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IN THE MATTER

of the Resource Management Act 1991  
("the Act")

AND

IN THE MATTER

of a subdivision consent as evidenced  
by Land Transfer Plan No. 365063

AND

IN THE MATTER

of a Consent Notice issued pursuant to  
Section 221 of the Act by  
KAIPARA DISTRICT COUNCIL  
("the Council")

I, ALAN JOHN McKERCHAR, Chief Executive for the Council HEREBY CERTIFY that the following conditions which are to be complied with by the Owner (as defined in the Act) on a continuing basis were imposed by the Council as a condition of approval for the subdivision of Lot 1 DP333700 CT138087 as affected by Land Transfer Plan No. 365063 ("the Plan") for which consent was granted under number RM030149 as amended by RM040145 and as varied by RM050246.

Conditions affecting Lots 1 to 30 of the subdivision:

1. The Owner of each Lot must:
  - i. Construct stormwater soakage trenches on each lot in accordance with the specific details indicated in the Kea Consultants Ltd Report entitled "Stormwater Assessment of

Environmental Effects: Mangawhai Heads Land Development Subdivision" (dated August 2003) as further amended in accordance with the Kea Consultants Ltd. Drawing Nos. 2064-S1, Sheets 1-11, Issue 6 (dated October 2003), at the time of construction of buildings on the said Lots;

- ii. Provide for all rainwater tank overflows and other concentrated sources of stormwater to be directed to these soakage trenches; and
  - iii. Provide for ongoing maintenance of the soakage trenches to ensure effective continuing operation.
2. The Owner of each Lot must comply with a Geotechnical appraisal prepared by Soil and Rock Consultants, Geotechnical Engineers dated May 2003 in respect to the need for Geotechnical Investigation and Design. Where recommendations of Soil and Rock Consultants, Geotechnical Engineers dated May 2003 are for Specific Geotechnical Investigation and Design (Zone B), then Producer Statements are to be provided to the effect that building foundations have been designed and constructed to have an adequate factor of safety against failure.
3. The Owner of each Lot must comply with the Assessment of Environmental Effects (AEE) (dated August 2003), the "Landscape Visual Assessment", the "Landscape Design Guidelines" and the "Architectural Design Guidelines" for "The Heads" prepared by D. J. Scott and Associates (dated August 2003), and require compliance with those reports such that:
- i. Buildings shall only be constructed on those areas not included in the land covenant areas shown in the copy of the Harrison Grierson Consultant Land Transfer Plans referred to as drawing 2230-120766-01 dated October 2005 and as submitted with the application of October 2005 to change conditions.
  - ii. All buildings on Lots 1-30 shall be designed and constructed having regard to the Architectural Design Guidelines prepared by D. J. Scott and Associates and included as Appendix 8 to the AEE.
  - iii. That buildings on Lots 5, 6, 10-12, 14, 17-22 and to be designed and constructed having regard to the architectural guidelines prepared by Jo Hill (architect) included in figures 14-16 respectively of the AEE and so that the vertical distance between the highest point on the building at any point and the natural ground level at any point shall

not exceed 5.0m, provided that for the purposes of this condition, 'Height' means the vertical distance between the highest point on the building at any point and the natural ground level at that point, but excluding aials and chimneys provided that such structures do not exceed a height of 3m above the maximum permitted height.

- iv. All proposals for building and site development shall be submitted for approval to the Kaipara District Council prior to making an application for building consent.
4. Notwithstanding the specific limitations on the height and location of buildings set out in the conditions of this subdivision, the Kaipara District Plan sets out rules in relation to permitted activities for building development that must be complied with or a resource consent obtained. This includes in particular the requirement to obtain a resource consent for all development above the 60-metre contour line identified on the Planning Maps forming part of the Kaipara District Plan.
5. The Owner of each Lot must comply with the following conditions in respect to all buildings on all lots within the subdivision:
  - i. Use only roof claddings made of steel (corrugated or tray) cedar shingles, slate, tiles or other such materials which are consistant with the restriction in roof colours referred to in the following clause.
  - ii. Use only roof colours comprising dark recessive hues and of low reflectivity. All steel roofing shall be painted or otherwise colour treated and shall exclude zincalume, galfan and other similar matt-finish, untreated and unpainted iron or aluminium products. Acceptable colour steel hues shall be limited to Ironsand, Grey Friars, New Denim Blue and Karaka Green (Resene NZ colours). No other colours shall be permitted.
  - iii. Use only wall materials in recessive timber, smooth plaster or stone. If smooth plaster is used then a dark resin shall be added. Wall colours are to be natural and recessive (in materials stated above) or in the range of browns, tussock, greys or natural greens. Walls are to be continuous on one cladding from ground to roof.
  - iv. Use only timber, steel or aluminium joinery and joinery colours (other than timber) shall match roof, gutter and spouting colours.
  - v. Use the same external material on all buildings and structures within any given lot so

that all ancillary buildings shall have the same external materials and colours as the dwelling house on that lot.

- vi. Any vegetation clearance within the building clearance platforms shall be restricted to a minimum necessary to construct a dwelling and related motor vehicle access, manoeuvring space and firebreaks.

6. Attention of the Owners and prospective purchasers is drawn to the following requirements which are to be complied with by each Owner:

- i. An Owner must be a shareholder or member of the registered company or other corporate body formed to operate, maintain and administer all matters associated with the communal wastewater treatment and disposal system, the communal stormwater control system for stormwater runoff from all roading proposed for the subdivision (including the stormwater detention ponds), the maintenance of the roading within the subdivision including the currently unformed legal road on the ridgeline, and the maintenance of the registered conservation covenant area of existing native bush and proposed future revegetation planting on the land in the Plan.
- ii. On the community sewerage scheme planned by the Council becoming available each Owner must abandon the communal wastewater treatment plan (excluding each of the individual onsite septic tanks located on each lot and associated effluent reticulation) and the main effluent collector pipe will be required to be connected to the community sewerage scheme planned by the Council for Mangawhai ("EcoCare"). All current and relevant requirements of the Kaipara District Council with respect to connection to the community sewerage scheme including the payment of any development contribution, connection fee or any other charge shall be complied with by the Owner. It is noted with respect to calculation of applicable charges, that each individual lot will be assessed as a "future lot" in accordance with the EcoCare Statement of Proposal.

The management company is to oversee ongoing maintenance of the individual onsite septic tanks and effluent reticulation pipelines to the point of connection to the community sewerage scheme. For the purposes of clarification, the point of connection to the community sewerage scheme shall be the point at which all downstream

reticulation is at least 150mm in diameter.

- iii. Each Owner must ensure that septic tanks and plumbing fixtures are to be supplied and installed to each lot in accordance with the standards defined by the registered company or other corporate body responsible for ongoing management of the communal sewerage scheme.
  - iv. Each Owner is required to enter into an ongoing contract for the maintenance of the septic tanks with an organisation to the approval of the registered company or other corporate body responsible for ongoing management of the communal sewerage scheme.
  - v. In the absence of a registered company or other corporate body the Owners jointly and severally must comply with the requirements of this clause 6.
7. Attention of the Owners and prospective purchasers is drawn to the following requirements in respect of Lot 32 which are to be complied with by each Owner:
- i. The use of Lot 32 is restricted to vehicle access, parking, wastewater treatment and disposal, common community recreational and amenity activities, and conservation purposes; and
  - ii. The use of Lot 32 for residential purposes is prohibited.

Dated at Dargaville this 31<sup>st</sup> day of May 2006.

Signed by the said ALAN JOHN McKERCHAR, Chief Executive for the KAIPARA DISTRICT COUNCIL

A. J. McKerchar

