of these consents annually during the month of May. The review may be initiated for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Northland Regional Council's monitoring of the state of the environment in the area;
- (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment;
- (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent;
- (d) To deal with any inadequacies or inconsistencies the Northland Regional Council considers there to be in the conditions of these consents, following the establishment of the activity the subject of the consents; and/or
- (e) To deal with any material inaccuracies that may in future be found in the information made available with the application (notice may be served at any time for this reason.)

The Consent Holder shall meet all reasonable costs of any such review.

EXPIRY DATES: (01 – 02) 31 OCTOBER 2026 OR AS SOON AS A
CONNECTION TO A PUBLIC SEWER BECOMES
AVAILABLE, WHICHEVER IS THE SOONER
(03 – 05) 31 OCTOBER 2010

REASONS FOR THE DECISION

1. Subject to the recommended conditions the effects of the proposed subdivision on the environment are considered to be no more than minor and able to be adequately avoided or mitigated.
2. The proposed management plan provides for the comprehensive development and ongoing management of the site in a manner that will ensure that the existing areas of native vegetation are protected and enhanced and that the riparian areas of the site adjoining the Owhetu Creek are enhanced and protected.
3. The management plan proposes legal measures to ensure that the management plan will be implemented and that the necessary conditions are complied with on an ongoing basis.
4. The development is considered to be in keeping with the relevant objectives, policies and assessment criteria relating to management plan subdivisions as set out in the Revised Proposed Far North District Plan, which is considered to be the dominant planning document.
5. The overall density of development is consistent with the level of density that could be achieved as a discretionary activity without a management plan and the management plan will ensure that the unique aspects of the site are protected and enhanced.
6. The proposal is considered to satisfy the Purpose and the Principles of the Resource Management Act as the effects on the environment will be no more than minor and the natural character of the coastal environment, the quality and amenity values of the surrounding environment will not be compromised.
7. The matter of whether or not esplanade reserves should be acquired was considered. As this area is not identified as a priority area for reserves and because there is no linkage with other reserves it was not considered appropriate to purchase or require esplanade reserve.

8. Detailed design of the proposed engineering works is required to be provided prior to the issue of the section 223 certificate to enable necessary easements to be identified.
9. Attempts made by the applicant to consult with Tangata Whenua were considered to be adequate and the public notification process ensured that relevant parties were involved in the process.
10. The archaeological assessment submitted with the application adequately addressed the matter of archaeological and historical sites such that the Committee is satisfied that this proposal will not generate any adverse effects on such sites.
11. A bond of \$150,000 is required as Far North District Council policy requires any bond to be for 1 ½ times the amount to allow for inflation.
12. The Committee is satisfied that stormwater up to a 1 in 100 year event AEP will be directed away from Stratford Road and that this will be an improvement on the existing pre development situation.
13. Conditions, including monitoring, have been imposed on the Regional Council consents to ensure high water quality standards are met and that this development does not generate adverse effects on beach water quality.
14. A consent term of 35 years is not considered appropriate for the discharge to land consent because a 20 year term recognises the potential for this development to be staged, and a 35 year term would not provide sufficient certainty with regard to the management of the effects of the proposal on the environment.

Councillor L J Byers

CHAIRMAN JOINT FNDC/NRC HEARINGS COMMITTEE

26 January 2006

DECISION OF THE JOINT HEARINGS COMMITTEE

IN THE MATTER of the Resource Management Act 1991:

AND

IN THE MATTER of an application under the aforesaid Act, 1991 by McBreen Jenkins Construction Limited

APPLICATION NUMBER RC 2051164

Hearings application to subdivide to create 89 residential and rural residential sites.

The property in respect of which the application is made, is situated at Cable Bay, Mangonui and is legally described as Lot 4 DP312738.

HEARING

Before the FNDC / NRC Joint Hearings Committee, on the 14th and 15th of November 2005.

FAR NORTH DISTRICT COUNCIL
DECISION

That pursuant to S.104, s.104B, S.104D and S.220 of the Resource Management Act 1991, Council grant consent to the application (being RC20501164) by McBreen Jenkins Construction limited to subdivide, creating 89 residential and rural residential sites on the property located at Cable Bay, being legally described as Lot 4 DP 312738 subject to the following conditions:

SUBDIVISION CONDITIONS:

(1)

(1) That the subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Wood and Partners dated 03/12/04 and attached to this consent with the Council's "Approved Plan" stamp affixed to it (dated 2 December 2005) as well as the approved management plan, which shall in addition to other matters set out in the management plan reflect all of the conditions of this consent.

(2) This consent may be given effect to on a staged basis. Should this occur the applicant shall provide adequate information at the time of submitting the survey plan or requesting a certificate pursuant to Section 224 (c) of the Act demonstrating that all relevant and necessary conditions have been satisfied.

It is noted that all bush protection shall be undertaken as part of the first stage.

(2) That, prior to approval under Section 223 of the Act, the title plan shall show:

~~#~~ (9/23/9015)

Plan wed 3.59pm.

