

The Washer Family Trust

762 South Road - Omata

File reference: SD 41299

Property reference: 005683

Proposal

This application seeks resource consent to subdivide four additional lots from the land legally described as Lot 2 DP 20763. Each lot will be a minimum of 4000m² and it is proposed to have only one house constructed on each of the additional four lots.

The site currently has resource consent approval granted by Council for twenty-six lots. Two consents have been granted, one in 2002 (20 lots) and another consent in 2004 (6 lots). The applicant seeks to achieve an integrated “farm park” development including:

- Thirty individual residential lots
- Fifteen fenced and fifteen unfenced lots
- Balance access lot held in common at 1/30th share by each residential owner
- Residents association/body corporate management structure
- Consent Notices attached to titles

Background

In 2001 a subdivision application was made by McKinlay and Co to divide Lot 2 DP 20763 into 18 lots. Subsequently and following discussion with NPDC staff, an application for 20 lots was approved. The subdivision application was for a “farm park” that included provisions for enhancing esplanade reserves and strips, public vehicular access and parking, landscapes integration and enhancement planting. Each lot would have equal share in the balance lot. Consent was granted for this non-notified application in September 2002.

Following this consent being granted, the applicant lodged a further application in October 2003 for an additional 6 lots. This application demonstrated that the additional 6 lots fit with the original concept. Consent was granted for this non-notified application in January 2004.

There has been development work done on the site in accordance with the conditions of the two consents already granted. However the respective consents

for 20 and 6 lots have yet to have a survey plan to be submitted to Council to give effect to the subdivision consents.

This application for resource consent to create four additional lots on this site is a non-complying activity under the New Plymouth District Plan as it proposes to create lots that do not have road frontage. These four lots will bring the development of the site to a total of thirty lots, each of 4000m² subdivided from the one parcel of 77.28 ha in the Rural Environment Area.

Submissions

The application was publicly notified. Four submissions were received following public notification. These submitters were as follows:

Name	Address	Decision Sought	Wishes to be Heard
Okurukuru/Hillcrest Trust (Peter Hayward)	C/- 78 Plymouth Road RD 4 New Plymouth	Conditional Approval	No
Gregory Paul Roper	851 Main South Road RD 4 Oakura, New Plymouth	Conditional Approval	Yes
Alf Pieters – NPDC Roding	Private Bag 2025 New Plymouth	Conditional Approval	No
New Zealand Historic Places Trust (Laura Paynter)	Central Region Office PO Box 19173 Wellington	Opposes in Part	Yes

Okurukuru/Hillcrest Trust conditionally supports the proposed subdivision. He advised prior to the hearing that his concerns could be addressed through a covenant that the applicant has agreed to attach to each title.

Gregory Roper has reached agreement with the applicant on a proposed consent condition that will preserve a view shaft to the mouth of the Tapuae Stream. He did not attend the hearing.

Alf Pieters of NPDC Roothing supports the addition of four new lots on this subdivision on the condition that the roads and rights-of-way comply with the applicable standards of the Roothing Code of Practice (CoP). He did not attend the hearing.

The New Zealand Historic Places Trust (NZHPT) initially opposed the application. Following discussion with the applicant the NZHPT advised that alterations to the subdivision layout, particularly Lot 27, would avoid impacts on archaeological sites and they had no objection to granting resource consent. The NZHPT did not attend the hearing.

No submitters were in attendance at the hearing to present their submission, and the further correspondence the applicant had with submitters was available for the Hearings Commission.

The Decision

Pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991, the notified application for resource consent for a four lot subdivision located at 762 South Road, Omata, being Lot 2 DP 20763 is **granted consent** subject to the following conditions:

Conditions of Consent

General Conditions of Consent

1. The subdivision and development shall be in accordance with the plans and information submitted with the application and identified as follows:

Subdivision Plan	McKinlay & Co Surveyors Ltd Plan of Subdivision (excluding Lots 27 and 28) W-11244 Rev 3 (dated 11/05 and attached as Plan A1) and Plan of Proposed Lots 27 and 28 – W-11244 (dated 03/06 and attached as Plan A2)
Figure 1	Landscape Plan Job No. 05306: Date 22/11/05 Revision B (including landscaping details and methodology prepared by Boffa Miskell dated May 2003) attached as Plan B
Figure 2	House Types Date 19/10/2005 Job No. 05306 (Attached as Plan C)
Figure 3	Typical House Type Plan Drg No. 05306 Date 22/11/2005 Revision B (Attached as Plan D)
Figure 4	Visual Simulations - Viewpoint 1
Figure 5	Visual Simulations - Viewpoint 2
Figure 6	Visual Simulations - Viewpoint 3
Figure 7	Visual Simulations - Viewpoint 4

