



Minutes

of the

Independent Commissioner Hearing

Date	19 May 2015
Venue	Council Chamber 515 Mackay Street Thames

Independent Commissioner Alan Watson

In Attendance

Name

Erin Berry (Committee Advisor - Governance)
Andrea Elgie (Senior Planner)
Nicki Williams (Principal Planner)
Jeffrey Hopping (Development Engineer)
David Lamason (Planner - Applicant)
Russell Bartlett (Legal Counsel - Applicant)
Rebecca Ryder (Landscape Architect - Applicant)
Colin Potter (Applicant)
Murray Haycock (Civil and Utility Engineer - Applicant)
John Burgess (Traffic Engineer - Applicant)
Janice Riddle (Submitter)
Thomas Riddle (Submitter)
Blair Fraser (Submitter)
Colin Potter (Submitter)
Barry Ashworth (Submitter)

Meeting Commenced 09:00

Adjournment	Start	Finish	Reason
Commissioner	10:40	11:00	Morning Tea
Commissioner	12:45	13:15	Lunch

IN THE MATTER of the Resource Management Act 1991

AND an application pursuant to section 88 of the Act by Cooks Beach Futures Limited to the Thames Coromandel District Council for a 5 lot subdivision at 823 Purangi Road, Cooks Beach.

**DECISION BY INDEPENDENT HEARING COMMISSIONER
ON BEHALF OF THAMES COROMANDEL DISTRICT COUNCIL**

1.0 THE APPLICATION

The application is for consent to create 5 lots with two access lots at 823 Purangi Road, Cooks Beach. The 4.0896 ha site would be subdivided into lots of 2,930m², 3,800m², 8,400m², 5,180m² and 5,080m² with two access lots of 1.361ha and 1,900m². A small volume of earthworks is proposed in association with the construction of the access lots and installation of services.

The applicant proposes to carry out the subdivision in two stages. The first stage would be to create two lots and an access lot. Lot 1 (2,490m²) containing the existing house and Lot 2 (440m²) containing the existing shed would be amalgamated. Lot 3 (8,400m²) will be a second lot along with an access Lot 7 (1.361ha).

Stage 2 consists of four new lots 3,800m², 8,400m², 5,180m² and 5,080m² along with an access lot of 1,900m². Building platforms are identified for each of these lots on the plan of subdivision.

The site is currently occupied by two dwellings, one which is uninhabited. There is a resource consent which provides for subdivision of the site into three lots, but this has not been given effect to at the current time.

The proposal was reduced from creating 7 lots following the notification of the proposal and the receipt of submissions opposing it.

2.0 APPOINTMENT

I was appointed as an independent hearings commissioner by the Council in terms of section 34A of the RMA to consider the application details, the submissions and the section 42A RMA report by the Council's officer and to make a decision on the application.

The information available to me comprised the application and its attachments, the submissions and the section 42A RMA report prepared by Andrea Elgie, senior planner with the Council. I carried out a visit to the site and the locality the day before the hearing. I am familiar with the locality from earlier work for the Council.

The hearing was held at the Council's chambers in Thames on 19 May 2015. The attendees at the hearing were as follows:

- Applicant:** Russell Bartlett, legal counsel
Rebecca Ryder, consultant landscape architect
Murray Haycock, civil engineering consultant
John Burgess, traffic engineering consultant
David Lamason, planning consultant
- Submitters:** Barry Ashworth
Janice and Thomas Riddle
Blair Fraser
- Council Officers:** Andrea Griffiths, reporting senior planner
Nicki Williams, planner
Jeff Hopping, engineer
Erin Berry, Committee Advisor.

3.0 THE SITE AND LOCALITY

The site lies on the south side of Purangi Road and close to the entry to the Cooks Beach settlement which is on the opposite side of the road. In this position it forms part of the backdrop to the Cooks Beach settlement.

At the front of the site is a former, uninhabited dwelling along with an existing dwelling before the site rises following an unformed access track to the rear of the site. This track surrounds the central portion of the site which is set at a lower level and is covered by denser vegetation. From the higher parts of the site there are views over Cooks Beach and Mercury Bay.

Within this locality it is one of the few areas that contain extensive bush cover. To the rear are Rural zoned properties accessed off Resolution Drive. The wider environment surrounding the site contains an established mix of residential, rural residential and rural lifestyle properties.

4.0 ACTIVITY STATUS

The site lies in the Rural zone (Outside All Policy Areas) of the Thames Coromandel Operative District Plan ("District Plan") with no designations, overlays or structure plans affecting it. Rural subdivision is provided for as a permitted activity provided it meets a minimum average lot size of 20ha and other relevant standards. There is no activity status for a rural lot subdivision that does not meet the 20ha minimum lot rule and therefore the subdivision proposal, the subject of this application, is to be assessed as a non-complying activity.

5.0 WRITTEN APPROVALS, NOTIFICATION AND SUBMISSIONS

The applicant has obtained the written approval for the originally proposed subdivision from MA Armstrong & OM Clarke Scott, as owners of the property opposite the site at 28 Scott Drive, and MG Wilcox and JL Smith Scott as owners of the property opposite the site at 32 Scott Drive. These written approvals for the original subdivision application were obtained in 2013 but the same owners remain.

It is stated in the application that there has been consultation with the owners of 842 Purangi Road, 22 Scott Drive and 30 Scott Drive but the written approval forms have not been filled out correctly. They have been signed along with the plans, however the owners' details and their addresses have not been included making it difficult to determine if they are the owners of the relevant properties that the applicant has identified. In that circumstance written approval cannot be considered to have been obtained from those persons.

The applicant has consulted with a representative of the local tangata whenua, Ngati Hei, and whilst written approval for the subdivision has not been obtained, neither has it been opposed. A letter from Ngati Hei dated 25 February 2013 confirms there only being one identified archaeological site (T11/945) on the property but the building platforms are located clear of it. There will be a requirement that an authority to modify the site be obtained from Heritage New Zealand prior to construction works commencing on the site. Ngati Hei have recommended further archaeological investigations be undertaken upon the site given there is also evidence of a midden in the lower reaches of the site that indicates an old kainga or Pa in the near vicinity.

The application was publicly notified on 28 November 2014 with submissions closing on 15 January 2015. There were five submissions received, four in opposition and one being neutral. The neutral submission is from Beca Consultants on behalf of the NZ Fire Service.

