

# Decision on an Application for a Resource Consent under the Resource Management Act 1991



<b>Application Number(s):</b>	R60753
<b>Applicant's Name:</b>	S H 16 Limited
<b>Site Address:</b>	Mick Dillon/Tahekeroa Road, Makarau
<b>Legal Description:</b>	Lots 7- 12 DP 438073, Lots 8 & 14 DP 209381, Lots 28, 31 & 35 DP 211770 & Lot 13 DP 79858
<b>Proposal:</b>	To undertake a boundary relocation involving five existing titles to create four rural residential lots and to create a further two lots in return for the revegetation and protection of 12.18ha of native bush at Lot 13 DP 79858 Tahekeroa Road, Makarau. A total of 6 lots will be created.

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on this application.

This requires resource consent for the following reasons:

## Operative Plan

- The creation of four rural residential lots on the basis of a boundary relocation – Rule 28.8.15.
- The creation of two rural residential lots on the basis of protecting 12.18ha of native bush – Rule 7.14.4.
- The proposal provides building platforms less than 1000m<sup>2</sup> - Rule 23.8.4.
- The proposal allows access for more than three sites – Rule 23.8.6.
- The proposal involves the enhancement and protection of 12.18 ha of native bush where approximately 1.79 ha in area is subject to planting – Rule 7.14.3.2.
- The proposal does not meet the native revegetation planting standards – Rule 7.14.2.3.
- The proposal creates a total of six rural residential lots over the maximum site size of 2 ha – Rule 7.14.4.6.
- The proposal allows access for more than five sites – Rule 7.14.4.7.

Overall, the proposal is a Non Complying Activity.

Acting under delegated authority, under sections 104, 104B, 104D, 108 and 220 this application is **GRANTED**.

## Reasons

Under section 113 of the RMA the reasons for this decision are:

The reasons for this decision are as follows:

- (a) In terms of section 104(1)(a) of the RMA, the actual and potential adverse effects on the environment in terms of rural and landscape character, amenity values and cumulative effects upon the rural character will be appropriately avoided, remedied or mitigated.
- (b) The proposal can occur without creating any actual and potential adverse effects, including cumulative effects, on the rural character that has been established within the immediate locality.
- (c) In terms of section 104(1)(b) of the RMA, when taking into account the relevant objectives and policies, and the methods by which they are to be achieved, as a whole, it is considered that the proposal is consistent with the relevant provisions of the District Plan.
- (d) The proposal will result in the retention and enhancement of the existing areas of bush on both the larger properties (Lots 9 and 10) and the subject site.
- (e) The proposed boundary relocation meets the provisions of the relevant rules except for the number of lots gaining access via the right of way and assessment criteria set out in the District plan. The boundary relocation does not create any additional titles and seeks to move the titles from one side of Tahekeroa Road to the other side and results with all lots complying with the required 1ha lot size before and after the boundary relocation.
- (f) In terms of section 104(1)(c) of the RMA, other relevant matters, the application would also be consistent with the Auckland Plan and the Proposed Auckland Unitary Plan which seeks to maintain the productivity of rural areas in the Auckland region.
- (g) The two threshold tests of Section 104D have been met as the effects on the environment will be no more than minor and the proposal will not be contrary to the objectives and policies of the Auckland Council District Plan (Rodney Section). On this basis a decision pursuant to section 104B can be made.
- (h) The proposal will be consistent with Part 2 of the RMA as the proposal does constitute sustainable management of natural and physical resources. In particular, the applicant can avoid, remedy or mitigate all the adverse effects of the proposal on the environment arising from the intensity of development.

## **Conditions**

Under section 108 and 220 of the RMA, this consent is subject to the following conditions:

### **General Conditions**

1. The subdivision shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number R60753.
- Application Form, and Assessment of Environmental Effects prepared by MacDonell Consulting Ltd.

