

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL APPOINTED
COMMISSIONER MARK ST. CLAIR**

IN THE MATTER OF The Resource Management Act 1991 (**RMA**)

AND An application under section 88 of the RMA by Robe and Roche Investments Limited to the New Plymouth District Council for a subdivision to create 113 residential lots and additional road and recreation reserves at 56 Pohutukawa Place, Bell Block (SUB21/47803).

STATEMENT OF PLANNING EVIDENCE OF SEAN PETER ZIELTJES
ON BEHALF OF TE KOTA HITANGA O TE ATIAWA TRUST AND PUKETAPU HAPŪ
DATED 4 APRIL 2025

A Introduction and Statement of experience

1. My full name is Sean Peter Zieltjes.
2. I am an independent planning consultant. I hold a Master of Legal Studies (Environment Law) (Hons) from the University of Auckland and a Bachelor of Resource and Environment Planning (Ecology)(Hons) from Massey University. I have been a Full Member of the New Zealand Planning Institute since 2016. I am a certified Hearing Commissioner.
3. I have been a practising planner in Taranaki since 2009. Over that time, I have been employed as a monitoring and enforcement officer, resource consent processing planner, policy planner, with private consultancy, and supporting a number of iwi authorities and hapū. From these roles I have substantial experience in the assessment of resource consent applications and have presented expert planning evidence in many commissioner hearings.
4. In this matter I was engaged by Te Au Tai Limited in 2023 to support Puketapu Hapū with planning advice in delivering the Tapuirau to Bell Block Constraints and Opportunities memorandum, and the Cultural Impact Assessment – He Whakamārama mō Waipu (**‘He Whakamārama’**). I have visited the site and surrounding area on several occasions since that time and have a good understanding of the proposal, existing environment and associated values.

B Purpose and scope of this evidence

5. The purpose of this evidence is to address:
 - a. The recommendations of the Section 42A Report, specifically:
 - i. Earthworks, the need for an additional land-use consent and adaptive management to protect historic heritage.
 - ii. Strategic objectives of the Proposed New Plymouth District Plan.
 - iii. Recommended consent conditions.
6. I confirm I have read and comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. In particular, unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
7. With the exception of where my assessment differs below, I generally agree with the assessment and conclusions reached in the section 42A report, and adopt much of the description of the proposal, relevant rules, objectives and policies assessment, weighting applied to provisions of the Operative District Plan (**‘ODP’**) and Proposed District Plan (**‘PDP’**) and the intent of the recommended consent conditions.
8. My planning opinion is informed by the technical engineering, archaeological, and cultural assessment/advice produced through both the constraints and opportunities

process and the evidence produced by the applicant to date¹. I share the view of the section 42A report, and in the planning evidence of Mr Ben Lawn and Ms Kathryn Hooper that the proposed development has responded to that information in a constructive and positive manner.

C Earthworks, the need for additional land-use consent, and adaptive management to protect historic heritage

The need for land use consent for earthworks

9. I have read the commentary in both the section 42A report² and the evidence of Mr Lawn³ addressing the need for additional land use consents to provide for the earthworks associated with the subdivision.
10. I understand that ultimately it is the role of the New Plymouth District Council (**'NPDC'** or **'the Council'**) to determine what resource consents are required for any application, and I agree with section 4 of the section 42A report which outlines the relevant rules for the application, and the overall activity status being discretionary⁴.
11. Irrespective of the need for additional land use consent the management of the actual and potential adverse effects of earthworks falls within the scope of a subdivision consent, and in my view conditions of consent directly addressing the management of earthworks can be imposed if the Commissioner is of a mind to grant the application.
12. I agree with Mr Lawn that the engagement process and the most recent assessment of effects have considered the earthworks required to construct the subdivision. This includes impacts on historic heritage values, Waipu and landform.
13. In this instance I consider it necessary that the subdivision consent includes conditions that manage earthworks given the sensitivity of the receiving environment; and ensure integration between the construction of the subdivision and development of individual lots⁵.

Description of the earthworks and consent requirements

14. To understand the current design of earthworks I rely on the description of proposed earthworks set out in section 3 of the application to the Taranaki Regional Council (**'TRC'**) dated 12 July 2023, and the updated plans and descriptions contained in the applicants' evidence, specifically the descriptions set out in the evidence of Mr Lawn and Mr Bunn (including appendix 5B9).

¹ I note that the constraints and opportunities process that preceded the development of the *He Whakamārama* has strong alignment to and informs SUB-P8.