Russell garten

Lot 437776

FC 2051164

Lot 85

CB section
Ref defiant

- (1) Areas 201 and 203 and all areas outside of the defined building platforms on allotments 28, 29, 30, 31, allotments 49 to 79 inclusive and allotments 81, 82, 83, 84, 86, 87 and 88 as areas to be subject to a land covenant (bush protection).
- (2) Defined building areas not exceeding 400m² in area on all rural residential sized sites within the subdivision.
- (3) The endorsement of the following conditional amalgamations, pursuant to Section 220 (1) (b) (iv) of the Resource Management Act 1991;

That Lot 403 on the subdivision plan [legal access] be held as to four undivided one- quarter shares by the owners of Lots 77, 78, 79 and 201 thereon as Tenants in Common in the said shares and that individual certificates of title be issued in accordance therewith. [LINZ ref: A634864]

That Lot 401 on the subdivision plan [legal access] be held as to four undivided one- quarter shares by the owners of Lots 27, 28, 29 and 30 thereon as Tenants in Common in the said shares and that individual certificates of title be issued in accordance therewith. [LINZ ref: A634864]

That Lot 402 on the subdivision plan [legal access] be held as to two undivided one- half shares by the owners of Lots 51 and 52 thereon as Tenants in Common in the said shares and that individual certificates of title be issued in accordance therewith. [LINZ ref: A634864]

- (4) Lot 301 to vest in the Far North District Council as road.
 - (5) Show all easements in a Memorandum of Easements subject to the satisfaction of the Far North District Council.
 - (6) Provide for Council's approval a preferred road name and two alternatives for the Road to Vest. The applicant is advised that in accordance with Community Board policy, that the road names should reflect the history of the area.
 - (7) Submit the detailed designs, drawings, specifications and calculations for the following works, in accordance with the Standards, for the approval of Council; and no work is to commence until the plans signed by the Council have been returned to the consent holder or their agent:
- (3) That before a certificate is issued pursuant to Section 224 of the Act, the consent holder shall:

General:

- (1) Five working days before the commencement of any physical work on the site, provide a construction management plan from a suitably qualified project manager for approval by the Council. The plan is to contain information on, and site management procedures for, the following matters:

- The timing of civil engineering, building construction and any demolition works, including hours of operation and key project and site management personnel and their contact details;
- The transportation of demolition, construction and waste materials to and from the site, the loading and unloading of materials and the associated controls on vehicles through sign-posted site entrances and exits;
- The excavation and filling works, including any retaining structures and any necessary de-watering requirements/methods, to be prepared by a Chartered Professional Engineer with suitable geotechnical qualifications and expertise;
- Control of dust and on-site noise (including compliance with construction noise standards) and any appropriate avoidance or remedial measures;
- Prevention of earth, mud, gravel or other material being deposited on adjoining roads by vehicles exiting the site, and proposing remedial measures should that occur;
- Identification measures, including signage, to inform adjacent landowners, occupiers, pedestrians and other users of Stratford Road and Dudley Crescent.

The Project Manager shall be the contact person for any complaints and shall be responsible for resolving issues resulting in complaints to the satisfaction of the Resource Consents Manager.

- (2) Pay, as may be required, the Council's actual and reasonable monitoring and administration fees for assessing compliance with these conditions, and for any additional site visits that may be necessary.
- (3) Appoint an Owner's Representative (Independent Qualified Person) acceptable to the Council, in accordance with Appendix E of the Council's Engineering Standards and guidelines 2004, who shall be responsible for such design, plans, provision of information (including as-built drawings and a digital copy thereof), applications (including to the Regional Council as appropriate), producer statements and fees as may apply to the works being considered.
- (4) An Incorporated Society (or other legal entity) shall be formed to the satisfaction of the Chief Executive or delegate of the Far North District Council to be responsible for the ongoing maintenance of the common areas, and the stormwater and waste water systems. The owner of each residential and rural residential allotment within the subdivision will be required to be a member of the approved entity.

This condition shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

- (5) Submit an amended Management Plan to the satisfaction of the Resource Consents Manager reflecting the draft Management Plan submitted with the application and amended as required to reflect all of the conditions of this consent and the following particular matters:
- (i) No building shall exceed a height of 6 metres as measured by the rolling height method set out in the District Plan.
 - (ii) The colours of all buildings are to comply with British Standard specification BS5252 Colour Range and have a reflective value of 30 % or less.

The requirements of the approved management plan shall be complied with at all times.

This condition shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

- (6) Provide three copies of as-built plans which are to include the following information:
- (i) Drawings showing the location of all underground services, including co-ordinates of hydrants, valves and manhole lids and levels of manhole inverts and lids to DOSLI datum. This information is also to be provided in a digital format to enable it to be added to Councils GIS data base
 - (ii) Stormwater overland flow paths including the extent and level of the 1:100 year ARI
 - (iii) The area and extent of any fill material placed on the site
 - (iv) A schedule of assets, which are to vest in the Council, listing the quantity, the unit rate, and the value of the components (this information is required for valuation purposes).
- (v) Information for RAMM database:
- i. Subgrade depth, aggregate type and source
 - ii. Base course depth, aggregate type and source
 - iii. Lime or cement stabilisation details
 - iv. Seal coat details including binder type/grade and residual application rate
 - v. Details of asphaltic concrete (where used)

Stormwater:

- (7) Prior to any site works commencing submit to Council a storm water management report prepared by a Registered Engineer or approved Independent Qualified Person. This plan shall be in accordance with the Far North District Councils Engineering Standards and Guidelines

and shall address the means of controlling and disposing of storm water from the development site, including any water received from upstream catchments. Recommendations made in the report are to be adhered to by the applicant (including any on-going recommendations); with works certification and as-built plans to be submitted on completion of the necessary works, to the satisfaction of the Council.