The other four submissions opposing the application are from immediate neighbours and include concerns relating to:

- a) The proposed stormwater management and the downstream effects. The driveway should be sealed and kerb and channel and an integrated stormwater collection and distribution system designed for the site, including a detention pond.
- b) Changes in the landscape and character of the area, particularly in terms of visual effects and loss of amenity.
- c) Lot 5 should be removed and the Lot 4 building platform relocated.
- d) Conditions regarding additional landscaping of the site and restricting site coverage to 10% with all buildings being located within the identified building platforms.
- e) Stormwater runoff, soil disturbance and slippage, traffic noise, dust from the driveway, and loss of amenity, views and privacy.
- f) Conditions relating to the sealing of the driveway, relocating the vehicle crossing, landscaping, restrictions on noisy activities, and, a comprehensive stormwater drainage system.
- g) Concerns relating to a loss of visual amenity, general amenity, privacy and character of the area.

- h) Concerns regarding potential for land slippage and erosion on the site; the inadequacy and safety of the vehicle crossing and the driveway; insufficient landscaping; removal of exotic trees and plant pests, and stormwater controls.
- i) Conditions regarding a range of matters including stormwater, light pollution, sealing the driveway, exterior materials and colours of buildings, and the location of buildings.
- j) The vehicle crossing having detrimental effects on the vehicle crossing at 825 Purangi Road and the ability to develop that site in the future along with there not being enough landscape planting proposed along the western boundary.
- k) Conditions on a consent to include weed and plant pest management; additional landscaping with a 6m height limit to be undertaken on proposed Lot 7; and, an agreement for a joint vehicle crossing and access to be created between the site at 825 Purangi Road and the application site.

These submissions now need to be considered in view of the reduction in the proposed number of lots.

6.0 RELEVANT STATUTORY PROVISIONS THAT HAVE BEEN CONSIDERED

The application is a non-complying activity for subdivision. It has accordingly been considered in terms of sections 104, 104B, 104D and 106 and Part 2 of the RMA.

7.0 OTHER RELEVANT PROVISIONS THAT HAVE BEEN CONSIDERED

The provisions of the following documents were considered in reaching this decision:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012
- Thames Coromandel Operative District Plan 2010.

8.0 THE PRINCIPAL ISSUES IN CONTENTION

The principal issues in contention are:

- The existing environment, does it have any basis for the purposes of assessing the actual and potential adverse effects of the proposal.
- The amended proposal.
- The Rural zone in this location.
- Traffic effects.
- Landscape and visual effects.

- Engineering considerations.
- Distinguishable features of the proposal.

These issues are addressed in the Findings below.

9.0 OTHER ISSUES

Other issues are:

- Positive effects.
- Whether the application/proposal is in accordance with the relevant planning documents and section 104 RMA considerations.
- Section 104D RMA considerations.
- Whether the proposal will promote the sustainable management of natural and physical resources and be consistent with the associated principles in accordance with Part 2 of the RMA.

10.0 SUMMARY OF EVIDENCE

The evidence presented at the hearing is referred to in the below Findings, particularly the evidence that is determinative of the decision.

11.0 FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

11.1 The Existing Environment

The existing environment comprises the application site which is occupied by two residential dwellings, one uninhabited. The immediate locality is of mixed rural and rural residential character with lifestyle properties. There is a currently unimplemented resource consent for subdivision to provide for three dwellings on the site which is also part of the existing environment.

The permitted baseline approach to the consideration of actual and potential adverse effects of the proposal is of limited value given there are no similar activities provided for as permitted activities.

11.2 The Amended Proposal

Following the consideration of submissions, the applicant reduced the proposal by removing two of the proposed lots. The proposed subdivision is now to create five allotments along with an access lot and a balance lot. The balance lot would remain undeveloped.

The amended proposal falls within the scope defined by the original application insofar as the scale and intensity of the proposed activity does not increase. Further, that amendment to the application is unlikely to affect the general public or any individual in a manner different from, or to any greater degree than, the original application. In these respects, I see no difficulty with the amended proposal and indeed, it directly addresses some of the concerns raised by submitters in relation to it.

11.3 The Rural Zone in this Location

The site lies in the Rural zone on the southern side of Purangi Road. In this location it forms part of the lower hill slopes running down to the Cooks Beach settlement and is in an area that, despite its Rural zoning, is clearly under continuing pressure to be developed for some form of residential use. This is readily shown from a plan of subdivision for the area with a predominance of smaller sized allotments on this southern side of Purangi Road, separated by the roadway from the main Cooks Beach settlement.

Mr Bartlett, Counsel for the applicant, described the application site as a “*remnant rural site*” in referring to the earlier 2007 consent which provides for a three lot subdivision of it. He also referred to the section 42A report stating that there are no restrictive objectives and policies specific to the Rural zone (Outside All Policy Areas) with it being stated in that report:

“It is my view that the proposed subdivision will be in accordance with the character and amenity values of the surrounding environment and will not be contrary to the settlement and amenity value objectives and policies in the District Plan.”¹

In these respects, the application is consistent with what has occurred in this location, and is continuing to occur despite the Rural zoning, with a complementary rural-residential area establishing as an adjunct to the main Residential zoned Cooks Beach area.

The existing rural-residential developed areas on this inland side of Purangi Road appear to be a natural growth progression of the settlement despite the Rural zoning. I note that whilst submitters had concerns about the intensity of the proposed development, which has now been reduced, and with further development occurring close to them, that the proposal is not out of character with the locality.

11.4 Traffic Effects

The traffic effects from the proposed subdivision were addressed in the evidence of John Burgess. He noted the location of the site being some 500m to the east of the Purangi Road/Rees Road intersection which provides access to the Cooks Beach settlement. The roadway is a two-lane sealed rural road some 6.5m wide with a 70kph speed limit.

The configuration of the subdivision is for the main driveway in from Purangi Road to have a legal width of 12m and a carriageway width of 5m, eventually serving all five lots. The access lot will then continue to provide access to four lots, and will have a legal width of 6m and a carriageway width of 3.5m. For private ways serving more than 4 lots, the District Plan requires a minimum carriageway width of 5.5m with a legal road width of 15m, for local roads which carry less than 50

¹ Section 42A report, section 9.2.11

vehicles per day (“vpd”). The proposed driveway in Lot 7 does not comply but because it will serve only 5 lots and will carry much less than 50 vpd, I consider that the standard proposed will be appropriate and sufficient to serve the subdivision.