² Section 2.6, page 10

³ Paragraphs 7.6 – 7.14 of his evidence

⁴ I also note that in my view the application is discretionary under the Operative District Plan ('ODP') rules as opposed to controlled. This would have been pursuant to rule Res62 requirement for a building platform.

⁵ This extends to integration with the plans required in TRC consents approved for the development, and the conditions of any Archaeological Authority from Heritage New Zealand Pouhere Taonga.

15. The description of the earthworks in the TRC application is as follows at paragraphs 3.6 – 3.8:

The development will involve earthworks to allow for the formation of a level roading. There will be minimal earthworks required within the proposed allotments to achieve suitable building platform for a standard concrete slab construction type dwelling.

See below for the proposed earthworks levels. The volume of proposed earthworks is 4,000m³ for cut to fill and 9,000m³ for cut to waste. The area to be excavated is approximately 2.6ha. This is deemed a permitted activity under the TRC Freshwater Plan (Rule 26). Regardless, an Erosion and Soil Control Plan will be developed to manage the earthworks.

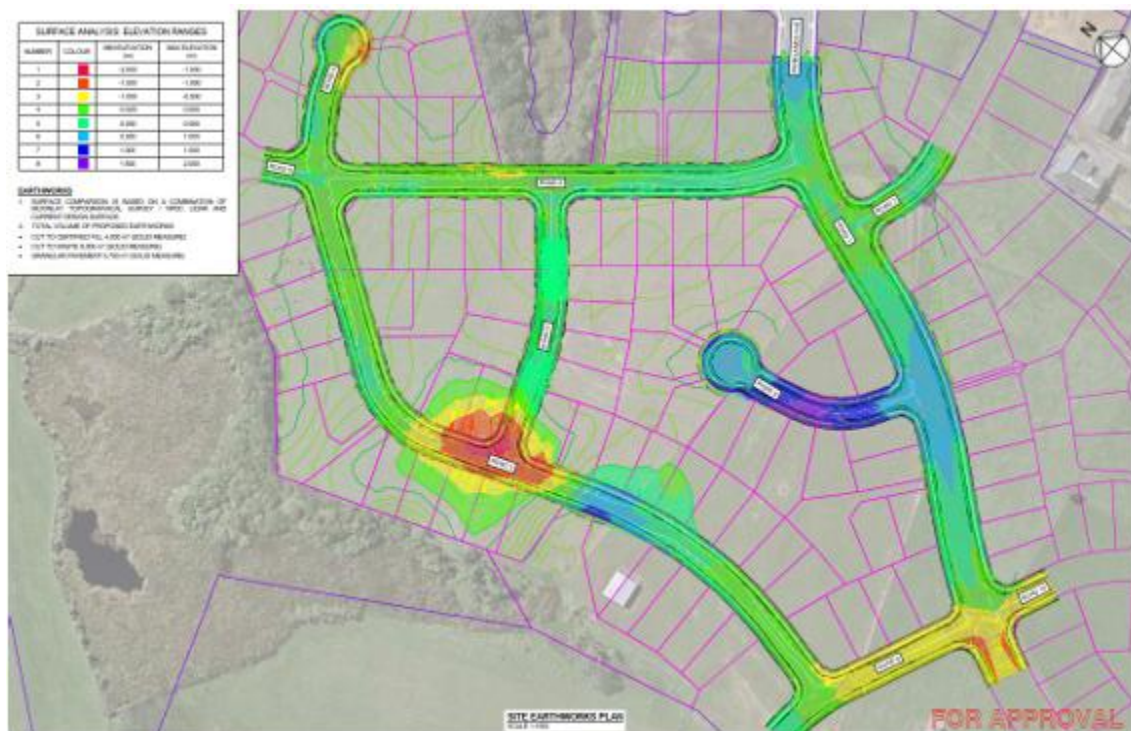


Figure 16: Proposed Earthworks

The key elements of the proposed earthworks include:

- *The scale of the earthworks are sympathetic to the landform, with an effort made to preserve the landscape features and values within the site;*
- *The introduction of the NPS-FM and NES-F has meant earthworks have been designed to be setback from the edge of the natural inland wetlands;*
- *Cut and fill earthworks to provide for the smaller residential-lots and notional building areas; and*
- *Levelling of the site to allow for stormwater and wastewater systems⁶.*

16. As described and shown in the applicants' evidence, the revised subdivision layout would require 26,762m³ of earthworks. Appendix 5B9 of the applicants' evidence proposed

⁶ TRC Resource Consent Application: Robe & Roche Investments Ltd – Pages 16 and 17, dated 12 July 2023.

earthworks remain primarily along roading corridors at this stage. It is not known what finished levels across individual allotments will be. I understand earthwork volumes to achieve these levels would be additional to those described above.