- (8) Complete all of the physical works, to the Council's satisfaction, required to construct the appropriate stormwater management measures as recommended in the report required by condition 3(i).
- (9) Without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed as a secondary / overland (Q₁₀₀) flow path [on the stormwater management plan prepared previously], and as shown on the as-built drawing (attached).

Roading:

- (10) Prior to the commencement of the road / civil construction the applicant is to submit to Council for its approval:
 - (i) Plans and details of all work to be carried out on public land;
 - (ii) A traffic management plan;
 - (iii) Details of the successful roading contractor;
 - (iv) Details of the planned start date and duration of contract;
 - (v) Details of the supervising Engineer or Independent Qualified Person.
- (11) Provide and complete the proposed new road to a full 20 metre legal width, formed, surfaced and provided with adequate stormwater control in accordance with the FNDC Engineering Standards and Guidelines 2004 and NZS4400 2004 to the satisfaction of Council. Prior approval by the Council of engineering drawings for the construction of such road, in accordance with the aforementioned Standards, is a prerequisite of any construction commencing.
- (12) Provide certification from a Chartered Professional Engineer (or MIPENZ) that all work has been completed in accordance with the approved plans [Condition (3)(11)], including the Producer Statements for Engineering Services and Earthworks and the Construction Checklist documentation as set out in Appendix C of the Standards.

Provide 3 hard copies and an electronic copy [in Drawing (.dwg) or Digital Exchange (.dxf) format] of the as-built plans, including locations and levels of underground services, in accordance with the checklist requirements of Appendix C in the Standards.

The plans are to indicate all stormwater overland flow paths within the site and across adjacent lower properties. These as-built plans are also to show the area and extent of any fill material which is placed on any of the lots within the subdivision.

- (13) Provide and complete the private access ways indicated on the subdivision plan, formed, surfaced and provided with adequate stormwater control, to the standard specified in Rule 14.1.6.1.2, and the Table forming Appendix 7B, of the Proposed District Plan (July 2003), to the satisfaction of the Council. Prior approval by the Council of engineering drawings of such works is required before any construction begins.
- (14) Pursuant to Rule 14.1.6.1.2 (q) of the Proposed District Plan (July 2003), provide, for the Council's approval, a legal document which apportions future maintenance and upgrading costs of the private access ways amongst the benefiting owners. Such an approved document is to be given effect by a separate registrable instrument.
- (15) Construct a right turn bay on State Highway 10 into Stratford Drive to the satisfaction of Transit New Zealand. Plans of these works shall be submitted to Transit New Zealand for their approval.
- (16) Pay to the Far North District Council the costs of preparing and installing one road sign.
- (17) Street lighting, reticulated by underground means, in accordance with Clause 3.3 of the Standards. The locations and number of street lights to be installed shall be determined by the Roading Manager Far North District Council.

Waste Water:

- (18) That the wastewater treatment and disposal system shall be designed by a Registered Engineer in accordance with the Auckland Regional Council Technical Publication N^o 58 and to the satisfaction of the Far North District Council.
- (19) The wastewater treatment and disposal system shall be regularly maintained and upgraded and / or replaced as necessary to ensure that it continues to operate properly.

This condition shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

Water Supply:

- (20) All sites shall be connected by underground reticulated means to the Doubtless Bay water supply.
- (21) All rural residential sites shall install a water tank in accordance with the requirements of any approved stormwater management plan and as required by the provisions of the Approved Management Plan.

- (22) Provide a fire fighting water supply [Part 6 and Clause 6.5 of the Standards], including evidence of consultation with / approval of the NZ Fire Service.

Earthworks:

- (23) NO BUILDING SHALL BE ERECTED ON THE PROPOSED LOTS WITHOUT THE PRIOR APPROVAL OF THE COUNCIL TO SPECIFIC DESIGNS FOR FOUNDATIONS, PREPARED BY A REGISTERED ENGINEER WITH GEOTECHNICAL EXPERTISE.
- (24) All earthworks to be undertaken on the site are to be supervised by a Registered Engineer, to be engaged by the consent holder. Council is to be advised in writing of the appointment of the engineer, and notified when work is to commence, and when it has been completed.
- (25) The consent holder is to ensure that stormwater diversion and erosion and sediment control measures are in place prior to the commencement of bulk earthworks. These measures shall be maintained to ensure they continue to operate to the appropriate standard.
- (26) Earthworks [Part 2 of the Standards] with a separate Producer Statement (works design) which also describes the testing / inspection regime and including retaining structures where required

Utilities:

- (28) All power and telephone services shall be provided by underground means.