Specialist Report Title	Prepared by	Rev	Dated
SH 16 Limited Tahekeroa Road, Makarau Subdivision Consent application September 2013	Barry MacDonell	-	-
Restoration Plan for a 12ha natural area within the SH16 Limited Property, Tahekeroa Road, Tahekeroa.	Scrub Consultants Ltd	-	August 2013
SH16 Limited – Tahekeroa Road, Makarau Planting and Management Programme	Woodhouse Associates, Landscape Architects	-	29.10.2007
SH16 Subdivision Tahekeroa Road, Makarau Plant Schedule	-	-	-
SH16 Limited – Tahekeroa Road, Makarau Weed and Pest Animal Control Programme	-	-	-

Drawing reference number	Title	Architect / Author	Dated
Sheet 1 of 3 2203-01	Lots 1 – 12 & 14 Being Proposed subdivision of Lots 7 – 12 DP 438073, Lots 8 & 14 DP 209381, Lots 28, 31 & 35 DP 211770 & Lot 13 DP 79858	C& R Surveyors Ltd	August 2013
Sheet 2 of 3 2203-02	Lots 1 – 12 & 14 Being Proposed subdivision of Lots 7 – 12 DP 438073, Lots 8 & 14 DP 209381, Lots 28, 31 & 35 DP 211770 & Lot 13 DP 79858	C& R Surveyors Ltd	August 2013
Sheet 3 of 3 2203-03	Lots 1 – 12 & 14 Being Proposed subdivision of Lots 7 – 12 DP 438073, Lots 8 & 14 DP 209381, Lots 28, 31 & 35 DP 211770 & Lot 13 DP 79858	C& R Surveyors Ltd	August 2013

Other Additional Information	Dated
SH16 Ltd/R60753 Section 92 response	16 October 2013

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
  - a. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
  - b. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
  - c. All development contributions relating to the development authorised by this consent, unless the Manager Resource Consents has otherwise agreed in writing to a different payment timing or method.
  
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

**Advice Note:**

*Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz).*

4. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The Council extends the period after which the consent lapses.

**Survey Plan Approval (s223) Conditions**

5. Before the Council will approve the survey plan pursuant to s.223 of the Act, the owner shall:
  - (a) (easement) The right of way and services easement labelled A, B, C and D shall be endorsed on a Memorandum of Easements attached to the cadastral survey dataset as a supporting document.
  - (b) (areas of bush) The consent holder shall provide council with the calculated area(s) of native bush to be protected on Lot(s) 9 and 10 as shown on the approved scheme plan referred to in condition 1 and as defined by survey.

- (c) (identify native planting) The survey title plan shall show and identify as land covenants the area(s) of native planting annotated as Areas T – Z on scheme plan reference 2203-02, sheet 2 of 3, dated August 2013 and the areas of native bush annotated as Areas BB- BC and BF – BI on scheme plan reference 2203-03, sheet 3 of 3, dated August 2013. The boundaries of the covenant must coincide with the existing and proposed fence line referred to in condition 6 (a) except where it can be demonstrated that stock cannot access the covenant areas above.
- (d) (amalgamation) Pursuant to s.220(1)(b)(iii) of the Act, have endorsed on the survey plan the following condition of amalgamation:
- i. Lots 7 – 11 & 14 are to be held in the same certificate of title (see file reference 1142081).
- (e) (title amalgamation) The owner of Lots 7 – 11 & 14 hereon and Lot 12 (542882 Ltd), shall not without the consent of the Council, transfer, lease or otherwise dispose of any of those parcels of land or any part thereof, except in conjunction with the other or others. This condition shall be incorporated into a covenant pursuant to s.220(2) of the Resource Management Act 1991. The covenant shall be signed by the registered owner and a copy of that signed covenant received by the Council before the Council will approve the survey plan pursuant to s.223 of the Act.