17. Through discussions with the applicant and as described in the *He Whakamārama* I understand that an adaptive management process to protect historic heritage will be followed irrespective of the final size/scale of the earthworks. This is where decisions regarding the method of protection for historic hertiage values identified following initial topsoil scrape as described in the evidence of Mr Ivan Bruce⁷. I will address this further below.

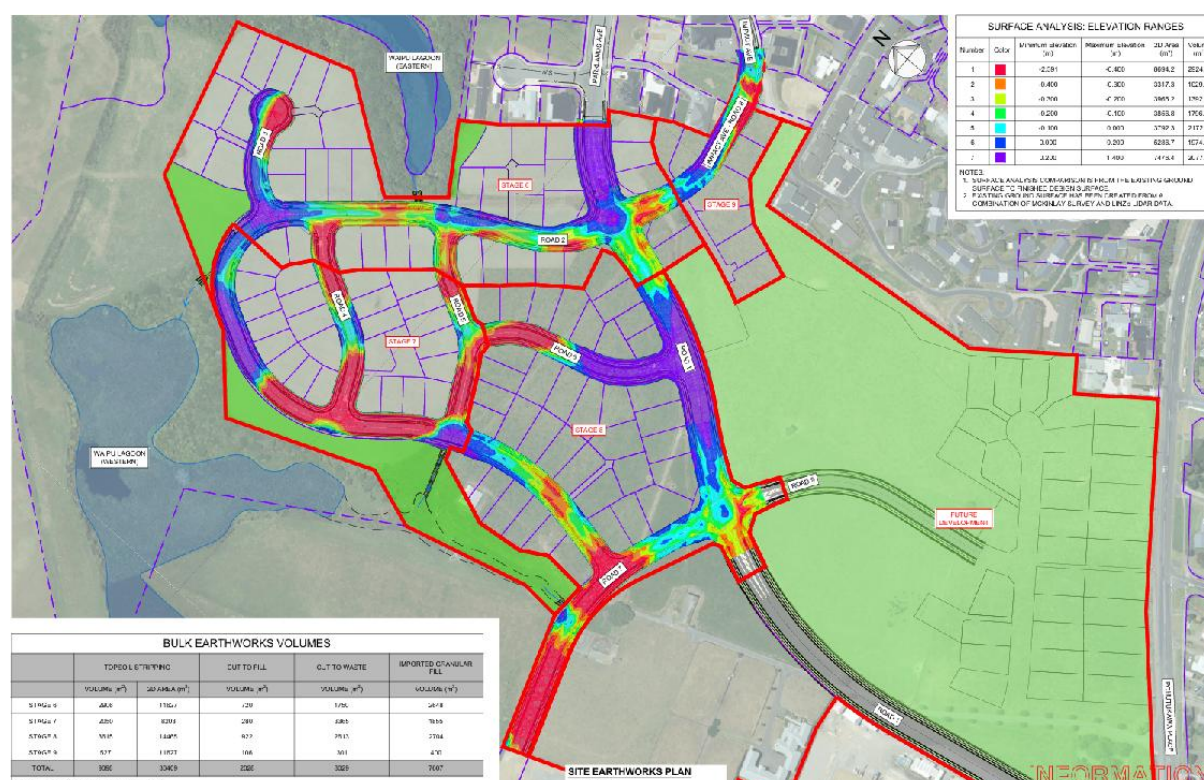


Figure 1: screen shot of Red Jacket sheet C8-1.

Actual and potential adverse effects of earthworks on Historic Heritage

18. In my view it is important to draw the distinction in the PDP between the protection of historic heritage resources in the district, and scheduling of sites with specific rules to manage activities in relation to archaeological sites and/or Sites and Areas of Significance to Māori ('SASM').
19. The objective and policy direction in the PDP for archaeological sites and SASM are not reliant on a site being listed in the Plan⁸. Rather, it is intended that archaeological sites and SASM objectives and policies are implemented by both the HH/SASM rules and

⁷ See paragraph 5.1(c) of the evidence of Ivan Bruce.

⁸ The section 42A report outlines the relevant SASM provisions on page 44. The evidence of Ms Hooper identifies the relevant Strategic Objectives at paragraph 9.3(d) and 9.3(e) to protect historic heritage, and recognise and provide for the relationship of Tangata Whenua with their cultural landscape, and the importance of this relationship to the district's identity and sense of belonging.

district wide activities such as subdivision and earthworks^{9,10} to provide a more comprehensive protection of historic heritage than what was achieved in the ODP.