Building Sites:

- (29) The defined building sites shall be pegged and temporary fencing constructed around the perimeter of the building site to ensure that bush clearance and construction works do not extend outside of these defined areas.

Bush / Habitat Protection:

- (30) The owner shall preserve the indigenous trees and bush on allotments 201 and 203 and all bush areas outside of the identified building platforms on allotments 28, 29, 30, 31, allotments 49 to 79 inclusive and allotments 81, 82, 83, 84, 86, 87 and 88 and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush or suffer or permit the cutting down damaging or destruction of any such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
- (31) The parent site shall be boundary fenced where there is bush to be protected as required by conditions (2) (1) and (3) (29) above to ensure that stock from a neighbouring site cannot access the bush protection areas.

- (32) No occupier of the land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as ferrets, cats or dogs) which have the potential to be kiwi predators.
- (33) Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced on the site. *This includes the introduction of invasive plant species, including those currently listed on the nationally-banned-for-sale list (see Northland regional Pest Management Strategy). Planting of other exotic species should be confined to the immediate vicinity of dwellings. And species with berry-type fruits are to be grown within netting to prevent seed spread by birds.*
- (34) An animal pest and weed eradication programme shall be provided to the satisfaction of the Far North District Council detailing the methodology for animal pest and weed eradication within the bush covenant areas. Animal pest and weed eradication shall have been commenced to the satisfaction of the Far North District Council prior to the issue of the section 224 (c) Certificate and shall be ongoing.
- (35) Any predator / pest control work carried out is to be done in a manner which will not endanger kiwi.
- (36) Conditions (3) (29) to (3) (33) shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

Revegetation and Landscape Planting:

- (37) A landscaping plan from a suitably-qualified person shall be provided to the Council's satisfaction, which indicates the means to lessen the visual impact of buildings, access ways and any earthworks. This plan shall be submitted with the resource consent application for the construction of a dwelling or accessory building on sites within the subdivision. On approval of this plan, the landscaping specified is to be provided within six months and adequately maintained thereafter. Plants requiring removal due to damage, disease or other cause shall be replaced with a similar specimen before the end of the next following planting season.

This condition shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of all of the residential and rural residential allotments within the subdivision. The costs of preparing, checking, executing and registering the Notice shall be met by the Consent Holder.

- (38) A planting plan shall be submitted to the satisfaction of the Far North District Council providing for the revegetation of cut and fill batters and retaining walls with native species. Planting of these areas shall occur in accordance with the approved plan and within the first planting season following completion of the works to which the plan relates.

- (39) A riparian planting and maintenance plan shall be submitted to the satisfaction of the Far North District Council detailing the proposed revegetation planting for the right bank of the Owhetu Creek and the bare areas within native bush on bush block 201. This revegetation planting shall also extend onto lots 87 and 88 outside of the identified building platforms.

The riparian planting plan shall be implemented within the first planting season following commencement of construction works for the subdivision. Regular maintenance and necessary replacement planting shall be undertaken on an ongoing basis to ensure the establishment of this area of planting to a level where it will continue to grow and establish of its own accord.

Note: This is likely to involve a minimum of 3 planting seasons.

- (40) To ensure the performance of Condition (3) (39) herein, the consent holder shall arrange for a bond of \$ 150,000 in favour of the Council, to be undertaken according to the following conditions:
- (a) The bond shall be arranged prior to the commencement of work on the site and shall be either paid in cash or secured by a guarantee, in accordance with the Council's "Bonds and Undertakings" Policy (# 3102);
 - (b) The bond is to be held for a minimum of 2 years from the date that the revegetation planting is initially completed, and shall be released when (in the opinion of the Council's Monitoring Officer) the planting can be determined to have been established without the need for further replacement planting or regular maintenance;
 - (c) Any costs incurred in the preparation, checking, monitoring and release of the bond are to be met by the consent holder.

ADVICE NOTE: The current scheduled fee for the preparation and/or release of bonds / covenants is a *Fixed Fee* of \$ 250.00.

STATUTORY INFORMATION / ADVICE

The following matters are noted as being relevant to the land, and possibly requiring additional action for statutory or code compliance. The applicant and any prospective purchasers should be aware of these matters; and hence the information will be placed on the property file and will be cited in any related Project or Land Information Memorandum that may be issued by the Council.

- Pursuant to Section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a Development Contributions Policy. Under this policy, the activity to which this consent relates is subject to Development Contributions.

You will be advised of the assessment of the Development Contributions payable under separate cover in the near future.

It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue of a Section 224 (c) Certificate.

Further information regarding the Council's Development Contributions Policy may be obtained from the Long Term Council Community Plan (LTCCP) or the Council's web-site at www.fndc.govt.nz.

- The Consent Holder, and subsequent owners of the land, should notify the New Zealand Historic Places Trust prior to commencing any work involving building, ground disturbance or tree planting, with regard to the historic (archaeological) site registered on the property, and should comply with the requirements and provisions of the Historic Places Act 1993.

