

**CLEAN COPY OF CONSENT CONDITIONS AGREED BETWEEN K HOOPER
AND L BUTTIMORE – Hearing for B, M and R Sim
25 May 2023**

SUB21/47781

Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991:

1. The subdivision activity shall be carried out in accordance with the plans and all information submitted with the application, and all referenced by the Council as consent number SUB21/47781.
2. The application for a certificate under section 224(c) of the RMA shall be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent have been complied with and that in respect of those conditions that have not been complied with:
 - a. a completion certificate has been issued in relation to any conditions to which section 222 applies;
 - b. a consent notice has been or will be issued that in relation to any conditions to which section 221 applies;
 - c. a bond has been entered into by the subdividing owner in compliance with any condition of subdivision consent imposed under section 108(2)(b).

Survey Plan Approval

3. The survey plan shall conform with the subdivision scheme plans submitted by Juffermans Surveyors Ltd and entitled "Lots 1, 4, 5 & 6 being a subdivision of Part Lot 1 DP 8787 and Lot 1 DP 19869"; Job Number 20198; 20 April 2023.
4. The building platform on Lot 5 shall be consistent with the plan submitted by Juffermans Surveyors Ltd entitled "Proposed House Location Lot 5, 6 Leith Road Okato, dated 23 January 2023" and identified and marked on the survey plan.
5. The building platform on Lot 1 shall be consistent with the plan submitted by Juffermans Surveyors entitled "Lots 1, 4, 5 & 6 being a subdivision of Part Lot 1 DP 8787 and Lot 1 DP 19869"; Job Number 20198; 20 April 2023 and shall be marked and defined on the survey plan.
6. That the consent be subject to the following amalgamation condition:
'That Lot 6 hereon is held with Lot 2 DP 18489 and that one Record of Title is issued herewith'.

Building platforms and onsite stormwater disposal systems

7. An inspection and a report shall be carried out of soil compatibility by a suitably qualified person and submitted to the council to confirm the suitability of Lot 1 for on-site stormwater disposal.
8. A report shall be provided from a suitably qualified person to confirm that there is available within Lot 1 a stable flood free building platform suitable for building foundations in accordance with the requirements of the New Zealand Building Code – Acceptable Solution B1/AS4 of Approved Document B1/4; Structure Foundations.
9. Any recommendations requiring specific on-site stormwater and building platform shall be subject to Consent Notice under Section 221 of the Resource Management Act 1991.

Vehicle Entrance

10. The existing vehicle crossings servicing Lots 4 and 5 shall be upgraded to a Type G vehicle crossing and shall be constructed to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard.
11. The unused crossing on Lot 4 shall be removed and the road reserve reinstated with grass.

Advice Note

An application with the appropriate fee shall be made to the Council for a new and or upgraded Vehicle Crossing, and upon approval the vehicle crossing is to be installed by a Council approved contractor at the applicant's cost.

Consent notices on Lots 1, 4, 5 & 6

Lots 1 & 5

12. The consent holder or future owners of proposed Lots 1 and 5 shall comply with the following:
 - a) All buildings on Lots 1 and 5 shall be limited in terms of finish to exterior surfaces, this includes roofs and walls, recessive (shades rather than tints) and colours to have reflectivity values of below 20% for roofs and 40% for exterior walls.
 - b) All new driveways and accessways for Lots 1 and 5 shall finished in rural material and shall be a mid to dark grey in colour.
 - c) All habitable buildings on Lots 1 and 5 shall be single storey and less than 6m in height.
 - d) Only one habitable building (including sleep outs and minor residential units) shall be constructed on Lots 1 and 5.
 - e) Any new habitable dwelling on Lot 5 shall be the same or similar in scale to that of the former dwelling on site.