20. The Historic Heritage and SASM provisions are directly relevant to the application, irrespective of whether a scheduled site is present or not. I consider that these provisions set the basis for an adaptive management strategy for historic heritage in circumstances where it is reasonable to suspect historic heritage values may be encountered, but are not known until site works commence.
21. As outlined in the *He Whakamārama*, the evidence of Mr Anaru Wilkie, the evidence of Mr Ivan Bruce, and the Geometria Archaeological Memorandum dated 3 April 2024¹¹ it is reasonable to suspect that historic heritage values are present within the application site. As the level of information regarding the presence, absence or extent of archaeology/SASM is limited to desktop and surface level investigation only, there remains a level of uncertainty which necessitates a precautionary approach.
22. I note the Geometria Memorandum goes further and recommends that all planning decisions should consider the growth area as a contextually linked heritage landscape, rather than a series of discrete, recorded archaeological and cultural sites as this most accurately presented the challenges of developing this area.
23. I understand that bulk earthworks can have a significant and irreversible adverse effect on historic heritage values as evidenced across urban development adjacent to the application site and inferred from the Geometria memorandum. Based on the evidence of Mr Wilkie I understand that reliance on archeological record as the only method of protection has not resulted in acceptable outcomes for SASM in some instances; including the Summerset development referenced in the evidence of Mr Bruce.
24. Given the level of investigation to date I agree with Mr Bruce that *practical options for site identification are limited to the recovery of archaeological evidence following the topsoil removal phase of the development. Site preservation will be by record unless the developer is required to adapt/modify the development design to retain recovered archaeological material in-situ*¹².

⁹ See Paragraphs 5.4 and 5.5 of Decision Report 10 – Historic Heritage (<https://proposeddistrictplan.npdc.govt.nz/decisions/>), Paragraphs 3.11 to 3.14 of Decision Report 12 – Sites and Areas of Significance to Māori (<https://proposeddistrictplan.npdc.govt.nz/decisions/>), See Paragraph 3.7 of Decision Report 18 – Subdivision (<https://proposeddistrictplan.npdc.govt.nz/decisions/>), See the discussion in Section 3 of Decision Report 20 – Earthworks (<https://proposeddistrictplan.npdc.govt.nz/decisions/>), and Decision Report 38 – Mapping and Plan Integration where scheduled and non-scheduled sites terms are discussed (<https://proposeddistrictplan.npdc.govt.nz/decisions/>).

¹⁰ I note that the assessment matters listed in the ODP in relation to subdivision are also not restricted to scheduled SASM, rather the assessment matter reads as follows: *15) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.* Accepting that a subdivision is fully discretionary and not limited to these assessment matters.

¹¹ Appended to the evidence of Mr Bruce also.

¹² Paragraph 5.1(c) of Mr Bruces evidence.

25. To this end, I recommend conditions are included to provide clarity and certainty in the adaptive management approach. Suggested wording is attached to this evidence.

Actual and potential adverse effects of earthworks on Waipu

26. I agree with both the section 42A report, and the evidence of Mr Lawn that TRC consents 11136-1.0 and 11146-1.0, alongside erosion and sediment control plans address the actual and potential adverse effects of earthworks on the values of Waipu.

D Strategic objectives of the PDP

27. I have reviewed the evidence of Ms Hooper regarding the strategic objectives of the PDP and the higher order documents these implement. I generally agree with her assessment. However, there are two aspects I would draw the attention of the Commissioner to expand on these assessments. These are:
- a. That I consider strategic objectives HC-1, and NE-6 through to NE-10 are relevant to this application, and its importance in interpreting and applying the broader provisions of the PDP.
 - b. Expansion on the opportunity in this area to realise Strategic Objective UFD-20(4) *a range of densities and housing forms in new subdivisions and areas identified as appropriate for growth* and the context of this in the Tapuirau to Bell Block area.

Strategic objectives, sense of place, and planned residential character

28. In addition to those identified by Ms Hooper I consider strategic objective HC-1: *“The district’s historic heritage contributes to a sense of place and identity and social and cultural well-being and is recognised and provided for”* is also relevant to this application, and how the General Residential Zone and Subdivision Chapter objectives and policies are read and achieved.
29. Similarly, the Natural Environment Strategic Objectives NE-6 to NE-10 are also considered directly relevant given the coastal location of the application site, adjacent to a Key Native Ecosystem at Waipu.
30. As outlined in the *He Whakamārama*, the Geometria memorandum, the evidence of Mr Bruce and the evidence of Mr Wilkie this location is rich in historic heritage and in my view provides a considerable opportunity to include these narratives/attributes to contribute to the sense of place.
31. I consider that these cultural heritage values complement the natural character and ecological values of Waipu outlined in the evidence of Mr William Shaw. Collectively how these values inform reserve design and applied cultural expressions plans across the development necessitate clear consent conditions.
32. Based on the *He Whakamārama* and the evidence of Mr Wilkie I understand that Waipu is not considered an appropriate space for recreational or public access activities typical of many reserves¹³. I agree with suggestions around the use of fencing treatments,