If during the course of undertaking the site works there is a discovery made of any archaeological find, or suspected find, the work on that portion of the site should cease immediately and the NZ Historic Places Trust and a representative of the relevant local iwi contacted. Comply in all respects with the requirements and provisions of the Historic Places Act 1993.

- THAT THE APPLICANTS BE INFORMED OF THE SERVICE REQUIREMENTS OF TELECOM AUCKLAND LIMITED AND TOP ENERGY. COPIES OF THESE REQUIREMENTS ARE ENCLOSED WITH THE CONSENT.
- THE REGISTERED PROPRIETOR OF THE LAND IS ADVISED THAT ANY EARTHWORKS (EXCAVATION OR FILLING) WHICH ALTERS EXISTING LAND CONTOURS AND IS UNDERTAKEN WITHIN 20 METRES OF ANY ROAD OR OTHER PROPERTY BOUNDARY REQUIRES PERMISSION FOR THE CONTROL OF EARTHWORKS, PURSUANT TO CHAPTER 22 OF THE FAR NORTH DISTRICT COUNCIL GENERAL BYLAWS, NOVEMBER 1990.
- Any prospective purchaser should be informed that any buildings greater than 50m² in area intended to be erected on the new allotments will be subject to [at least] a Restricted Discretionary Activity resource consent application because of restrictions contained in the zoning of the subdivision site.
- Prior to constructing a new or an additional vehicle access point to any site, the owner is to obtain a permit from the Council as to the siting (from a traffic safety point-of-view), earthworks, formation and drainage of such access in terms of the Council's Control of Vehicle Crossings Bylaw 2004.

NORTHLAND REGIONAL COUNCIL DECISION

CON20051353901

**MCBREEN JENKINS CONSTRUCTION LIMITED, P O BOX 48, WHANGAREI,
0115**

To undertake the following activities associated with the development of a subdivision at Stratford Drive, Cable Bay, in the catchment of Owhetu Creek and Opoi Stream, on Lot 4 DP 312738 Blk IV Mangonui SD at or about location coordinates 1643818E 6127407N.

Note: All locations referred to in this document are expressed as Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

- (01) **To discharge treated wastewater from a communal wastewater treatment and disposal system.**
- (02) **To discharge contaminants, primarily odour, from a communal wastewater treatment and disposal system.**
- (03) **To carry out approximately 64,000 m³ of earthworks for the construction of building platforms, subdivision roading and a stormwater pond.**
- (04) **To discharge stormwater to land during the period of land disturbance activities.**
- (05) **To divert stormwater from land disturbance activities.**

Subject to the following conditions:

- (01) **Discharge to Land**
 - 1 The quantity discharged shall not exceed 108 cubic metres within any consecutive 24-hour period.
 - 2 Neither the 5-day biochemical oxygen demand (BOD₅), nor the total suspended solids (TSS) concentration in the treated wastewater, as measured immediately after the outlet from the Wastewater Treatment System to the disposal area, shall exceed 20 grams per cubic metre.
 - 3 The wastewater collection, treatment, monitoring and disposal system shall be installed and/or constructed and maintained generally in accordance with the Innoflow Technologies Limited Report entitled "*Proposed Wastewater Treatment and Land Application Scheme for Cable Bay Subdivision, Stratford Road, Cable Bay*", Report Reference; L3779, Dated 31 January 2004, and the drawing; Innoflow Technologies Limited, "*Cable Bay Subdivision, Advantex Wastewater Treatment and Land Application*". Drawing number 0407297-1, dated 31.01.05 **(attached)**.

However, if there are any differences or apparent conflict between these documents and any conditions of this consent, then the conditions of consent shall prevail.

Advice Note: The term "maintained" requires that, for the term of the consent, the Consent Holder will continue to use and operate the components of the wastewater management system referred to in the Report and Drawing.

- 5 Each Lot owner shall install and maintain an onsite wastewater interceptor tank (septic tank) that meets or exceeds the specifications recommended in the Innoflow Technologies Limited Report entitled "Proposed Wastewater Treatment and Land Application Scheme for Cable Bay Subdivision, Stratford Road, Cable Bay", Report Reference; L3779, Dated 31 January 2004, inclusive of storage capacity, pumps, filters, control systems, alarms and monitoring systems. The interceptor tank and related components shall be compatible with the wastewater collection, treatment, and monitoring equipment servicing the subdivision.

Advice Note: The performance of each on-site system can influence the performance of other components in the wastewater collection, treatment and disposal system.