### Section 224(c) Compliance Conditions

6. (conditions to be carried out by the developer) Before the Council will issue a certificate pursuant to section 224(c) of the Act, the consent holder shall satisfy the following conditions at his/hers/its full cost.
- (a) (fencing) (i) A permanent ungated continuous stock-proof fence, (minimum seven wire post and batten fence with no gates) capable of preventing browsing or other damage by farmed animals, shall be constructed outside the perimeter of the native bush to be protected on Lots 9 and 10 (Areas BB- BC and BF – BI) and maintained thereafter except where it can be demonstrated that stock cannot access the covenant areas. Where stock cannot access the covenant areas, a permanent ungated continuous demarcation fence, shall be constructed outside the perimeter of the native bush to be protected on Lots 9 and 10 (Areas BB- BC and BF – BI) and maintained thereafter. If the fencing is constructed after the survey title plan has been approved under section 223, a certificate from a licensed cadastral surveyor shall be provided to confirm that the fencing encloses the covenant boundary of Areas BB – BC and BF – BI. The consent holder shall arrange with the Council's Team Leader, Compliance Monitoring (Orewa), to inspect the stock-proof fence and/or demarcation fence, which has been erected in accordance with the above Condition.
- (ii) A permanent ungated continuous stock-proof fence, (minimum seven wire post and batten fence with no gates) capable of preventing browsing or other damage by farmed animals, shall be constructed and maintained outside of the dripline of the new revegetation areas to be protected on Lots 1 – 6 (areas F – P and areas T - Z). If the fencing is constructed after the survey title plan has been approved under section 223, a certificate from a licensed cadastral surveyor shall be provided to confirm that the fencing of Areas F – P is located on the covenant boundary. The consent holder shall arrange with the Council's Team Leader, Compliance Monitoring (Orewa), to inspect the stock-proof fence, which has been erected in accordance with the above Condition.

- (b) (inspection) The consent holder shall arrange with Council's Team Leader, Compliance Monitoring (Orewa), to inspect the stock-proof fence which has been erected in accordance with Condition 6 (a).
- (c) (enhancement and planting plan) The consent holder shall submit to council's Team Leader, Compliance Monitoring (Orewa), for approval, an Enhancement Planting and Management Plan incorporating a Planting and Maintenance Schedule for the planting within area BB- BC and BF – BI on Lots 9 and 10. The Planting Plan shall follow best practice methodology and have regard to the native revegetation planting standards. All metalled tracks must be rehabilitated to an appropriate level and planted within areas BB- BC and BF – BI.
- (d) (enhancement and planting plan) Once the Enhanced Planting and Management Plan referred to in condition 6 (c) has been approved by council's Team Leader, Compliance Monitoring (Orewa), the consent holder shall carry out enhanced planting in accordance with the approved Enhancement Planting and Management Plan. Any weeds present in the enhancement planting area shall be controlled prior to planting. The consent holder shall advise council when planting is initiated.
- (e) (new planting) The consent holder shall carry out planting in accordance with the approved Planting and Management Programme and Plant Schedule referred to in Condition 1. Any weeds present in the covenant areas F – P and areas T – Z shall be controlled prior to planting. The advice note referred in Condition 6 (g) details what 'weed control' means. The consent holder will advise council when planting is initiated.
- (f) (weed and pest survey) The consent holder shall, using a suitably qualified and experienced ecologist or professional pest contractor, undertake a weed and pest animal survey of the areas identified in Condition 5 (c), and identify all weeds and pest animals that require control.
- (g) (weed and pest animal control) Prior to commencement of any works, the consent holder shall submit a Weed and Pest Animal Control Plan to council's Team Leader, Compliance Monitoring (Orewa) for approval. This plan shall specify how existing weed populations and pest animals are to be controlled within the covenanted area(s) (Areas BB- BC and BF – BI, areas F – P and areas T - Z) on an ongoing basis. Any chemical control to be used must follow best practice methodology and be suitable for the purpose and the environment in which it is to be used.