¹³ I understand that through the engagement process on the adjacent Radio New Zealand land some of the aspirations of that new landowner included establishing a jetty and utilising Waipu for swimming and

wayfinding directing people away from Waipu, and restoration planting to increase setbacks between Waipu and where people will reside.

33. This accords with the recommendations of Mr Shaw regarding the ecological significance of Waipu which generally would look to restrict activities/access for dogs and other threats to native wildlife values.
34. I support the recommended conditions 21 to 28 in Appendix 4 of the section 42A Report, and understand the comments made on these in the evidence of Mr Lawn (appendix 8G). I have made additional recommendations to these conditions attached to this evidence.

Housing options that respond to community demand and outcomes

35. The final attribute I would draw the attention of the Commissioner to UFD-20(4), the associated general residential zone objective GRZ-O3, and policies which recognise the need to provide a variety of housing types, sizes and tenures to respond to community needs.
36. I support the assessment in the section 42A report and the evidence of Mr Lawn that a variety of lot sizes proposed can be expected to support a range of diverse housing designs/outcomes, and the conclusions of Ms Hooper with respect to the economic impact of the proposal and its importance in providing for growth as forecast in the Future Development Strategy for Ngāmotu New Plymouth 2024-2054 ('FDS').
37. In addition to the assessments of the FDS in the section 42A report, and the evidence of Ms Hooper I note that at section 3 of the FDS outlines some of the nuances in community demand and needs including the following statement:

New Plymouth is increasingly being enriched by a variety of cultures and demographics that require a variety of housing sizes and types, including different mixes of housing for both smaller and larger households. Typical housing options currently available aren't suitable for all family structures. This is particularly evident when considering housing concepts important to tangata whenua, such as intergenerational living arrangements.

The availability of affordable, healthy long-term rental options is closely tied to demographic factors, as is the need to increase the availability of accessible housing for disabled individuals, lower-cost accommodation, and social housing.

Looking at the housing trends in the district, overwhelmingly the most predominant building type is the three-to-four-bedroom detached house and there is a considerable lack of other types of houses such as units, flats, townhouses, studio accommodation etc.

kayaking as an example of why careful reserve design is necessary in this instance as more people are living in proximity to these spaces.

38. The Taranaki Housing Initiative Trust (**'THIT'**) strategy¹⁴ and dashboard¹⁵ are another reference point for community demand and need. I consider this further supports a variety of smaller lot sizes across the development.
39. I also consider these descriptions of community need (as attributes of planned residential character) requires consideration of the broader undeveloped general residential zone in this immediate area. This includes the balance allotment and the potential future development of that area (proposed Lot 308)¹⁶. The evidence of Mr Richard Buttimore on behalf of Parininihi ki Waitōtara (**'PKW'**) outlines the Incorporation is also working to progress development on their property west of the application site at 106 Pohutukawa Drive and this is now advanced through a spatial master planning process.
40. Based on the evidence of Mr Buttimore I consider there is a strong opportunity to provide for the diverse housing/living opportunities to respond to community needs and demand that each development is not readily able to achieve independently. Ensuring that this opportunity is not lost through an inability to work together is necessary in my view, particularly on the provision of infrastructure.
41. I note in the evidence of Mr Miller at paragraph 7.1(a) of his evidence that Road 7 (Road 9 in the amended scheme plans) is to be designed to E13 standard as a collector (alongside Parklands extension to Pohutukawa Drive also being designed to collector road standard) and agree that this responds to the submissions of PKW regarding connectivity of the proposed development with areas to the west.
42. Along with the type/formation of the road, it is also necessary to consider the timing of this infrastructure provision and as far as practicable ensuring the coherent and cohesive development of the overall area is not frustrated through a lack of collaboration and working together.
43. The evidence of Mr Ben Hawke helpfully outlines an expected timeframe for the development to be realised at section 6. Mr Lawn makes comment in the conditions regarding the need for an extended lapse timeframe of 10 years to provide the time required to realise the development¹⁷. I generally support this recommendation, with the caveat that this extended lapse period avoids adverse effects on the ability to deliver coherent and sequenced infrastructure linkages and development across the residential zone.
44. I note that the recommended conditions of consent in the section 42A report include an advice note regarding the use of a developer agreement to support certain aspects of the

¹⁴ <https://taranakihousingstrategy.org.nz/>

¹⁵ <https://thit.org.nz/housing-dashboard>

¹⁶ SUB-O2 requires *subdivision is designed and located to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that:....2) is accessible, connected and integrated with the surrounding neighbourhoods*. SUB-O3 requires *infrastructure is planned to service proposed subdivision and development in a manner that:....2) connects with the wider infrastructure network in an integrated, efficient and coordinated manner and is provided at time of subdivision*.