2. The applicant is responsible for all costs associated with complying with the conditions.

3. All work carried out on the subdivision will be to standards acceptable to the New Plymouth District Council.
4. One copy of the Title Sheet (A3 size) is to be provided when the Survey Plan is submitted for approval.

Fees and Charges

5.
 - (a) Approval fees are to be paid in accordance with Council's Schedule of Subdivision Fees and Charges when the Survey Plan is submitted for approval.
 - (b) The applicant shall pay to the Council an engineering and inspection fee of \$7,500 excluding GST.
 - (c) The consent holder shall pay the Council's costs of any monitoring necessary to ensure compliance with the conditions as specified. Monitoring will be carried out by the Environmental Planner – Monitoring and the cost payable will be charge out rate current for that financial year.
6. Goods and Services Tax payable on all land and services vested without charge in the Council shall be paid to the Council by the applicant upon presentation by the Council to the applicant of a tax invoice.

Limitations as to Further Subdivision

7. Lots 31 and 32 shall not be further subdivided and cannot be disposed other than in conjunction with lots 1 to 30.
8. A Reserve Contribution is payable on Lots 1 to 30 unless it is demonstrated that all Lots 1 to 30 have unambiguous ownership of the larger Lots 31 and 32 and that Lots 31 and 32 cannot be disposed of other than in conjunction with Lots 1 to 30.
9. A schedule of assets to vest in Council and their value shall be provided to Council.

Amalgamation Condition

10. An amalgamation condition shall apply as follows:

“That Lots 31 and 32 hereon (legal access) be held as to thirty undivided one-thirtieth shares by the owners of Lots 1 to 30 hereon as tenants in common in the said shares and that the individual Certificates of Title be issued in accordance therewith.” See Request 566539

Memorandum of Easements

11. A memorandum shall be shown on the Survey Plan and easements created for services as required.
12. All telephone and electric power cables required to service the subdivision shall be laid underground.

Duration of the Consent

13. This consent is valid for three years from the date of granting.

Minimum Lot Size

14. The minimum allotment size of Lots 1 to 30 shall be 4,000m² per lot.

Protection of Waahi Tapu Sites

15. The two pa sites shall be fenced off and planted in native vegetation, as agreed between the consent holder and Nga Mahanga A Tairi.
16. Native trees shall be planted on the adjoining Section 139 Omata District as agreed between the consent holder and Nga Mahanga A Tairi.

Protection of Archaeological Sites

17. Lot boundaries and building areas shall be set to avoid known archaeological sites. The boundaries of Lot 27 shall generally be as shown on Plan A2 attached to this consent.
18. A plan of Fort Robert and associated hut sites shall be prepared, with the assistance of a suitably qualified archaeologist, in order to determine a road alignment with the least adverse effect on the Fort and associated features.
19. A vegetation plan and work specification shall be prepared to guide the planting work to be carried out on the two pa sites. The plan and specifications shall be consistent with the principles of the ICOMOS NZ Charter for Conserving Heritage and Historic Places.
20. In the event that any activity associated with this proposal (e.g. earthworks, landscaping or fencing) is likely to modify damage or destroy an archaeological site, an authority from the NZ Historic Places Trust shall be obtained. If an archaeological site is encountered during works on the proposed development, work shall cease immediately and the NZ Historic Places Trust shall be notified so that an archaeological assessment can be made and advice given accordingly.

Protection of Bush Areas and Cabbage Tree

21. The native bush areas shall be defined and shall be subject to a Conservation Covenant, for the purpose of encouraging the protection and regeneration of indigenous vegetation. The Covenant shall be ongoing and shall be registered against the Certificate of Title of Lot 31 pursuant to Section 221 of the Resource Management Act 1991.
22. The areas of bush shall be fenced at a minimum standard of a permanent one-wire electric fence.
23. The mature cabbage tree on Lot 31 shall be protected as a condition of consent and shall be subject to the provisions of Section 221 of the Resource Management Act 1991.