The key issue is the location and design of the proposed access on Purangi Road, with specific reference to the available sight distances for vehicles entering and leaving the property. The existing sight distance for vehicles exiting onto Purangi Road is 180m towards the west and 150m to the east which is met subject to the sight distance to the east being maintained, given that it can be restricted by vegetation along the bank close to the driveway. Given the limited traffic generated by the proposal, up to about 30 vpd, and the flow on the main road being less than 10,000 vpd, then no road widening is required and the existing access is expected to continue safely with no further mitigation measures required. I acknowledge this may not seem satisfactory during holiday periods but the standards are met and if a problem develops it can be managed in the context of the low volume of traffic to and from the subdivision.

I note the proposal now incorporates sealing of the driveway within the subdivision to the lot boundaries.

I conclude the proposed subdivision meets the various transport related standards as set out in the District Plan and as such will be able to operate safely and efficiently with minimal impact on the traffic environment.

11.5 Landscape and Visual Effects

The proposed rural-residential development is not uncharacteristic of development in the locality with this site having the added benefit of a dense cover of primarily exotic vegetation which contributes to the proposal not compromising the natural character within the site. The landscape character is rural-residential in nature and the introduction of two additional house sites, above that already consented, will introduce no additional adverse effect to the wider rural-residential amenity. Indeed, the extent of mature vegetation cover assists in integrating any dwellings upon the site into the landform and in that respect the proposed subdivision and its dwellings would be an acceptable introduction to this particular site and its surrounds.

The placement of the four additional dwellings focuses on the retention of the dense clusters of vegetation cover within the site and the new canopy planting that will complement the character of this site. The placement of buildings, along with the proposed building design controls and vegetation management will mean the built structures integrating, rather than dominating, the hillside. The placement of future dwellings on the site has regard to retaining views through the site from the neighbouring Ashworth dwelling and similarly in relation to the Harsant property. Views across the site from the neighbouring Fraser/Riddle dwelling at 40 Resolution Drive are not seen to be of such a concern given the views from that site over the proposed subdivision are affected to a minimal degree by the orientation of the house sites, the landform and the remaining vegetation within the applicant’s property. This is largely due to the change in elevation between 40 Resolution Drive and proposed Lots 5 and 6 coupled with the buffer strip on their site and design controls for the proposal that limit building height to 6m.

In addition, the subdivision now incorporates height limitations as part of addressing submitters' concerns. These are detailed in the conditions and I find these limitations to be appropriate in the context of addressing those concerns.

With the proposed mitigation planting and vegetation management, I do not consider the potential landscape and visual adverse effects to be any more than minimal. The subdivision will form an acceptable part of its surrounding rural-residential landscape.

11.6 Engineering considerations

These were covered in the evidence of Murray Haycock for the applicant. All relevant matters were addressed and do not need commentary.

11.7 The District Plan

The site lies in the Rural zone but close to settlement of Cooks Beach. Normally that would see strong opposition to any proposals to expand the settlement area but in this case there has been incursions into the Rural zone and the site is well suited to some form of residential development. It is suited to a lower density of residential development, particularly given there are limited opportunities for rural uses.

Interestingly, the District Plan does not have firm provisions preventing residential subdivision other than in the *Settlements and Amenity Values* section where an objective seeks:

"To maintain and enhance the amenity values, landscape character and coherence of the District's towns and settlements"

with an associated policy of

"To contain the expansion of settlements so that the District's natural areas, rural areas and coastline margins are protected."

The character of this site on the southern side of Purangi Road is characterized by mature vegetation compared to other more sparsely vegetated properties and the character of the locality is of a rural nature with farming, orchards, vineyards and rural residential style development. Directly to the east the rural residential development associated with Resolution Rise is evident as are other dwellings along this part of Purangi Road.

In this context the proposed subdivision is not an expansion of Cooks Beach but rather is a lower density rural residential development between the developed area and the more expansive rural backdrop of Cooks Beach.

I note there is a Proposed District Plan that was notified in late 2013 and for which submissions are currently being heard. I have had some regard to it in that circumstance but note the zoning regime appears little different for this site and locality.

11.8 Distinguishable Features of the Application

It is often the case in applications of this nature that a decision maker distinguishes the proposal by reason of particular circumstances applying to it and/or the site involved. In this case there are a number of distinguishing features which relate to the application and the site which are as follows:

- The location of the site, which for the most part is behind an existing large settlement. It is a highly modified environment and among other properties which have either undergone, or are currently undergoing, development for rural or rural-residential purposes.
- The site is limited in size and location for use as a rural productive unit. This particularly acknowledges the large area of bush central to the site and the limited opportunity for use for productive purposes.
- The site is close to the Coastal Zone (Village Policy Area) associated with Cooks Beach. In this respect it lies proximate to residential dwellings and lifestyle allotments and is not likely to affect the landscape and natural character of the environment.
- Best practice development indicates that accommodating lower density residential development in close proximity to existing settlements is good planning practice.
- The engineering requirements associated with rural-residential subdivision and development can be met.
- This site has limited productive potential due to its size, nature and location and there is no intensive farming or agricultural activities upon the adjoining properties.
- The site is able to accommodate additional building while maintaining the landscape and amenity of the local environment.
- The site provides for a low density of development in an area of largely mature exotic and native vegetation cover within the central portion of the site.
- Importantly, the proposal does not result in any significant loss of rural character given the location of the site close to the existing Cooks Beach settlement and the changing land use pattern around it.

12.0 FINDINGS ON OTHER ISSUES

12.1 Positive effects

The proposal has positive effects arising out of the provision of additional housing in close proximity to the existing settlement and from the use of land that cannot be used for its zoned purpose. The limited size and topography of the site means it is unlikely to be used for any purpose consistent with its Rural zoning. However, its proximity to the existing settlement means it lends itself to lower density subdivision and development for residential purposes.

12.2 Whether the proposal is in accordance with the relevant planning documents.

12.2.1 National planning documents

The site has historically had an orchard upon it so that the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NES”) is relevant. Council’s records are that a soil contamination report was carried out for the site as part of the earlier resource consent for two additional houses on the site. This concluded there was a very low risk to human health for development on the site. The proposal has also been considered in the context of the Hauraki Gulf Marine Park Act 2000 and the NZ Coastal Policy Statement 2010 but these documents have been found to be of limited relevance for this small scale proposal.

12.2.2 Regional Planning documents

The proposal does not offend or run contrary to the Waikato Regional Policy Statement in the context of representing small scale rural residential development.

12.2.3 District Plan

I have addressed the actual and potential adverse effects above and found these effects can be satisfactorily managed. There will be positive effects for the community as discussed above. I have also addressed the relevant planning documents above in finding that the proposal is consistent with, and not contrary to, these documents.