¹⁷ Appendix 8G of the Mr Lawns evidence.

proposal. This approach could be extended to ensuring connectivity across the general residential zone in this area (both physical and timely) is achieved.

E Summary and recommended consent conditions

45. I have assessed the planning matters associated with the proposed development and conclude that the granting of the application subject to conditions is appropriate:
- a. the proposed development is consistent with the objectives and policies of both the ODP and PDP.
 - b. actual and potential adverse environmental effects can be avoided, remedied or mitigated through consent conditions. This is supported by technical assessments.
 - c. as there remains a degree of uncertainty regarding the presence/absence of archaeology an adaptive management strategy should be adopted and relied upon to protect historic heritage values reasonably suspected to be encountered in the area.
46. As outlined in the section 42A report and much of the evidence there is goodwill and willingness to work constructively between parties to realise this development, despite the length of time this process has taken. Ensuring conditions of consent provide a framework and clarity that supports this willingness is recommended.
47. To address the matters raised in my evidence I recommend the conditions set out in attachment 1.



Sean Zieltjes
Consultant Planner
4 April 2025

Attachment 1: Recommended conditions of consent

Robe and Roche Subdivision SUB21/47803

Draft Conditions to support S.42A Report

21 March 2025

Subject to the following conditions imposed under Section 108 and Section 220 of the Resource Management Act 1991:

General Conditions

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 SUB21/47303 including the following:
 - Assessment of Environmental Effects, titled "Application for Resource Consent 56 Pohutukawa Place, Bell Block" prepared by McKinlay Surveyors dated 26 May 2021.
 - The updated and final set of Scheme Plans titled "Proposed Subdivision of Lot 2 DP 521660 – 56 Pohutukawa Place" prepared by McKinlay Surveyors with reference B-231212 Drw 1 – 4 dated 05/02/25.
 - [Other relevant reports/plans from hearing].
2. Individual certifications pursuant to sections 223 and 224(c) of the Resource Management Act 1991 may be issued for this subdivision in a series of stages, in accordance with the staging proposed on approved plan McKinlay Surveyors with reference B-231212 Drw 1 – 4 dated 05/02/25 as follows:
 - (a) Stage 6 – Lots 1 – 39, 301, 302 and 303;
 - (b) Stage 7 – Lots 40 – 65, 304 and 305;
 - (c) Stage 8 – Lots 66 – ~~109-105~~ and 306; and
 - (d) Stage 9 – Lots ~~110-106~~ – ~~117-113~~, 307 and 308.
3. Unless otherwise specified all conditions shall apply for all stages. The consent holder shall demonstrate at S.223 and S.224 that all relevant conditions applicable to that stage have been completed and are in accordance with Condition 1 above. In addition, the consent holder shall demonstrate that any staging and completion of conditions will not impede or restrict the ability of the consent to be exercised in full compliance with all conditions of this consent
4. [Archaeological Authority Linkage Condition – Applicant to confirm scope and timing of any necessary authorities]

Commented [SZ1]: Addressed below

Survey Plan Section 223 (RMA) Approval

5. The survey plan shall conform with the subdivision Scheme Plans titled "Proposed Subdivision of Lot 2 DP 521660 – 56 Pohutukawa Place" prepared by McKinlay Surveyors with references B-231212 Drw 1 – 4 dated 05/02/25.
6. Easements – a memorandum shall be shown on the subdivisional plan and easements created at the time of depositing the plan for the right of way, water, sewerage services, stormwater, telecommunications, electricity and easements in gross.
7. Easements shall be provided in favour of the Council where the Council owned pipeline crosses private property, or to provide access over private property to the Council's assets, and around Council assets for the purposes of maintenance and operation.
 - a) Such easements should be 3 metres wide in the case of pipelines or access, and shall be provided at least 2 metres clearance around other Council assets e.g. manholes.
 - b) Where the pipes are laid to a depth of 2 metres or more, greater easement width may be required to facilitate maintenance.
8. Prior to approval under Section 223 of the Resource Management Act 1991, the Land Transfer Plan shall show the relevant Lots 303, 305 - 307 as 'Road to Vest' in New Plymouth District Council in accordance with each Stage in Condition 2.
9. Prior to approval under Section 223 of the Resource Management Act 1991, the Land Transfer Plan shall show the relevant Lots 301, 302, 304 as 'Local Purpose Reserve - (Esplanade) to Vest' in 'New Plymouth District Council' in accordance with each Stage in Condition 2.
10. Prior to approval under Section 223 of the Resource Management Act, a right to convey water easement shall be created and included on the memorandum over the water main connection to Pohutukawa Place (Stage 8).