Revegetation and Enhancement Planting

24. Revegetation and enhancement planting shall be undertaken in accordance with the application and the supporting information contained therein, and in particular the "Tapuae Landscape Concept" document prepared by Boffa Miskell Ltd and dated May 2003. Prior to the commencement of the revegetation work, a planting plan and maintenance programme shall be submitted to Council for approval.
25. The planting plan and maintenance programme shall specify the quantities, species, size (PB Grade) and location of the proposed vegetation and shall ensure

ongoing release of plants from weed and grass infestation, replacement of plants that are dead or in poor health, and possum control.

26. Certification from a suitable qualified and experienced independent professional person that the revegetation and rehabilitation planting has been undertaken in accordance with the aforementioned report shall be provided to the satisfaction of the Chief Executive or his/her nominee.
27. The respective owners of Lots 1 to 30, or their nominee (body corporate) shall on a continuing basis, take all reasonable steps to maintain, preserve and protect the vegetation established in accordance with Condition 24 above.
28. In particular the owners of Lots 1 to 30 or their nominee, shall:
 - Within 20 working days of the fifth anniversary of the date on which the Section 224(c) certificate is issued, submit to Council a report from a suitably qualified and experienced independent professional person confirming that the vegetation is being appropriately maintained, preserved and protected;
 - Thereafter continue to maintain, preserve and protect the vegetation in good and healthy condition;
 - In the event of loss or destruction of vegetation for any reason, replace and replant such vegetation in accordance with the planting plan to the satisfaction of Council.
29. The consent holder shall enter into a bond to the assessed value of the physical works required by Condition 24 above that are uncompleted at the date of the issue of the Section 224(c) certificate. The bond shall be in the form of a bank guarantee or other suitable security to the satisfaction of Council. The bond shall remain in force until the works are completed to the satisfaction of Council.
30. Rehabilitated vegetation shall be fenced and may where appropriate be subject to protection pursuant to Section 221 of the Resource Management Act 1991.

Esplanade Reserves and Strips

31. Lot 33 shall vest in Council as Esplanade Reserve. The common boundary, as shown on Part Consent Plan W-11244 dated 07/06 as attached to this consent, between Lots 31 and 33, An alternative configuration may be agreed between Council and the consent holder.
32. Pursuant to the provisions of Section 234 of the Resource Management Act 1991, the present esplanade strip shall be varied as follows;

- The Strip shall be cancelled over that part of the land to become reserve (Lot 33);
- The Strip shall be increased in width to 30m where it adjoins the true right bank of the Tapuae Stream on Lot 32.

Building Platforms

33. An inspection shall be carried out and a report prepared on soil compatibility by a suitably qualified registered engineer to confirm the suitability of Lots 1 to 30 for on-site stormwater and wastewater disposal and to confirm a suitable building platform in accordance with Appendix 21.1 of the District Plan. The area for wastewater disposal shall be shown within lot boundaries.
34. Council may waive the requirement to have an equivalent area set aside within lot boundaries, and may permit the use of Lot 31 should difficulties arise. Other innovative solutions may be accepted.
35. The report shall take into account the Coastal Hazard Overlay provisions of the District Plan.
36. Any recommendations requiring specific on-site stormwater and wastewater disposal shall be subject to a Consent Notice under Section 221 of the Resource Management Act 1991 noting soil conditions, site investigation details and recommendations.
37. If necessary to achieve report recommendations allotment boundaries shall be modified.

Bulk, Location and Design Controls

38. Pursuant to Sections 220 (1)(c) and 221 of the Resource Management Act 1991, the following conditions shall apply, and shall be registered as a Consent Notice on the Respective titles for Lots 1 to 30.
39. No residential dwelling shall be located on Lots 31 or 32.
40. The number of habitable dwellings on Lots 1 to 30 shall be limited to one per lot.
41. Distances between buildings and new boundaries shall comply with the requirement for existing buildings to meet standards in relation to new boundaries (Rule Rur77).
42. All building development on Lots 1 to 30 shall be generally in accordance with Figure 2 “House Types” attached to this consent as Plan C.
43. The range of materials used on buildings will be limited to those with a minimum of applied finish, buildings being coloured by the natural patina developed over age.

44. External materials shall be:

- Natural stone
- Lime washed solid plaster
- Earth brick
- Cast concrete
- Timber
- Powder coated zincalume.