- f) Water tanks on Lots 1 and 5 shall be recessive shade less than 35% reflectivity and shall be integrated with the dwelling design and either screened or planted from the view from the road, if not located underground.
- g) All external lighting on Lots 1 and 5 shall be hooded or cast down so that no lamp source is visible.
- h) All earthworks on Lots 1 and 5 shall include sediment control measures and be limited in height to 1.5m unless created at a batter of no steeper than 3 horizontal to 1 vertical. Any exposed earthworks shall be grassed.
- i) Fencing on Lots 1 and 5 shall be limited to post and rail or post and batten only.
- j) Habitable building on Lot 5 shall be limited to the areas marked and defined on the survey plan.
- k) Within the next planting season following completion of the dwelling on Lot 1 native planting shall occur along the full extent of the driveway, along the southern side of the driveway on Lot 1. A minimum of two rows of native vegetation at 1m spacings capable of reaching a minimum height of 3m in six years shall be planted. Species should be selected from the coastal zone list in the Taranaki Tree Trust publication "Restoration Planting in Taranaki: A guide to the Egmont Ecological District". This publication is available on the TRC website.
- l) Any habitable building and all curtilage (including but not limited to water tanks, septic tanks and ancillary buildings) associated with the dwelling on proposed lot 1 shall be contained within the area shown as "A" on the scheme plan.
- m) All habitable buildings on Lots 1 and 5 shall be limited to the areas marked on the survey plans.
- n) The landowner or occupier on Lots 1 and 5 will not interfere or restrain activities from occurring on land surrounding the burdened land where those activities are permitted by, and carried out in accordance with, the District Plan, Regional Plans or any replacement plans.
 - a. The landowners or occupier will not:
 - i) Make nor lodge; nor
 - ii) Be party to; nor
 - iii) Finance nor contribute to the cost of;

Any submission, proceeding or appeal designed or intended to limit, prohibit or restrict activities that are permitted and carried out in accordance with the District Plan or Regional Plans or any replacement plans.

Lot 6

- 13. The consent holder or future owners of proposed Lot 6 shall comply with the following:
 - a) The number of habitable buildings (including minor residential unit and sleep outs) shall be restricted to one, and no habitable building shall be located within 180m of the Leith Road boundary.

- b) Riparian planting and fencing within Lot 6 along the length of the waterbodies (tributaries of the Katikara Stream) shall be retained, maintained and enhanced on an on-going basis.
- c) Any dead or diseased species within the riparian planting (excluding invasive exotic species) shall be replaced as soon as practicable within the next planting season.
- d) Any damaged fencing along the riparian margins shall be replaced to ensure stock proof fencing permanently along the stream margins.

Lot 4

14. The consent holder or future owners of proposed Lot 4 shall comply with the following:

- a) Only one habitable building (including minor residential unit and sleep outs) shall be constructed on this allotment
- b) Fencing shall be limited to post and rail or post and batten only.
- c) All new buildings shall be limited in terms of finish to exterior surfaces, this includes roofs and walls, recessive (shades rather than tints) and colours to have reflectivity values of below 20% for roofs and 40% for exterior walls.
- d) All buildings on Lot 4 shall be single storey and less than 6m in height.
- e) Any new habitable building on Lot 4 shall be the same or similar in scale to that of the current existing habitable building on site.
- f) The landowner or occupier will not interfere or restrain activities from occurring on land surrounding the burdened land where those activities are permitted by, and carried out in accordance with, the District Plan, Regional Plans or any replacement plans.
 - a. The landowners or occupier will not:
 - i) Make nor lodge; nor
 - ii) Be party to; nor
 - iii) Finance nor contribute to the cost of;
 Any submission, proceeding or appeal designed or intended to limit, prohibit or restrict activities that are permitted and carried out in accordance with the District Plan or Regional Plans or any replacement plans.

Lots 1, 4, 5 and 6 (All lots)

15. The consent holder or future owners of proposed Lots 1, 4, 5 & 6 shall comply with the following:

- a) Each new dwelling shall be supplied with a dedicated firefighting water supply, and access to such supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, which must thereafter be maintained.
- b) The Consent Holder or future owners of Lots 1, 4, 5 & 6 shall arrange for cultural monitoring during any earthworks on any allotment. Five days prior to earthworks commencing Nga Mahanga A Tairi hapū shall be notified to allow time to arrange a monitor to be on site.

Note: Cultural monitoring shall be at the consent holder or future owners of Lots 1, 4, 5 & 6.

c) The Consent Holder or future owners of Lots 1, 4, 5 & 6 shall consult with Nga Mahanga A Tairi hapū for any earthworks for services and or buildings within 200m of Puekti Pa (Site ID 197). Nga Mahanga A Tairi shall approve the mitigation measures for earthworks associated with these activities.

d) If archaeological or cultural material is accidentally discovered during earthworks, work in the immediate area will stop and an Accidental Discovery Protocol shall be implemented. Nga Mahanga A Tairi hapū shall be notified.

e) No further subdivision of lots 1, 4, 5 or 6 shall occur while the land remains in the Rural Production Zone or other similar rural zoning.