Section 224 (RMA) Approval

11. 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 a section 221 applies;
12. All works are to be designed and constructed in accordance with New Plymouth District Council's Land Development & Subdivision Infrastructure Standard.

Kaitiaki Forum and Tikanga Māori Conditions

13. The Consent Holder shall take all reasonable endeavours, and act in good faith, to convene and resource a Kaitiaki Forum. The Forum shall establish and commence immediately following granting of consent, and prior to the preparation of any plans and works commencing on the site.

14. The function and purpose of the Kaitiaki Forum shall be formally agreed by the Consent Holder and Puketapu Hapū, and be formally documented in a Forum Collaboration Agreement. This agreement shall include (but not be limited to):
- (a) Input into the design and application process for any stormwater infrastructure associated with the development;
 - (b) Confirmation of the scope and matters for engagement with, and input by the Forum to, including but not limited to;
 - Changes to engineering design where these may have an effect on key issues of significance to Puketapu Hapū. This includes works within or adjacent to waterbodies, wetlands, quality of stormwater discharge and stormwater infrastructure discharging to waterbodies;
 - Hard and soft landscaping;
 - Cultural monitoring of earthworks and water quality; and
 - Management plans.
 - (c) The entities to be represented on the Forum are the Consent Holder, Puketapu Hapū and Te Kotahitanga o Te Atiawa;
 - (d) The entities that form the quorum;
 - (e) The number of representatives and the representatives from the entities on the Forum;
 - (f) The frequency the Forum shall meet. There is an expectation that meetings shall be arranged on a more regular basis when bulk earthworks, works in proximity to Waipu and any other sensitive areas are underway. In addition, meetings on a regular two monthly cycle are anticipated unless the parties agree otherwise;
 - (g) Any / decision-making process that will be used by the Forum;
 - (h) The duration of the Forum;
 - (i) A dispute resolution clause;
 - (j) Any role for New Plymouth District Council and/or Taranaki Regional Council staff in relation to the role and function of the Forum; and
 - (k) Anything further the participating entities deem appropriate to consider.
15. A copy of the Forum Collaboration Agreement shall be provided to the New Plymouth District Council – Planning Lead or nominee prior to the commencement of works.
16. The Consent Holder shall engage with the Kaitiaki Forum to:
- (a) Contribute to the induction process of all persons working on the site, control and provide over-sight of all earthworks undertaken within the development;
 - (b) Provide Puketapu Hapū with the opportunities to undertake a pre-start blessing and cultural monitoring of the earthworks within the application site. Puketapu Hapū shall be engaged no less than ten (10) working days prior to any earthworks commencing.

17. The Consent Holder shall make an application for road names in accordance with New Plymouth District Council road naming policy.
- Advice Note:
This shall include engagement and collaboration with Puketapu Hapū with a view to gaining endorsement for any road name requests.
18. Prior to a s.223 certificate application, the Consent Holder shall undertake a co-design process with Puketapu Hapū and NPDC Planning and Design team that will include details for all works proposed to implement Applied Cultural Expression across the development to finalise a Cultural Expression Plan. This Cultural Expression Plan shall include:
- (a) The location of any Toi Māori to be installed across the development; and
 - (b) How this plan will co-exist with the Reserve Plan (required under condition 18); and
 - (c) Details on all ongoing maintenance requirements; and
 - (d) Naming of the reserve/s.
19. In the event any unrecorded Historic Heritage (at the date of this consent condition), is encountered through the construction / earthworks phase of the development, the Applied Cultural Expression Plan and any other relevant management plans and documents, shall be reviewed by the Kaitiaki Forum who shall certify how this information may be incorporated into the overall design, construction and operation of any parts of the site.