45. Roofing materials shall be limited to:

- Timber shingles
- Natural slate
- Copper
- Textured bituminous membranes in tile form
- Long run non-reflective roofing material.

46. Other external components will be limited to:

- Metal stormwater systems
- Selected use of a range of powder coated exterior window joinery and stormwater systems in a range of colours matching local flora.

Location Restriction

47. That area marked A on plan W-11244 shall be maintained entirely in pasture, and no building or structure shall be erected on the aforesaid area, other than a standard post, wire and batten fence, and visible from Lot 1 DP 18622 Blk II Wairau SD, in order to maintain an unimpeded view shaft to the sea. This view shaft shall be identified by the following coordinates:

2594702 ME to 2595002 ME
623355 MN 6231917 MN

Earthworks

48. The consent holder shall appoint a suitably qualified registered engineer to design, control and certify all earthworks associated with roading and rights-of-way and a Certificate shall be provided regarding design and compaction.

49. All uncompacted fill shall be identified and shall be shown on final plans and be subject to a Memorandum of Location restriction.

50. All earthworks undertaken shall employ the best practicable means of minimizing the escape of silted water or dust from the site. A description of the proposed means of mitigating these effects shall be submitted and approved and put in place prior to any earthworks commencing.

51. Earthworks shall be staged to ensure a minimum ground area is open at any one time for construction.
52. The amount of cut and fill shall be kept at the lowest possible level in achieving the necessary cut to fill balance.
53. Roading shall be shaped to ensure surface runoff is channeled towards grassed swales and ponds where stormwater infiltration or detention is proposed. Where there is an ongoing discharge to natural water, swales will be planted in native species.
54. Engineering plans shall include proposed earthworks in detail, including construction timeframes, proposed staging, methodology and sediment control measures.
55. Silt detention shall be maintained and cleaned out where necessary until such time as regrassing is complete or other non-erodable surfaces have been reinstated.
56. All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and roads, including but not limited to:
 - The staging of areas of work;
 - The installation and maintenance of wind fences and vegetated strips;
 - Watering of all haul roads and manoeuvring areas during dry periods;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by prevailing wind conditions.
57. All identified archaeological sites, all areas of native bush, and the mature cabbage tree on Lot 31, shall be cordoned off from the remainder of the property by a fence or similar barrier prior to the commencement of any work on the site. This barrier shall be constructed to the standard that will prevent:
 - Vehicular traffic through the area;
 - The area being used for temporary storage of materials;
 - The modification of the areas existing contour;
 - Excavations within the area; and
 - The lighting of fires in the area.

Roads and Rights of Way

58. The design and construction of the road and carpark shall as far as practicable be integrated with the coastal landscape. Consideration shall be given to varied carriageway (cross-section and layout) design and regard given to pedestrian and bridle paths. The following standards shall apply:
 - The minimum legal road width shall be 16 metres;

- The carriageway seal width shall be two lane and a minimum of 3.0m per lane;
- Where stormwater from the road is controlled by kerb and channel, the berm width shall be a minimum of 3.0m;
- Where the stormwater is controlled by surface water channel the berm width shall be a minimum of 5.0m;
- The maximum grade shall be 12.5%; and
- All cut batters shall be within the adjacent private property.

59. The design and construction of the rights of way shall as far as practicable be integrated in the coastal landscape. The following standards shall apply:

- Major internal rights of way shall have a minimum legal width of 7.0m;
- Minor internal rights of way shall have a minimum legal access width of 5.0m;
- The internal right of way serving Lots 13, 15, 16, 17, 21 and 22 shall have a minimum formation width of 5.0m from the major internal right of way to the entrance of Lot 15;
- The internal right of way serving Lots 18, 19, 20, 23, 24 and 25 shall have a minimum formation width of 5.0m from the major internal right of way to the entrance of Lots 23 and 25;
- Cut and fill batters are to be located within the legal width of the right of way;
- Rights of way shall generally be located clear of ridgelines;
- Right of way carriageways shall be 3.6m wide with 5.0m passing bays (determined at the time of the preparation of engineering plans); and
- The maximum grade shall not exceed 1 in 5 and where the grade of the right of way is greater than 10%, the right of way shall be sealed.