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

- (h) (weed control Areas BB- BC and BF – BI) That a professional pest control contractor is employed to manage animals and plant species including all areas of monoculture gorse. Those patches not over-topped by gorse must be actively managed and controlled within 20 metres of any planting or restoration area boundary of Areas BB- BC and BF – BI.

- (i) (weed and pest animal control) Once the Weed and Pest Animal Control Plan referred to in condition 6 (g) has been approved by council's Team Leader, Compliance Monitoring (Orewa) the consent holder shall control all existing weed infestations and control all pest animals on Lots 1, 2, 3 4 5, 6, 9 and 10 in accordance with, but not limited to, the approved Weed and Pest Animal Control Plan to the satisfaction of council's Team Leader, Compliance Monitoring (Orewa), prior to the issue of s224(c) certificate.
- (j) (planting on Lots 9 and 10) All planting required to be undertaken on Lot(s) 9 and 10 shall be undertaken and completed in accordance with the Approved Planting plan(s). Following completion of the required planting in accordance with the approved Planting Plan(s) the consent holder shall submit a completion report to council's Team Leader, Compliance Monitoring (Orewa) for approval.
- (k) (planting on Lots 9 and 10) Plant maintenance in accordance with the approved Planting Plans shall occur for five years or until 75% canopy closure has occurred and a minimum survival rate of the plants (being 90% of the original density through the entire planting area(s)) has been achieved. The five year period shall commence once the completion report has been approved by council in accordance with condition 6 (j). Plant maintenance includes the ongoing replacement of plants that do not survive. All invasive weeds and animal pests shall be controlled in accordance with the Weed and Pest Animal Control Plan both at the time of initial planting and any replacement planting if required and on an ongoing basis.

Advice Note: The five year period can only commence once all planting, weed control and initial pest animal control has been completed to the satisfaction of Team Leader, Compliance Monitoring (Orewa).

- (l) (completion report) Once Council has approved the completion report referred to in condition 6(j), the consent holder may enter into a surety bond of a sum calculated to be 1.5 times the cost of maintenance and 10% the cost of planting or \$3500 per hectare (whichever is the greater sum) to allow the early release of s.224(c) Certificate. The value of this bond shall be to the satisfaction of the council's Team Leader, compliance Monitoring (Orewa). The purpose of the bond is to ensure a minimum survival rate of the plants to 90% of the original density and 75% canopy closure through the entire planting area(s).
- (m) (monitoring report) The consent holder shall submit a Monitoring Report to council's Team Leader, Compliance Monitoring (Orewa), for approval 6 monthly for the first 18 months then annually thereafter for the remaining period to make up a total minimum period of five years. The Monitoring Report shall include but is not be limited to the following information in respect of each lot:
  - (i) Success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses);
  - (ii) Canopy closure, beginnings of natural ecological processes - natural regeneration in understorey, use by native birds;
  - (iii) A running record of fertilisation, animal and weed pest control and replacement of dead plants;
  - (iv) Details on the condition of, and recommendations for maintenance of, the fencing.

- (v) Recommendations for replacement of dead plants and implementation of these recommendations (remediation work). Any recommended remediation work shall include a start date for replanting.
- (n) (remediation work) If remediation work is recommended, the consent holder shall:
- (i) Undertake this remediation work within six months from the start date.
  - (ii) Provide Council with a report confirming the remediation work has been undertaken. This report shall be submitted to Council's Team Leader, Compliance Monitoring (Orewa) within 6 months after the remediation work has been undertaken.
7. (identify building sites) Two copies of a plan certified and dated by Engineering Geology Limited Reference 6045 and dated 23rd of August 2006 fixing the location and size of the identified building site on Lots 1 - 6 by offsets from surveyed boundary pegs are to be provided to the consents Engineer. Any buildings erected on other than the identified building sites shall be subject to specific investigation and design by a Chartered Professional Engineer experienced in geomechanics who is to have particular regard to the stability of the soils at the site, and also have regard to this report
8. (developer's representative) Prior to the commencement of engineering works, the Consent Holder shall nominate, in writing, its Developer's Representative in terms of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consents Engineer.
9. (engineering works) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time.
- Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.
10. (pre-construction meeting) The Developer's Representative shall give the Consents Field Supervisor at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.
- Note: Attention is drawn to the requirements of section 103.15.3 "Standards for Engineering Design and Construction" for the following documentation (if required) to be presented at the preconstruction meeting:
- (a) Health and Safety Plan;
  - (b) The Signed Corridor Access Request (formerly Road Opening Notice);
  - (c) The relevant Resource or Subdivision Consent (and all conditions attached thereto);
  - (d) Copies of any Auckland Regional Council Consents necessary for the works.
11. (construction of private way) The private way described as Easements A and B (to serve Lots 2 to 6) shall be constructed to a rural concrete standard to the Council's "Standards for Engineering Design and Construction" section 356.