- 6 The Consent Holder shall ensure that a minimum of 108 cubic metres storage capacity in the Wastewater Treatment System, and 1,200 litres in each interceptor tank with a pump installed, is available to provide 24 hours storage capacity at design flow. For consent compliance purposes the storage volume shall be calculated as that over and above the high-level alarm set point.
- 7 To prevent overflows, an alarm system shall be installed and maintained within the Wastewater Treatment System that is activated when high wastewater levels and/or wastewater pump failures occur. This alarm system shall have an audible and visual alarm mechanism and shall, at all times, be connected by electronic link to a 24 hour remote monitoring system. This remote monitoring system shall be utilised to immediately notify the appropriate maintenance person(s) when any alarm is activated. The remote monitoring system shall be able to operate on a back-up power supply system for a minimum of 24 hours during a mains power failure event.
- 8 To enable the collection of wastewater samples, easy and safe access shall be provided and maintained to a sampling point immediately after the outlet from the central wastewater treatment system to the disposal area.
- 9 A meter with accuracy of $\pm 5\%$ shall be installed and maintained on the outlet from the Wastewater Treatment System to the disposal area to measure the volume of wastewater discharged.
- 10 The treated wastewater shall be discharged to land using wastewater irrigation lines that have pressure compensating drip emitters installed at no greater than 0.6 metre intervals.
- 11 The treated wastewater shall not be applied to land at an areal loading rate greater than 3.5 litres per square metre per day.

- 12 No wastewater shall be discharged within 15 metres of any watercourse, including any identifiable stormwater flow path.
- 13 No wastewater shall be discharged within 5 metres of any boundary with properties neighbouring Lot 4 DP 312738 Blk IV Mangonui SD that are at an elevation lower than the disposal area.

Advice Note: The purpose of this Condition is to reduce the risk of contaminants flowing onto neighbouring properties from any uphill disposal area.

- 14 The irrigation lines shall, at all times, be securely fixed to the surface of the soil to prevent, as far as is practicable, their displacement.
- 15 The Consent Holder shall, as far as practicable, prevent stormwater run-off from the surrounding areas entering the effluent irrigation fields. In addition, the Wastewater Treatment System shall be installed in such a manner that stormwater run off from the surrounding area is prevented from entering any tank.
- 16 The treatment and disposal areas shall be adequately fenced to prevent access by stock and restrict access by unauthorised persons.
- 17 The Consent Holder shall, prior to the exercise of this consent, install signage in prominent places adjacent to the Wastewater Treatment System and disposal area(s) to warn of the hazards associated with the management of wastewater. The signs shall be prepared in general accordance with New Zealand Standard 1319:1994, Safety Signs for the Occupational Environment.
- 18 Innoflow Technologies Limited, or its authorised agent, shall supervise the construction of the Wastewater Treatment System and disposal system, including the reticulation and discharge network.
- 19 The Consent Holder shall notify the Northland Regional Council, in writing, of the proposed date of commissioning of the Wastewater Treatment System, at least two weeks beforehand.
- 20 The Consent Holder shall, prior to commissioning of the Wastewater Treatment System, submit to the Northland Regional Council:
- (a) A certificate of compliance or a statement from Innoflow Technologies Limited, or its authorised agent which provides sufficient details and information to enable the Northland Regional Council to determine compliance with Condition 3 and Conditions 5 to 14 of this consent.
 - (b) Final "as built" plans that show the location of all components of the wastewater treatment and disposal system. For the purpose of this Condition, the Consent Holder should ensure that the "as built" plans are drawn to scale and provide sufficient detail for a Northland Regional Council monitoring officer to locate all components identified on the plans.

(c) A Plan identifying any areas within the land application area that are to be planted to ensure evapotranspiration is maximised. This Plan shall include, but not be limited to, details of the plant species to be utilised, the spacing between them, and the maintenance requirements for the plants within the planted disposal area. Any area utilised for the disposal of wastewater shall, prior to any wastewater being discharged to it, be planted in accordance with this Plan.

21 The Consent Holder shall, at all times, adequately maintain the plants within the disposal area.

22 The Consent Holder shall ensure that the wastewater collection, treatment, remote monitoring and disposal system is maintained by a suitably qualified person(s) who has proven experience in maintaining such systems, in accordance with Section 9 of Innoflow Technologies Limited Report entitled "*Proposed Wastewater Treatment and Land Application Scheme for Cable Bay Subdivision, Stratford Road, Cable Bay*", Report Reference; L3779, Dated 31 January 2004. In the event that this responsibility is transferred to a new person(s), the Consent Holder shall immediately advise the Northland Regional Council of the name and contact details of this new person.

23 The Consent Holder shall keep a record of all maintenance activities that are undertaken on the Wastewater Treatment System, reticulation system and disposal area. A copy of the records for the previous year (1 April to 31 March) shall be forwarded to the Northland Regional Council by 1 May each year, and also immediately upon written request by the Northland Regional Council.

24 The Consent Holder shall keep records of the daily quantity of wastewater discharged to land. A copy of the records for the previous year (1 April to 31 March) shall be forwarded to the Northland Regional Council by 1 May each year, and also immediately upon written request by the Northland Regional Council.

25 There shall be no surface ponding of any contaminants from any treatment and disposal area as a result of the exercise of this consent. In addition there shall be no runoff of any contaminants beyond the boundary of Lot 4 DP 312738 Blk IV Mangonui SD.

26 The exercise of this consent shall not cause any of the following adverse effects on the water quality of the un-named tributary feeding into the Opoi Stream below the irrigation fields, or the Opoi Stream;

(a) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

(b) Any conspicuous change in the colour or visual clarity.

(c) Any emission of objectionable odour.