In terms of other matters, I have had regard to the matters raised by submitters as part of the assessment of the proposal. My finding is that the subdivision will not be the concern that some submitters consider it will be, with the reduction in the scale of it, and that the conditions provide stringent control on the subdivision in order that any adverse effects are avoided or satisfactorily mitigated. It is found to not be inconsistent with the District Plan and indeed consistent with the form of development occurring in this location.

12.2.4 The Submitters

The concerns of the submitters were largely addressed during the hearing. In addition to the evidence from Messrs Ashworth and Fraser, and from Mr and Mrs Riddle, a letter from Deirdre and Paul Watson as recent purchasers of 60 Resolution Drive, was addressed by Mr Fraser. I acknowledge that all the concerns of these parties are not met by this decision but whilst approving the proposal, I have given regard to those concerns as far as is practicable. I am of the opinion that the hearing did provide the opportunity for their concerns to be voiced and as a consequence the conditions of consent do address some of their main concerns.

The subdivision now incorporates building height restrictions and specific landscaping proposals to address concerns of the submitters. This is in addition to the limited vegetation clearance on the site that is proposed as part of the subdivision.

I note, in considering one aspect of the concerns of submitters, that the proposal is more likely to see retention of vegetation over the major part of the site rather than the clearance that has otherwise occurred in the local area.

12.3 Section 104D RMA

I find that the application is for a proposal that, due to the circumstances applying to it and the site, is not contrary to the relevant objectives and policies of the District Plan. Those circumstances have been detailed in section 11.7 above. Further, the adverse effects on the environment can be avoided or satisfactorily mitigated by the conditions on consent, these having been adopted from the recommendations of the applicant, some to address concerns of submitters.

In all these respects, the proposal meets the section 104D considerations of the RMA.

12.4 Whether the proposal will promote the sustainable management of natural and physical resources and be consistent with the associated principles in accordance with Part 2 of the RMA

The proposed subdivision will meet the sustainable management purpose of the RMA in providing for sound use of the physical resource of the land in a manner that provides for the social and economic well-being of people and communities by providing sites for future development close to the existing Cooks Beach settlement. This will serve to meet the reasonably foreseeable needs of future generations. The life-supporting capacity of the land is safeguarded and any adverse effects are avoided or satisfactorily mitigated by the measures included as part of the application and supported with the conditions of consent. These measures will ensure the amenity values and quality of the local environment are maintained.

In all the circumstances the proposed subdivision is consistent with the purpose and principles of the RMA.

13.0 CONCLUSION

Having had regard to all the relevant RMA provisions in relation to this non-complying activity application, along with all the information presented by the applicant, the submitters and the reporting officer for the Council, I find the application is able to be granted consent, subject to conditions, in accordance with the commentary above in this decision report.

The conditions of consent will address many of the concerns raised by Messrs Ashworth and Fraser and by Mr and Mrs Thomas through their submissions and appearances at the hearing.

The developed subdivision will see the houses integrated with the site, particularly incorporating retention of bush upon it.

14.0 DECISION

Pursuant to sections 104, 104B, 104D and 106 and Part 2 of the Resource Management Act 1991, consent is granted subject to conditions, to the application by Cooks Beach Futures Limited to the Thames Coromandel District Council for a 5 lot subdivision at 823 Purangi Road, Cooks Beach.

Pursuant to section 113 of the Resource Management Act 1991, the reasons for this decision are as above in the text of this decision report but can be summarised as:

- The subdivision provides for sensible development of the site in recognition of the nature and location of it.
- Any adverse effects associated with the subdivision can be avoided or satisfactorily mitigated through the measures included in the application and the conditions of consent.
- The subdivision is consistent with the relevant planning documents prepared under the RMA.
- The subdivision is consistent with the purpose and principles of the RMA, as included at Part 2 of the Act.

15.0 CONDITIONS

Pursuant to section 108 of the Resource Management Act 1991, the consent is subject to the following conditions:

The consent holder shall comply with the following conditions:

Fees and Charges

1. The consent holder shall not give effect to this consent (or any part thereof) until such time as the following charges, have been paid in full:
 - (a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 ("RMA" or "the Act") including a consent compliance monitoring fee of \$320 (inclusive of GST); 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.

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

STAGE 1 CONDITIONS - LOTS 1 & 2, BALANCE LOT 3 & ACCESS LOT 7

- A. Prior to the commencement of physical works on the site, the following conditions are to be complied with:**
1. The consent holder shall appoint an official representative for all engineering matters, and advise Council of the representative's name and contact details. All correspondence relating to engineering matters shall be directed to the appointed official representative.
 2. The consent holder shall submit a 'Site Engineering Plan', construction drawings and specifications prepared by a Chartered Professional Engineer or other suitably qualified person, for approval to Council's Development Engineer. These documents shall include, but not be limited to:
 - Location of utility services.
 - Parking areas and building platforms.
 - Longitudinal section of the vehicle access / right of way.
 - Typical cross-sections of the vehicle access / right of way, showing pavement design.
 - Stormwater drainage design for the vehicle access / right of way including the design for disposal control up to the stormwater inlet of the culvert under Purangi Road.
 3. The consent holder shall submit a 'Quality Management Plan' for approval to the Council's Development Engineer. This plan shall be compiled to a level of sophistication appropriate to the scale and nature of the works and shall include, but not be limited to, a testing regime to:
 - Determine the subgrade bearing capacity of the vehicle access / right of way, prior to the construction of the sub-base; and
 - Monitor the construction of the vehicle access / right of way.
 4. The consent holder shall submit a 'Construction Management Plan' for approval to the Council's Development Engineer. This plan shall be compiled to a level of sophistication appropriate to the scale and nature of the works. It shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from all works associated with this development as follows:
 - Details of the site manager, including their contact details (phone/mobile number, fax, postal address);
 - The location of a large notice board on the site that clearly identifies the name, phone/mobile number and address for service of the site manager;

- Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- Ingress and egress to and from the site for vehicles and construction machinery during site works period; and
- Proposed hours of work on the site.

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

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

The approved 'Erosion and Sediment Control Plan' shall be implemented and maintained throughout the entire construction period.

6. The consent holder shall submit a 'Design Certificate for Land Development/Subdivision Work' as per Appendix H1 of the Council's 'Code of Practice for Subdivision and Development' for approval to Council's Development Engineer. The 'Design Certificate' shall be prepared by a Chartered Professional Engineer or other Council approved person and shall cover, but not be limited to, the design of the right of way.