12. (construction of private way) The private way described as Easements C and D (to serve Lots 4 to 6) shall be constructed to a rural metalled standard to the Council's "Standards for Engineering Design and Construction" section 357. Where grades exceed 1 in 8 the private way is to be formed in concrete.
13. (construction of crossing) The vehicle crossing at the boundary of Tahekeroa Road shall be constructed/reconstructed to the rural standards of the "Standards for Engineering Design and Construction". A formal application to Auckland Council will be required.
14. (provide for electric power) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an electric supply has been made available to all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met or satisfactory arrangements have been concluded with the Consent Holder to complete the provision of the supply.
15. (provide for telephone) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of telephone services has been made available to all saleable lots created and that all the network supplier's requirements for making such services available have been met or satisfactory arrangements have been concluded with the Consent Holder to complete the provision of the service.

Advice Note: Council's Senior Development Engineer, Malcolm Black has recommended that it is ok to use one of the three network providers in the area, ie one of Vodafone, Compass or Chorus as advised by the applicant.

16. (balance of fees) (i) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and  
  
(ii) All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.

#### **Ongoing Conditions:**

17. The following condition shall be complied with in perpetuity and shall be registered on the relevant Titles by way of a Consent Notice pursuant to section 221 of the Act:
  - (a) (building restrictions) Any buildings erected on the building sites on Lots 1 - 6 shall be subject to the requirements of the report prepared by Engineering Geology Limited, Reference 6045 and dated 23<sup>rd</sup> of August 2006, and any subsequent reports. Copies of the said plan and report(s) will be held at the offices of the Council, Centreway Road, Orewa. Supervision and certification of the works will be required by an appropriately qualified Chartered professional Engineer.
  - (b) (building restrictions - stormwater control) All stormwater from buildings and paved areas on Lots 1 to 6 shall be collected and disposed of in accordance with the report prepared by Hutchinson Consulting Engineers, reference: LP15687A, dated the 15<sup>th</sup> of August 2012. The collection and disposal system shall be installed prior to the erection of any buildings and shall thereafter be maintained to the specified capacity and standard in perpetuity.

- (c) (stormwater) All stormwater discharges from roofs and paved areas shall be controlled and discharged through an approved system such that there is no adverse affect on adjoining public or private lands. Discharge to open channels shall be limited by appropriate detention systems to the greenfields discharge in all events up to and including a 10 year return storm.
- (d) (building height restrictions) Any dwellings or other buildings erected or located on Lots 1 – 6 shall be restricted to a maximum height of 4.5 metres above the existing natural ground level as at 1 July 2013.
- (e) (building colour) Any dwellings erected on Lots 1 – 6 shall have wall colour reflectivity no greater than 37% and roof colour reflectivity no greater than 25%.
- (f) (planting covenant) The areas of planting annotated as Areas T – Z and F – P on scheme plan reference 2203-2 Sheet 2 of 3, dated August 2013 and Areas BB- BC and BF – BI on scheme plan reference 2203-03, sheet 3 of 3, dated August 2013 shall be protected in perpetuity.
- (g) (ongoing protection of planting) The owners or their successors in title, of Lots 1, 2, 3, 4, 5, 6, 9 and 10 shall:
  - i) Preserve the native vegetation, wildlife habitats and the natural landscape within the areas of native bush to be protected on Lots 1, 2, 3, 4, 5, 6, 9 and 10;
  - ii) Not (without the prior written consent of the council and then only in strict compliance with any conditions imposed by the council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas of native bush to protected;
  - iii) Not do anything that would prejudice the health or ecological value of the areas of native bush to be protected, their long term viability and/or sustainability;
  - iv) Control all invasive plants and control pest animals within the areas of native bush to be protected, in accordance with the approved Weed and Pest Animal Control Plan referred to in the planting covenant above;