16. The consent holder or future owners of proposed Lots 1, 4, 5 & 6 shall comply with the following:

a) All planting established and or existing and identified to be retained in accordance with the Landscape Planting Plan [insert name + reference details of Landscape Planting Plan certified in accordance with Condition 23] and the planting set out in condition 14(l) shall be maintained by the owner and shall not be destroyed or removed. The owner shall replace any dead or dying plants with the same species in accordance with the [insert name + reference details of Landscape Planting Plan] and or condition 14(l) within the following planting season.

17. Conditions 12 -16 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new record of title for Lots 1 4, 5 & 6 (where applicable) of the subdivision of Part Lot 1 DP 8787 and Lot 1 DP 19869 as identified in the condition and shall be prepared by the Council at the cost of the consent holder.

Riparian Planting

18. Riparian planting and fencing shall occur along the length of the tributaries within Lot 6. TRC riparian guidelines 23, 24, 25, 26 and 41 shall be used as a guide to inform the fencing and planting plan.

19. Fencing shall be stock proof permanent fencing as per the Taranaki Regional Council (TRC) Guidelines.

Mitigation Planting

20. A Landscape Planting Plan prepared by a suitably qualified expert in landscaping shall be submitted by the consent holder to the Development Control Lead and certified prior to the commencement of works. The Landscaping Planting Plan is intended to provide screening and or softening of existing and or proposed built form on Lots 1, 4, 5 & 6. The Landscape Planting Plan shall provide the following:

- Road boundary planting along the frontage of Lot 1 to screen and or soften the future building platforms.
- Identification of existing vegetation on Lot 5 that shall be retained and protected in perpetuity.
- Identification of existing vegetation to be retained (road frontage hedge) until new planting achieves specific heights. The heights that the new planting must achieve before the existing vegetation can be removed shall be identified in the Landscape Planting Plan;
- Plant species, which must all be native varieties and include the numbers, size, spacing, layout and grade;
- Methods of ground preparation, fertilising, mulching, spraying;
- Maintenance and weed management.

All works shall be carried out in accordance with the Landscape Plan certified in accordance with this condition.

21. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder shall complete planting in accordance with the Landscape Planting Plan certified in accordance with Condition 21.

22. In the event that application is made to the New Plymouth District Council for certification pursuant to Section 224 of the Resource Management Act 1991 before riparian planting and fencing under condition 18 and 19 and/or the planting approved under Condition 20 is completed, then the consent holder shall pay to the New Plymouth District Council a bond in the form of a refundable cash deposit. The purpose of this bond shall be for ensuring compliance with Conditions 18-19 and shall only be entered into if the Council is satisfied that the amount of the bond is sufficient to achieve this purpose, and that 25% of the estimated cost for the maintenance period has been added.

Advice notes

Fire and Emergency staff are available free of charge to advise on means of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

The installation of a sprinkler system is Fire and Emergency New Zealand's recommended means of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 in non-reticulated areas.

The applicant has indicated the riparian planting along the waterbodies within Lot 6 will occur alongside discussions and engagement with Te Kahui o Taranaki Iwi Trust.

There is no reticulated water supply available to the site. Any dwelling constructed on Lot 2 will require provision for the water needs of the project in accordance with the provisions of the Building Code. The activity will require you to provide for its own potable water supply in accordance with the standards specified by the Building

Code. Details showing how this is to be provided for will need to be provided as part of the Building Consent application for the project. Bore or well water supply will require a water quality test and results report. No firefighting water is available to this development. It is recommended that a 75mm instantaneous female coupling and valve be fitted to any water storage tanks that may be constructed as part of this work. The requirements of the New Zealand Fire Services Firefighting Water Supplies Code of Practice may have to be met.

The subject property is located in an area of known habitation and there is reasonable cause to suspect the presence of unrecorded archaeological sites. 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 of Māori and European origin or human burials.

If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s) (known or unknown), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to proceed lawfully. Under the Heritage New Zealand Pouhere Taonga Act 2014, it is illegal to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand Pouhere Taonga. Heritage New Zealand Pouhere Taonga should be contacted prior to work commencing on the subject property. The relevant Regional Archaeologist can be contacted at archaeologist2CR@heritage.org.nz.

A Development Contribution for off-site services of \$2275.44 excluding GST for Lot 1 is payable by the consent holder and shall be invoiced separately. The 224 release of this subdivision will not be approved until payment of this contribution is made.

Consent Lapse Date

*This consent lapses on **XXXX 2027** unless the consent is given effect to before that date; or unless an application is made before the expiry of that date for the Council to grant an extension of time for establishment of the use. An application for an extension of time will be subject to the provisions of section 125 of the Resource Management Act 1991.*

This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991.