Stormwater Control

60. Secondary flow paths from the road and rights of way (particularly as they relate to building platforms) shall be shown.

61. Surface runoff is to be channeled towards grass swales and ponds where stormwater and infiltration or detention is proposed. Where an ongoing discharge to natural water is proposed these swales shall be planted in native species.
62. Where the road crosses the existing stream a culvert suitable for the catchment shall be designed and installed in accordance with Council's Stormwater Code of Practice.
63. Stormwater swale drains shall be monitored and maintained by the consent holder for a minimum of two years from the date of the issue of any certificate under Section 224 (c) of the Resource Management Act 1991. Monitoring reports shall be submitted to Council at three monthly intervals.

Codes of Practice and Standard Specifications

64. All of the above works are to be designed and constructed in accordance with the following current and relevant New Plymouth District Council Codes of Practice and Standard Specifications.
 - Part 3: Roading Code of Practice
 - Part 5: Stormwater Code of Practice
 - Part 6: Water Reticulation Code of Practice
 - Part 7: Vehicle Crossing Code of Practice
 - Standard Specification for Sanitary Sewers and Stormwater
 - Standard Specification for Water Reticulation
65. Other alternative and innovative solutions may be approved for those aspects where the standards of the Code of Practice are unable to be met or can be achieved in a different way. Emphasis shall be placed on retaining the natural character of the coastal environment and integrating all infrastructure works into the environment.
66. Detailed engineering plans, specifications, estimates and as-builts shall be provided for all works including earthworks and silt detention measures. On completion of works, a Completion Report and Certificate signed by the registered engineer who designed and supervised the work shall be submitted in terms of Section 1.5 NZSS 4404:2004

Note: The applicant should be aware that the Historic Places Act 1993 (HPA) provides for the identification, protection, preservation and conservation of historic and cultural heritage in New Zealand. Under Section 2 of the HPA, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Section 10 directs that an authority is required from the New Zealand Historic Places Trust if there is "reasonable cause" to

suspect that an archaeological site may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted, or the activity is permitted in a Regional or District Plan. Evidence of archaeological sites may include oven stones, charcoal, shells, ditches, banks, terraces, stone walls, building foundations, artifacts of Maori or European origin or burials.

Note: Structures such as retaining walls, in ground walls and bridges requiring Building Consent under the Building Act shall obtain a Building Consent which can include the use of a Producers Statement from an appropriately qualified person.

Note: The plans required under this consent are separate from and do not form part of any Building Consent that may be required on the site.

Note: Consultation shall be undertaken with the Taranaki Regional Council in respect of the requirement for silt control measures as the land adjoins the Tapuae Stream and the Tasman Sea.

Reasons for the Decision

Pursuant to Section 113 of the RMA 1991, the reasons for this decision are as follows:

1. The proposal is considered consistent with relevant objectives and policies of the New Plymouth District Plan. The proposed subdivision will not adversely affect environmental and amenities values and will not diminish rural character.
2. The adverse effects on the environment are considered to be no more than minor. It is considered that implementation of the landscape/visual impact mitigation measures recommended in the Boffa Miskell landscape report (Landscape Plan Job No: 05306; Date: 22/11/2005 Revision B including landscaping details and methodology prepared by Boffa Miskell dated May 2003), will ensure that any landscape character and amenity effects potentially created by the proposal will be appropriately avoided or mitigated.
3. The unique qualities of this site in relation to the topography and its location to the coastal environment lend it to development as a 'farm park'. The land rises sharply up from the coast and contains relatively deep valleys that are traditionally difficult to farm.
4. Implementation of the proposed mitigation measures (which are the subject of specific consent conditions) will ensure that any adverse environmental effects will be no more than minor. In addition, the proposed mitigation measures will

result in positive environmental effects being created including the enhancement of currently unprotected existing areas of native vegetation and re-vegetation and enhancement of the coastal amenity values.

The relevant statutory provisions that were considered:

1. This application was considered to be a non-complying activity and was assessed in terms of Sections 104, 104B and 104D and Part 2 of the Resource Management Act 1991.

Other relevant provisions that were considered

The provisions of the following documents were considered by the Hearings Committee:

National Policy Statement Provisions

None applicable

New Zealand Coastal Policy Statement Provisions

Policies 3.1.1, 3.2.1, 3.2.4,

Taranaki Regional Council Policy Statement Provisions

Not applicable

Taranaki Regional Council Plan Documents

Not applicable

District Plan Provisions

The Management Strategy contains objectives and policies in Issues 1, 4, 11, and 13. The Rural Environment Area section of the plan regarding rules related to subdivision of land (Rur76-Rur84).