Advice Note:

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

- v) Maintain the ungated stock-proof fence to protect the native planting areas F – P and T – Z on Lots 1, 2, 3, 4, 5 and 6 and Areas BB- BC and BF – BI on Lots 9 and 10 and keep stock out of these areas. Note: where demarcation fences or posts are applicable to also refer to maintenance under this section;
- vi) Not to be in breach of this covenant if any of the areas of native bush to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.

- (h) (archaeological features) Where any earthworks result in archaeological features being uncovered, all works on the subject site shall cease unless in the opinion of the Team Leader, Compliance Monitoring, the works can continue subject to restrictions on works within a 10 metre radius of the archaeological find. A suitable temporary barrier and signage restricting access shall be erected immediately, and the New Zealand Historic Places Trust (NZHPT) shall be contacted immediately so that appropriate action can be taken.
- (i) (building restrictions – sanitary sewage treatment/disposal) The on-site sanitary sewage treatment and disposal systems to serve buildings on Lots 1 to 6 shall be designed and installed to the requirements of the report prepared by Hutchinson Consulting Engineers, reference: LP15687A, Dated the 15<sup>th</sup> of August 2012.
- (j) (minor household units) Minor household units are not permitted on Lots 1 – 6.

## Advice notes

1. *Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.*
  2. *This resource consent will lapse five years after the date of Council's decision unless:*
    - (a) *it is given effect to before the end of that period by submitting a survey plan to the Council for approval pursuant to section 223 of the RMA.*
    - (b) *an application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in section 125 of the RMA.*
- N.B –All charges owing at the time council's decision is notified must be paid before consent can commence.*
3. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Trust Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.*
  4. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.*

5. *The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of Council.*
  
6. *The enabling works component of your application has been identified as having cultural significance by Ngati Whatua Nga Rima o Kaipara. As Tangata Whenua, Ngati Whatua have a cultural connection with the land and seek to maintain kaitiakitanga (guardianship) within their role/area (as outlined within the attached document). Ngati Whatua Nga Rima o Kaipara request their kaitiaki obligations are recognized by consent holders and for it to be written into any future plans prepared for sites which they have identified as being of cultural significance to them. For further details please contact Ngati Whatua Nga Rima o Kaipara (kaiparaepu@xtra.co.nz) P.O Box Te Awaroa, Helensville; telephone 09 420 6274.*
  
7. *All archaeological sites are protected under the provisions of the Historic Places Act 1993 (HPA). It is an offence under this Act to destroy, damage or modify any archaeological site, whether or not the site is entered on the New Zealand Historic Places Trust (NZHPT) Register of historic places, historic areas, waahi tapu and waahi tapu areas. Under sections 11 and 12 of the Act, applications must be made to the NZHPT for an authority to destroy, damage or modify an archaeological site(s) where avoidance of effect is not practicable. It is the responsibility of the applicant (consent holder) to consult with the NZHPT about the requirements of the HPA and to obtain the necessary Authorities under the HPA should these become necessary as a result of any activity associated with the proposed development.*

**Delegated decision maker:**

Name: Dan Rodie

Title: Team Leader, Resource Consents

Signed: pp *SR* Sarah Gathercole, Senior Planner

Date: 31/10/13