7. The consent holder is to notify Council, in writing, of their intention to begin works a minimum of three days prior to the commencement of the proposed works by completing the "Notice of Commencement of Works", attached to this decision and post, fax or email it to the Council's Monitoring Officer.

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

1. The proposal shall proceed in accordance with the approved plans and information provided with the application.
2. The consent holder shall plant and establish quick growing vegetation to provide rapid and/or temporary stabilization on exposed faces. An 80 -90% per m² grass strike rate shall be achieved and if necessary re-seeding will be required where seed germination is unsatisfactory or where erosion occurs.
3. The consent holder shall install erosion protection measures at the inlets and outlets of all culverts constructed as part of this resource consent. These measures shall be by way of rip rap, reno mattress, concrete headwall structures or an alternative measure to the satisfaction and approval of Council's Development Engineer.

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

1. The subdivision shall proceed in general accordance with the approved subdivision plan prepared by RMS Surveyors titled "*Stage 1, Proposed Subdivision of Part Lot 1 DP 36125, 823 Purangi Road, Cooks Beach*", dated 20 April 2015 Dwg No. S2 Rev A signed and dated by Council on the 5 June 2015.
2. Pursuant to section 243 of the RMA, any necessary easements as required shall be included in a memorandum of easements endorsed on the survey plan. The consent holder shall meet all costs relating to the creation of easements. The easements shall be placed over:
 - All private service leads or drainage lines, where they cross property boundaries.
 - All public services, where they cross private property boundaries.
3. Pursuant to section 220(1)(b)(iii) of the RMA that Lots 1 and 2 hereon shall be held in the same computer freehold register.
[LINZ request 1287888]
4. That pursuant to section 220(1)(b)(iv) of the RMA, Lot 7 hereon be held as to one undivided one fifth share by the owners of Lots 1 & 2 hereon and four undivided one fifth shares by the owners of Lot 3 hereon as tenants in common in the said shares and that individual computer freehold registers be issued in accordance therewith.
[LINZ request 1287888]

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

GENERAL

1. That the subdivision proceeds in general accordance with the information provided with the application, namely:
 - Subdivision consent application prepared by Planners Plus dated 9 May 2014; and
 - Further information provided by Planners Plus dated 14 February 2014; and
 - Further amended application provided by Planners Plus dated 21 April 2015.

Where there are any inconsistencies in the information the most recent information provided shall prevail.

2. The existing cottage on Lot 7 shall be demolished and the resultant demolition material removed from the property.
3. The consent holder shall engage contractors to carry out and certify by way of Schedule H2 of the Council's 'Code of Practice for Subdivision and Development' that the construction and all completed works are in accordance with:
 - the approved engineering plans and specifications; and
 - the Thames-Coromandel District Council's current Code of Practice for Subdivision and Development".
4. The consent holder shall engage a Chartered Professional Engineer or other suitably qualified person that has been approved by Council's Development Engineer, to certify by way of Schedule H3 of the Council's 'Code of Practice for Subdivision and Development' that the construction and all completed works are in accordance with:
 - the approved engineering plans and specifications; and
 - the Thames-Coromandel District Council's current "Code of Practice for Subdivision and Development".

SERVICES

5. The consent holder shall install separate electricity and telephone service connections for each respective network utility for Lot 3 and include provision for these services along Lot 7 to the boundary of Lot 8 for Lots 4-6 proposed under Stage 2 of the subdivision.

These service connections shall be to a standard satisfactory to Council's Development Engineer and in accordance with the specifications and criteria set out by the respective utility network provider.

Once installed, confirmation shall be provided to Council's Development Engineer by way of a letter of endorsement from each respective network utility provider, that the utility network provider's requirements have been met.

ROADING

6. The consent holder shall upgrade the existing vehicle access crossing from Purangi Road to access Lot 7. The vehicle crossing shall be installed to the standards specified in the Council's current "Code of Practice for Subdivision and Development" and shall be constructed by an approved vehicle crossing contractor unless specific approval for another suitably qualified person has been obtained from Council's Roading Manager.
7. The consent holder shall ensure that maximum sight distances along Purangi Road from the vehicle crossing are achieved by clearing vegetation along the roadside boundary for a minimum length of 140m.
8. The consent holder shall upgrade and seal the existing vehicle access / right of way through Lot 7 to a minimum width of 5m in accordance with the standards required in the Council's 'Code of Practice for Subdivision and Development' and the Approved Engineering Plans.

EARTHWORKS AND DRAINAGE

9. The consent holder shall achieve an 80-90% per m² perennial grass strike on all exposed earthworks within 3 months of the completion of earthworks on site.
10. The consent holder must ensure that stormwater is evenly dispersed from the western side of the vehicle access / right of way along the head of the gully within Lot 7. The stormwater must not be allowed to accumulate to the point where it will cause erosion or undue flooding.
11. Stormwater drainage for the vehicle access / right of way and existing drains to the stormwater culvert shall be installed in accordance with the approved engineering plans.
12. The consent holder shall install 300mm diameter culverts under the Lot 7 vehicle access / right of way in accordance with the Council's 'Code of Practice for Subdivision and Development', and the Approved Engineering Plans.
13. The consent holder shall submit as-built plans to the Council within 3 months of the completion of earthworks showing the extent and depth of fill for all completed earthworks and drainage.

VEGETATION MANAGEMENT

14. The consent holder shall supply a Landscape Management Plan (LMP) for the site, including all lots under both stages, prepared by a registered landscape architect, certified by Council's Development Planning Manager. The LMP shall be in general accordance with the approved Landscape Mitigation Concept Plan prepared by Boffa Miskell dated 20 April 2015 and include the following details (It is acknowledged that some of these matters could be part of the Stage 2 consent conditions but they need to be dealt with immediately to meet concerns of submitters and the Council):