Other Legislation

None applicable

The Principal issues that were in contention

The principal issues that were in contention were:

1. Whether the Section 104D tests of the Resource Management Act 1991 can be met in relation to the adverse effects on the environment being minor, and that the application is for an activity that will not be contrary to the objectives and policies of the District Plan.

2. Whether the proposed subdivision will contribute to the issue of reverse sensitivity, given that this is a rural environment with the usual type of activities associated with that environment being undertaken.
3. Whether the proposed subdivision will have adverse effects on the known archaeological sites within the application site and the ability to provide an adequate level of protection for these sites.
4. Whether the proposed activity was unique and the site had features that are able to be distinguished from other similar applications that Council may receive.

Summary of Evidence Heard

Evidence on behalf of the applicant was introduced by Rhys Armstrong and presented by:

- Mr Rhys Armstrong, TRM Consultants
- Mr John Washer
- Mrs Mary Washer
- Mr Peter Kensington, Boffa Miskell

Mr Armstrong introduced the application and described the ‘farm park’ concept. The key issues from the applicant’s viewpoint were outlined. He offered an opportunity to adjourn the hearing and have a further site visit.

Mr Washer read from prepared evidence described his background and the process they had gone through to get the application to this stage.

Mrs Washer outlined from prepared evidence the landscaping that has been done on the site to date, and what is proposed for the future.

Mr Kensington read prepared evidence on the professional landscape architectural and landscape planning advice that he had given to the applicant. This reviewed the key aspects of the subdivision, the potential effects on both rural landscape and coastal landscape. He concluded that the natural carrying capacity would be reached with these four lots and maintained that with the landscape values of the site enhance a sustainable management outcome.

Mr Armstrong then read planning evidence on the application. He considered the “gateway” tests for a non-complying activity, Part II considerations, The New Zealand Coastal Policy Statement, District Plan Objectives and Policies, Assessment Criteria, and the submissions. Mr Armstrong concluded that the ‘carrying capacity’ of the site was not exceeded in approving these four lots and with the design guidelines to be implemented the site had a ‘total design solution’ philosophy.

Mr Alan Doy the applicant’s surveyor (McKinlay and Co) was also present to answer any questions if required.

Following each persons evidence, the Hearing Commission asked questions to clarify and seek explanation of relevant matters.

The report writer for the Council, Bruce Baker, (Senior Planner, Beca Carter Hollings and Ferner Ltd) presented the planning report he had written. This was pre-circulated and taken as being read. Mr Baker outlined the issues regarding the proposed subdivision and answered questions from the Hearing Commission. Council's Development Engineer, Mr Lester Barnes was also present to answer questions. He raised the matter about roading regulation on the access ways within Lot 31.

There were no submitters present who wished to read or present evidence. One submitter did attend the hearing as a member of the public to observe the proceedings but advised that she did not wish to speak.

The Main Findings of Fact

The main findings of fact that led to the above decision and the reasons for that decision are as follows. A decision has been reached after considering the application, the submissions lodged, the evidence presented at the hearing, the planners report written for Council, the relevant statutory and planning provisions, and the principal issues that were in contention as well as a site visit. The Committee finds that:

1. The 'permitted activity baseline' established consent approval for 26 lots on this site, each providing for one house per lot. The proposed subdivision for four lots is assessed in the context of 26 lots having been granted consent.
2. The submitters to the application were not opposed to the proposed subdivision. They had valid concerns that were addressed through consent conditions and the applicant's willingness to have covenants on the site.
3. The adverse effects of the activity will be no more than minor for the reasons described above and for the reasons given in this decision.
4. Lot 27 is able to have the lot boundaries amended to allow the archaeological site (kumara pit) to be fully within Lot 31.
5. The landscaping of the site will address rehabilitation of a site within the coastal environment and allow those matters in Part II of the Resource Management Act 1991 to be provided for.
6. The proposed subdivision is seen to be consistent with the sustainable management purpose and principles of the Resource Management Act 1991.

Councillor M Merrick
Hearing Commission Chairman

Signed this _____ day of _____ 2006