(d) The rendering of fresh water unsuitable for contact recreational activities.

(e) Any significant adverse effects on aquatic life.

(02) Discharge Contaminants (Odour) to Air

- 27 To minimise the likelihood of undesirable odours being emitted, the Consent Holder shall install activated carbon filters (or equivalent) on all air discharge vents of individual interceptor tanks and the Wastewater Treatment System.
- 28 The Consent Holder's operations shall not give rise to any discharge of contaminants at or beyond the legal property boundary of proposed Lots 20 and 21, which is deemed by a suitably trained and experienced Enforcement Officer of the Northland Regional Council to be noxious, dangerous, offensive or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment.

03 – 05 Earthworks, Stormwater Discharges and Stormwater Diversion

- 28 The Consent Holder shall ensure that the works are constructed generally in accordance with the Wood and Partners Plans entitled: "*Cable Bay Subdivision, Cut-Fill Plan*", "*Cable Bay Subdivision, Sediment Control Plan*", "*Cable Bay, Stormwater Quality Pond*", "*Cable Bay, Pond Details*", "*Cable Bay, Typical SW Pond Cross Sections*", Ref: 55247; Sheets 103 and 104, dated 12/01/05, and Sheets 344, 345 and 346, dated 22/02/05; (**attached**), and the Erosion and Sediment Control Plan (ESCP) required to be prepared in accordance with Condition 31.
- 29 The Consent Holder shall notify the Northland Regional Council in writing of the date that earthworks are intended to commence, at least two weeks beforehand.
- 30 No earthworks shall be carried out between 1 May and 1 October in any year without the prior written approval of the Northland Regional Council.
- 31 The Consent Holder shall, at least one month prior to the commencement of any earthworks, lodge with the Northland Regional Council, an Erosion and Sediment Control Plan (ESCP) which sets out the practices and procedures to be adopted in order that compliance with the conditions of these consents are achieved. The ESCP shall include, but not be limited to, the following:
- (a) The expected duration (timing and staging) of the proposed earthworks;
 - (b) Erosion and sediment control measures, including at the proposed dumpsite for unsuitable materials, and details of all diversion drains, especially those immediately upslope of the existing residential area;
 - (c) Catchment boundaries for the sediment control structures;
 - (d) The commencement and completion dates for the implementation of the proposed erosion and sediment controls;
 - (e) Diagrams and/or plans, of a scale suitable for on-site reference, showing the locations of the major cut and fill operations, disposal sites for unsuitable materials, erosion and silt control structures/measures, and water quality sampling sites;

- (f) Measures to control the effects of dust during construction;
- (g) Measures to be undertaken to avoid the discharge of sediment onto Stratford Road and Dudley Crescent;
- (h) A monitoring programme which identifies sampling sites, sampling methodology, and analyses details (including laboratory requirements), for the range of determinands mentioned in this consent;
- (i) Measures to prevent spillage of fuel, oil and similar contaminants;
- (j) Surface revegetation of all disturbed sites, and other surface covering to minimise sediment runoff following construction;
- (k) The name and contact telephone number of the person responsible for monitoring and maintaining all sediment control structures and activities; and
- (l) Contingency provisions for the potential effects of large/high intensity rain storm events.

The Consent Holder shall undertake the activities authorised by these consents in accordance with the ESCP.

Advice Note: It is suggested that access to the site, via Stratford Drive be avoided until earthworks have been completed.

The Sediment Control Plan submitted with the application, provides a suitable base for implementation of this condition, but additional matters need to be addressed to ensure compliance.

- 31 The Consent Holder may review and amend the ESCP in consultation with the Council, at any time, during the term of these consents.
- 32 The Consent Holder shall ensure that all diversion drains employed during the period of earthworks, are constructed to accommodate stormwater flows during not less than the 1 in 20 year storm event, without scouring.
- 33 Prior to the commencement of earthworks, the Consent Holder shall submit to the Northland Regional Council a stormwater management plan that demonstrates, to the satisfaction of the Northland Regional Council, the measures to be taken to ensure that the discharge of stormwater from the earthworks area onto Stratford Drive and Dudley Crescent is avoided.
- 34 Earthworks related to the activities authorised by these consents, and associated sediment control measures, shall be constructed and carried out in accordance with the principles and practises contained within the document entitled "Erosion and Sediment Control – Guidelines for Land Disturbing Activities", Auckland Regional Council Technical Publication No. 90, dated March 1999.
- 35 Following the completion of earthworks, all stormwater discharges from the development area, up to and including a 1 in 100 year return period rainfall event, shall be diverted into the Stormwater Quality Pond via pipeline reticulation or a stabilised overland flow pathway. All stormwater overland

flow pathways and the pond spillway, shall be constructed and maintained to prevent erosion of land and scouring of the downstream channel.