- The removal of plant pests and weed species from the site, including the removal of pine trees on the site and the removal of the Cryptomeria trees along the southern boundary of the future Lot 6;
 - A planting plan that has been prepared in general accordance with the Landscape Mitigation Concept Plan dated 20 April 2015 and further planting and ecological restoration with native plant species over the site including a 3m wide planting strip along the southern boundary of the future Lot 6;
 - The types, sizes (height and plant grade) and numbers of proposed plants at the time of planting within Lots 1 and 3 only;
 - An implementation, management and on-going maintenance programme, including plant pest control, weed management, and cost of maintenance for 18 months;
 - Identify the 800m² building platforms within Lots 3-6 (under Stage 2).
 - The details of how the vegetation height restriction zones A, B, C & D will be managed and maintained to the height limits shown on the approved Landscape Mitigation Concept Plan prepared by Boffa Miskell dated 20 April 2015.
15. The consent holder shall carry out the landscape planting in conjunction with the plant pest and weed control measures on Lots 1 & 3 in accordance with the LMP. The planting shall be carried out under guidance of a Landscape Specialist to ensure that all appropriate measures are undertaken to ensure successful establishment of the planting.
16. The vegetation planting as detailed in the approved LMP shall be certified ("Planting Completion Certificate") as being established on Lots 1 & 7 in general accordance with the certified Plan by a suitably qualified independent person. The consent holder shall submit the certificate to Council's Development Planning Manager confirming that the works required prior to issuing of the s224 RMA Certificate have been fully implemented in a professional and workmanlike manner.
17. Maintenance of the plants on Lots 1 & 3 shall be carried out by the consent holder for a period of 18 months after the Planting Completion Certificate (condition D16) has been submitted to Council.

CONSENT NOTICE CONDITIONS

- E. For the purpose of section 224(c) and pursuant to section 221 of the Resource Management Act 1991, a consent notice shall be registered against the relevant Certificates of Title. These notices shall specify the following conditions as relevant to Lots 1-8:**
1. Foundation design for Lot 3 shall be undertaken in accordance with the recommendations contained in a site specific Geotechnical assessment report prepared by a Chartered

Professional Engineer that shall be submitted for approval to Council's Development Engineer at the time of building consent application.

2. An on-site wastewater and stormwater dispersal system design for Lot 3 shall be undertaken in accordance with the recommendations contained in a site specific report prepared by a Chartered Professional Engineer or other Approved Author that shall be submitted for approval to Council's Development Engineer at the time of building consent application.

The stormwater dispersal system must adhere to the Council's policy of 'hydraulic neutrality' that will involve the installation of either appropriately designed soakpit/s or detention tank to collect all stormwater from both the roof tops and all hardstand areas.

3. Water supply for Lot 3 shall be by way of roof water to an on-site storage tank which shall be installed at the time of building consent application. The water tank shall be owned and operated by the individual Lot owner.
4. A fire-fighting water supply shall be provided by way of tank storage or other suitable method approved by the New Zealand Fire Service, which shall be located a safe distance away from any habitable building in accordance with NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 and that this water supply be accessible for firefighting purposes.

At the time of building consent application for a habitable building, sufficient water volume, pressure and flows be provided to Council in accordance with NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

5. The landowners of Lots 1 & 7 shall maintain all the vegetation on their respective lots and collectively on Lot 7 including plant pest and weed control measures, as detailed in the Landscape Management Plan provided under condition D14 of subdivision consent SUB/2013/87. Maintenance and enhancement of the indigenous vegetation shall be carried out by the landowners in perpetuity.
6. All residential buildings and activities on Lot 3 shall meet the recommendations contained within the Draft Natural Character, Landscape and Visual Assessment report prepared by Isthmus, titled "*Purangi Road, Cooks Beach Subdivision*", dated October 2013 and the following development standards:
 - a). Only one residential building shall be permitted on the Lot.
 - b). The maximum height of all buildings shall be restricted to 6m above the original ground levels. Original ground levels are those that existed at the time of subdivision application for subdivision consent for Lot 3, SUB/2013/87.
 - c). All buildings shall be designed with low pitched roofs and windows and doors that are recessed beneath eaves.
 - d). All glazing shall be non-reflective tinted glass.
 - e). The colour reflectivity of the exterior cladding and roof of all buildings shall not exceed a reflectivity rating (LRV) of 25%.

- f). Exterior lighting shall be kept to a minimum and avoided beyond the building site. Exterior lighting on or around a house shall be restricted to down lighting directed in such a way as to ensure that 'light-spill' will be minimised and fully contained within the boundaries of the lot.

These matters shall be addressed and evidence provided that they have been met to the satisfaction of the Council's Development Planning Manager, at the time of lodging a building or resource consent application for any buildings on Lot 3. If for any reason Council is not satisfied that the above conditions have been met then a landscape and visual assessment may be requested at the owner's expense.

STAGE 2 CONDITIONS - LOTS 3-6 & ACCESS LOT 8

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

1. The consent holder shall appoint an official representative for all engineering matters, and advise Council of the representative's name and contact details. All correspondence relating to engineering matters shall be directed to the appointed official representative.
2. The consent holder is to notify Council, in writing, of their intention to begin works a minimum of three days prior to the commencement of the proposed works by completing the "Notice of Commencement of Works", attached to this decision and post, fax or email it to the Council's Monitoring Officer.

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

1. The proposal shall proceed in accordance with the approved plans and information provided with the application.
2. The proposal shall proceed in accordance with the following documents that were submitted and approved by Council's Development Engineer as part of the Stage One engineering conditions;
 - The approved Engineering Site Plan, construction drawings and specifications; and
 - The approved Engineering Quality Management Plan; and
 - The approved Construction Management Plan; and
 - The Erosion and Sediment Control Plan.
3. The consent holder shall plant and establish quick growing vegetation to provide rapid and/or temporary stabilization on exposed faces. An 80 -90% per m² grass strike rate shall be achieved and if necessary re-seeding will be required where seed germination is unsatisfactory or where erosion occurs.

4. The consent holder shall install erosion protection measures at the inlets and outlets of all culverts constructed as part of this resource consent. These measures shall be by way of rip rap, reno mattress, concrete headwall structures or an alternative measure to the satisfaction and approval of Council's Development Engineer.
- C. Prior to the survey plan being signed pursuant to section 223 of the Resource Management Act 1991, the following conditions are to be complied with:**
1. The subdivision shall proceed in general accordance with the approved subdivision plan prepared by RMS Surveyors titled "*Stage 2, Proposed Subdivision of Part Lot 1 DP 36125, 823 Purangi Road, Cooks Beach*", dated 20 April 2015 Dwg No. S3 Rev A signed and dated by Council on the 5 June 2015.
2. Pursuant to section 243 of the RMA, any necessary easements as required shall be included in a memorandum of easements endorsed on the survey plan. The consent holder shall meet all costs relating to the creation of easements. The easements shall be placed over:
- All private service leads or drainage lines, where they cross property boundaries.
 - All public services, where they cross private property boundaries.
3. The Survey Plan shall identify all building platforms on Lots 3-6 with a maximum area of 800m². The building platforms shall be shown in the same location as shown on the approved Stage 2 subdivision scheme plan.
4. That pursuant to section 220(1)(b)(iv) of the RMA, Lot 7 (Legal Access - Stage 1) hereon be held as to four undivided one fifth shares by the owners of Lots 3-6 as tenants in common in the said shares and that individual computer freehold registers be issued in accordance therewith.
- [LINZ request 1287888]
5. That pursuant to section 220(1)(b)(iv) of the RMA, Lot 8 hereon be held as to four undivided one fourth shares by the owners of Lots 3-6 as tenants in common in the said shares and that individual computer freehold registers be issued in accordance therewith.