- 36 The Consent Holder shall minimise contamination of surface water by ensuring that slash, soil, debris and detritus is not placed in a position where it may enter any waterbody.
- 37 Notwithstanding any other conditions of these consents, the discharge of stormwater shall not cause the following effects on the water quality of Owhetu Creek and Opoi Stream, as measured at the downstream property boundary and State Highway 10 bridge, compared to the water quality immediately upstream of all earthworks activities:
- (a) The level of suspended solids to exceed 100 grams per cubic metre;
 - (b) The visual clarity of the water to be reduced by more than 20%; and
 - (c) There shall be no conspicuous oil or grease films, scums or foams, floatable or suspended materials, nor emissions of objectionable odour, nor any significant adverse effects on aquatic life.
- 38 To minimise sediment loss, all areas of bare land created by the exercise of these consents shall be topsoiled and established with suitable vegetation to achieve not less than an 80% ground cover by 31 May immediately following the earthworks season, or in accordance with any concessions granted in relation to Condition 30. Temporary mulching or other suitable ground cover shall be applied to achieve total ground cover of any areas left bare or unprotected for more than three months.
- 39 The Consent Holder's operations shall not give rise to any dust nuisance that is offensive or objectionable to neighbouring landowners/occupiers, including their properties.
- 40 Refuelling and servicing of machinery shall not be carried out in such a way that soil or water at the site is contaminated. Where an accidental spillage to land occurs all contaminated soil shall be collected and removed to a suitable disposal site. Where an accidental spillage to water occurs, the Consent Holder shall:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (b) Immediately notify the Northland Regional Council by telephone of an escape of contaminant; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the Northland Regional Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.
- 41 In the event of unknown archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall consult with local iwi and the New Zealand Historic Places Trust, and

shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals have been obtained.

42 These consents shall not lapse until the expiry date of the consents.

General Conditions

43 The Consent Holder shall, for the purposes of adequately monitoring the consents as required under Section 35 of the Act, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with these consents:

- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
- (b) Immediately notify the Northland Regional Council by telephone of an escape of contaminant; and
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
- (d) Report to the Northland Regional Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.

43 The Northland Regional Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of these consents annually during the month of May. The review may be initiated for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Northland Regional Council's monitoring of the state of the environment in the area;
- (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment;
- (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent;
- (d) To deal with any inadequacies or inconsistencies the Northland Regional Council considers there to be in the conditions of these consents, following the establishment of the activity the subject of the consents; and/or
- (e) To deal with any material inaccuracies that may in future be found in the information made available with the application (notice may be served at any time for this reason.)

The Consent Holder shall meet all reasonable costs of any such review.

EXPIRY DATES:	(01 – 02)	31 OCTOBER 2026 OR AS SOON AS A CONNECTION TO A PUBLIC SEWER BECOMES AVAILABLE, WHICHEVER IS THE SOONER
	(03 – 05)	31 OCTOBER 2010

REASONS FOR THE DECISION

1. Subject to the recommended conditions the effects of the proposed subdivision on the environment are considered to be no more than minor and able to be adequately avoided or mitigated.
2. The proposed management plan provides for the comprehensive development and ongoing management of the site in a manner that will ensure that the existing areas of native vegetation are protected and enhanced and that the riparian areas of the site adjoining the Owhetu Creek are enhanced and protected.
3. The management plan proposes legal measures to ensure that the management plan will be implemented and that the necessary conditions are complied with on an ongoing basis.
4. The development is considered to be in keeping with the relevant objectives, policies and assessment criteria relating to management plan subdivisions as set out in the Revised Proposed Far North District Plan, which is considered to be the dominant planning document.
5. The overall density of development is consistent with the level of density that could be achieved as a discretionary activity without a management plan and the management plan will ensure that the unique aspects of the site are protected and enhanced.
6. The proposal is considered to satisfy the Purpose and the Principles of the Resource Management Act as the effects on the environment will be no more than minor and the natural character of the coastal environment, the quality and amenity values of the surrounding environment will not be compromised.
7. The matter of whether or not esplanade reserves should be acquired was considered. As this area is not identified as a priority area for reserves and because there is no linkage with other reserves it was not considered appropriate to purchase or require esplanade reserve.

8. Detailed design of the proposed engineering works is required to be provided prior to the issue of the section 223 certificate to enable necessary easements to be identified.
9. Attempts made by the applicant to consult with Tangata Whenua were considered to be adequate and the public notification process ensured that relevant parties were involved in the process.
10. The archaeological assessment submitted with the application adequately addressed the matter of archaeological and historical sites such that the Committee is satisfied that this proposal will not generate any adverse effects on such sites.
11. A bond of \$150,000 is required as Far North District Council policy requires any bond to be for 1 ½ times the amount to allow for inflation.
12. The Committee is satisfied that stormwater up to a 1 in 100 year event AEP will be directed away from Stratford Road and that this will be an improvement on the existing pre development situation.
13. Conditions, including monitoring, have been imposed on the Regional Council consents to ensure high water quality standards are met and that this development does not generate adverse effects on beach water quality.
14. A consent term of 35 years is not considered appropriate for the discharge to land consent because a 20 year term recognises the potential for this development to be staged, and a 35 year term would not provided sufficient certainty with regard to the management of the effects of the proposal on the environment.

Councillor L J Byers

CHAIRMAN JOINT FNDC/NRC HEARINGS COMMITTEE

26 January 2006