[LINZ request 1287888]

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

GENERAL

1. That the subdivision proceeds in general accordance with the information provided with the application, namely:
 - Subdivision consent application prepared by Planners Plus dated 9 May 2014; and
 - Further information provided by Planners Plus dated 14 February 2014; and
 - Further amended application provided by Planners Plus dated 21st April 2015.

Where there are any inconsistencies in the information the most recent information provided shall prevail.

2. The consent holder shall engage contractors to carry out and certify by way of Schedule H2 of the Council's 'Code of Practice for Subdivision and Development' that the construction and all completed works are in accordance with:
 - the approved engineering plans and specifications; and
 - the Thames-Coromandel District Council's current "Code of Practice for Subdivision and Development".
3. The consent holder shall engage a Chartered Professional Engineer or other suitably qualified person that has been approved by Council's Development Engineer, to certify by way of Schedule H3 of the Council's 'Code of Practice for Subdivision and Development' that the construction and all completed works are in accordance with:
 - the approved engineering plans and specifications; and
 - the Thames-Coromandel District Council's current "Code of Practice for Subdivision and Development".

SERVICES

4. The consent holder shall install separate electricity and telephone service connections to Lots 3-6 for each respective network utility.

These service connections shall be to a standard satisfactory to Council's Development Engineer and in accordance with the specifications and criteria set out by the respective utility network provider.

Once installed, confirmation shall be provided to Council's Development Engineer by way of a letter of endorsement from each respective network utility provider, that the utility network provider's requirements have been met.

ROADING

5. The consent holder shall construct and seal the vehicle access / right of way of Lot 8 serving Lots 3-6 to the standards required in the Council's 'Code of Practice for Subdivision and Development' and the Approved Engineering Plans.
6. The consent holder shall construct vehicle crossings from access Lot 8 to Lots 3-6 in accordance with the standards required in the Council's 'Code of Practice for Subdivision and Development' and the Approved Engineering Plans.

EARTHWORKS AND DRAINAGE

7. The consent holder shall achieve an 80-90% per m² perennial grass strike on all exposed earthworks within 3 months of the completion of earthworks on site.
8. The consent holder shall concrete or rock line (or utilize another suitable engineering method) all table drains along the perimeter of the vehicle access / right of way of Lot 8 where it exceeds a grade of 16.7%, to prevent erosion.
9. The consent holder shall ensure that stormwater is evenly dispersed from the western side of the vehicle access / right of way of Lot 8 along the head of the gully within Lots 5 and 7. The stormwater must not be allowed to accumulate to the point where it will cause erosion or undue flooding.
10. The consent holder shall install 300mm diameter culverts under the vehicle access / right of way of Lot 8 in accordance with the Council's 'Code of Practice for Subdivision and Development', and the Approved Engineering Plans. New or existing open drains must be constructed or upgraded to the required standards of the Council's 'Code of Practice for Subdivision and Development' and the Approved Engineering Plans.
11. The consent holder shall submit as-built plans to the Council within 3 months of the completion of earthworks showing the extent and depth of fill for all completed earthworks and drainage.

VEGETATION MANAGEMENT

12. The consent holder shall provide a Landscape Management Plan (LMP) for the site, including Lots 4 to 7, prepared by a registered landscape architect, to be approved by the Council's Development Planning Manager. The LMP shall be in accordance with the approved Landscape Mitigation Concept Plan prepared by Boffa Miskell dated 20 April 2015 and include the following details:
 - The types, sizes (height and plant grade) and numbers of proposed plants at the time of planting within Lots 4 to 7;
 - An implementation, management and on-going maintenance programme, including pest control, weed management, and cost of maintenance for 18 months;
 - Identify the 800m² building platforms within Lots 3-6 carry out the landscape planting in conjunction with the plant pest and weed control measures on Lots 3-6.

13. All pine trees located along the western boundary of Lots 6 & 7 and in the southern portion of Lot 4 (to the rear of the identified building platform) shall be removed.
14. The Cryptomeria trees located along the southern boundary of Lot 6 shall be removed.
15. The vegetation planting as detailed in the approved Landscape Management Plan shall be certified ("Planting Completion Certificate") as being established on Lots 4 - 7 in general accordance with the certified Plan by a suitably qualified independent person. The consent holder shall submit the certificate to Council's Development Planning Manager confirming that the works required prior to issuing of the s224 RMA Certificate have been fully implemented in a professional and workmanlike manner.
16. Maintenance of the plants shall be carried out by the consent holder for a period of 18 months after the Planting Completion Certificate (condition D15) has been submitted to Council.

CONSENT NOTICE CONDITIONS

E. For the purpose of section 224(c) and pursuant to section 221 of the Resource Management Act 1991, a consent notice shall be registered against the relevant Certificates of Title. These notices shall specify the following conditions as relevant to Lots 3-6:

1. Foundation design for Lots 3-6 shall be undertaken in accordance with the recommendations contained in a site specific Geotechnical assessment report prepared by a Chartered Professional Engineer that shall be submitted for approval to Council's Development Engineer at the time of building consent application.
2. An on-site wastewater dispersal system design for Lots 3-6 shall be undertaken in accordance with the recommendations contained in a site specific report prepared by a Chartered Professional Engineer or other Approved Author that shall be submitted for approval to Council's Development Engineer at the time of building consent application.
3. An on-site stormwater dispersal system design for Lots 3-6 shall be undertaken in accordance with the recommendations contained in a site specific report prepared by a Chartered Professional Engineer or other Approved Author that shall be submitted for approval to Council's Development Engineer at the time of building consent application.

The system must adhere to the Council's policy of 'hydraulic neutrality' that will involve the installation of either appropriately designed soakpits or detention tanks or other approved engineered designed methods to collect all stormwater from both roof tops and all hardstand areas.

4. Water supply for Lots 3-6 shall be by way of roof water to an on-site storage tank which shall be installed at the time of building consent application. The water tank shall be owned and operated by the individual Lot owner.
5. A fire-fighting water supply shall be provided by way of tank storage or other suitable method approved by the New Zealand Fire Service, which shall be located a safe distance away from any habitable building in accordance with NZFS Fire Fighting Water Supplies

Code of Practice SNZ PAS 4509:2008 and that this water supply be accessible for firefighting purposes.

At the time of building consent application for a habitable building, sufficient water volume, pressure and flows be provided to Council in accordance with NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

6. Prior to undertaking any land clearance, earthworks, and/or building on Lot 4 the landowners shall obtain a general authority from Heritage New Zealand to damage, destroy or modify any part of the site located within the building platform and associated access way of Lot 4. This authority shall be provided to Council at the time of building consent application.
7. The landowners of Lots 3-6 shall maintain all the vegetation on their respective lots and collectively on Lot 7, including plant pest and weed control measures, as detailed in the Landscape Management Plan provided to Council under Stage 2 condition D12 of subdivision consent SUB/2013/87. Maintenance and enhancement of the indigenous vegetation shall be carried out by the landowner in perpetuity.
8. There are maximum vegetation height restrictions for Lots 4, 6 & 7 shown on the Landscape Mitigation Concept Plan prepared by Boffa Miskell Limited, dated 20 April 2015, Revision C. Vegetation within these areas shall be maintained in accordance with the height restrictions outlined in the Landscape Management Plan provided to Council under Stage 1 condition D14 of subdivision consent SUB/2013/87.
9. All residential buildings and activities on Lots 3-6 shall meet the recommendations contained within the Draft Natural Character, Landscape and Visual Assessment report prepared by Isthmus, titled "*Purangi Road, Cooks Beach Subdivision*", dated October 2013 and the following development standards:
 - a). Only one residential building shall be permitted per lot.
 - b). The maximum height of all buildings shall be restricted to 6m above the original ground levels. Original ground levels are those that existed at the time of subdivision application for subdivision consent for Lots 3-6, SUB/2013/87.
 - c). All buildings, including accessory buildings, shall be located within the 800m² identified building platform, shown on the survey plan.
 - d). All buildings shall be designed with low pitched roofs and windows and doors that are recessed beneath eaves.
 - e). All glazing shall be non-reflective tinted glass.
 - f). The colour reflectivity of the exterior cladding and roof of all buildings shall not exceed a reflectivity rating (LRV) of 25%.
 - g). Exterior lighting shall be kept to a minimum and avoided beyond the identified building sites. Exterior lighting on or around a house shall be restricted to down lighting directed in such a way as to ensure that 'light-spill' will be minimised and fully contained within the boundaries of the lot.

These matters shall be addressed and evidence provided that they have been met to the satisfaction of the Council's Development Planning Manager, at the time of lodging a building or resource consent application for any buildings on Lots 3-6. If for any reason Council is not satisfied that the above conditions have been met then a landscape and visual assessment may be requested at the owner's expense.

10. Lot 4 contains a height restriction zone shown on the landscape mitigation concept plan prepared by Boffa Miskell Limited and dated 20 April 2015 – Revision C. The current and future owners on Lot 4 shall ensure that any planting within the Height Restriction Zone will not exceed 1.8m above existing ground level shown within the area marked "A" and that subject to survey, and prior to the Council issuing the s223 RMA certificate, an accurate RL level will be identified over the areas marked "A" and "B" shown on the Landscape Mitigation Plan. There shall be no buildings located within the Height Restriction Zone.
11. Any proposed and future landscape planting undertaken adjacent to the western boundaries (shown as Area D) on Lots 6 and 7 shall be restricted in height to a maximum of 6m and the area shown as "C" on Lot 6 shall be restricted to a height of 9m and be in accordance with the Landscape Mitigation Concept Plan prepared by Boffa Miskell Limited dated 20 April 2015 and any Landscape Management Plan associated with Lot 7 shall ensure the landscape height restriction is met.

Advice Notes

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

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

2. Pursuant to section 125 of the Resource Management Act 1991, this consent lapses five years after the date it is granted unless:
 - (a) The consent is given effect to, i.e the s223 RMA certificate has been issued; or
 - (b) The Council extends the period after which the consent lapses.
3. All electric wiring and telephone cables within the subdivision shall be underground.
4. Written approval will need to be obtained from Council's Development Engineer before any part of the approved 'Quality Management Plan' can be varied. For auditing purposes, records will need to be maintained and made available to the Council's engineering representative upon request.
5. All fees associated with approvals and inspections will need to be paid prior to the release of the s224(c) RMA certificate.
6. Overland flow paths should be directed along a route to a controlled discharge point so as to not worsen any flooding downstream of the site or enter building sites in a 2% AEP event. This may require physical works.

7. All necessary consents should be obtained from the Waikato Regional Council (WRC).
8. The New Zealand Fire Service is available to provide advice on the most effective and practical form of compliance with SNZ PAS 4509 'NZ Fire Service Fire-fighting Water Supplies Code of Practice', in individual cases of development and subdivision. Note that SNZ PAS 4509 is flexible in that it provides several options for compliance in non-reticulated areas.
9. The consent holder will be responsible for any costs associated with damage to any Council assets either during or following the proposed works.
10. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts or Maori and European origin or human burials. In the event of the accidental or unexpected discovery of archaeological features, including human remains the following shall be undertaken:
 - All work within the vicinity of the discovery should cease immediately.
 - A buffer of at least 5 m should be set up around the discovery and this should be marked on the ground, preferably with pegs and tape, or similar.
 - All machinery and plant should be removed from the buffer zone where this is possible.
 - The site archaeologist, or other qualified archaeologist, shall be informed.
 - The Heritage New Zealand and Thames-Coromandel District Council shall be informed.
 - If the discovery is of Maori origin, the relevant tangata whenua authorities should be informed. Appropriate protocols (tikanga) should be observed.
 - If the discovery is of human remains, the New Zealand Police should be informed.
 - The archaeologist should take relevant steps to secure the area of the discovery.
 - The archaeologist will assess the discovery and advise Heritage NZ and the client on the relevant steps to be taken.
 - Works in the area of the discovery shall not recommence until authorised in writing by the archaeologist in consultation with any identified affected parties or Heritage NZ.



AR Watson

5 June 2015

Meeting Closed at 15:27.

The foregoing Minutes were certified as being a true and correct record of the meeting of the Independent Commissioner Hearing held on 19 May 2015.



Commissioner Alan Watson _____ 11 June 2015