[For discussion/clarification at hearing: This CVA condition refers to a consent notice condition. However, this would only apply condition after the issue of title]

Earthworks, Archaeological Sites and SASM and Discovery Protocols

Prior to earthworks commencing:

20. Prior to earthworks being undertaken as part of this consent, the applicant shall apply to Heritage New Zealand Pouhere Taonga for a general archaeology authority. All earthworks shall be undertaken in accordance with the conditions outlined in the archaeological authority.
21. Prior to earthworks commencing the Consent Holder shall provide a plan to the Planning and Development Lead (or nominee) detailing the staging of earthworks across the development. This report shall detail:
- a) the area of earthworks for each stage of the subdivision; and
 - b) final volumes, cut and fill areas; and
 - c) the location where any cut-to-waste material is to be deposited.

Advice note: this plan may form a part of an overall Construction Environment Management Plan, Erosion and Sediment Control Plan or similar required by other conditions of consent.

22. Prior to each stage of earthworks commencing identified in condition (w) the Consent Holder shall convene the Kaitiaki Forum to:
- a) Identify an area within the stage or overall development, or alternative location that any material of a cultural origin including but not limited to kōiwi, wāhi

Commented [SZ2]: This is a question of timing on the earthworks to create building platforms. If sites are 'cleared' ahead of s.224 then utilising s.221 to continue the adaptive management around archaeology/SASM beyond the issue of title would be required.

taonga (resources of importance), wāhi tapu (places or features of special significance), or other Māori artefacts may be able to be moved to in accordance with tikanga; and

- b) To outline the tikanga to be followed in the instance of a find; and
- c) Cultural induction and monitoring requirements.

23. The Consent Holder shall provide a report to the Planning and Development Lead (or nominee) outlining the recommendations for the Kaitiaki Forum required by condition 22.

During Earthworks

24. Earthworks shall be limited to topsoil removal until such time as the underlying soil layer is inspected by a suitably qualified and experienced archaeologist and cultural monitor, and it is determined that no material of a cultural origin including but not limited to kōiwi, wāhi taonga (resources of importance), wāhi tapu (places or features of special significance), or other Māori artefacts.

25. In the instance the inspection required by condition z that any material of a cultural origin including but not limited to kōiwi, wāhi taonga (resources of importance), wāhi tapu (places or features of special significance), or other Māori artefacts are identified, the Consent Holder Shall:

- a) Stop all earthworks; and
- b) Convene the Kaitiaki Forum within 5 working days to:
 - i. Review the nature of the find; and
 - ii. Determine if the find is of such significance, or an urupā that it must remain in-situ to be protected, and the scheme plan/earthworks plan modified to provide for this; or
 - iii. Is mobile and able to be moved in accordance with condition x above; or
 - iv. Is able to be protected through archaeological record; and
 - v. Recommend any changes to the Applied Cultural Expression Plan.
- c) Once the requirements of 25(b) are complete, earthworks may be recommenced.

~~If the Consent Holder discovers any material of a cultural origin including but not limited to kōiwi, wāhi taonga (resources of importance), wāhi tapu (places or features of special significance) or other Māori artefacts, the Consent Holder shall implement the following Accidental Discovery Protocol without delay:~~

- ~~(a) Notify the Consent Authority, Tangata Whenua and Heritage New Zealand and in the case of kōiwi, the New Zealand Police.~~
- ~~(b) Stop work with the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand Pouhere Taonga and Puketapu Hapū and their advisors, who shall determine whether the discovery is likely to be extensive, if further site investigation is required, and whether an Archaeological Authority is required.~~
- ~~(c) Any kōiwi discovered shall be handled by kaumatua responsible for the tikanga appropriate to its removal or preservation.~~
- ~~(d) Site works shall recommence following engagement with the Consent Authority, Heritage New Zealand Pouhere Taonga, Tangata Whenua and in the case of kōiwi, the New Zealand Police.~~

~~(e) Adopt and implement any additional or alternative Accidental Discovery Protocol as agreed by the Kaitiaki Forum.~~

Esplanade and Road Reserves – Co Design Process

20-26. Prior to a s.223 certificate application and /or engineering approval, the Consent Holder shall undertake a co-design process with Puketapu Hapū and NPDC Planning and Design Team to confirm a Reserve Plan that will include all details for all works within the proposed reserve areas to be vested for approval. This plan will include (but not be limited to):

- (a) The Ecological Management Plan (refer condition 26)
- (b) All earthworks and changes to the existing topography;
- (c) Provision for Toi Māori, planting and fencing within the reserve and in particular along the boundary interface;
- (d) Provision and construction for public access into and across the proposed reserve that avoids interfering with wāhi tapu;
- (e) The location and construction details of all fencing adjoining the reserve area;
- (f) Details on how the works satisfy and align with any consent and conditions associated with the Taranaki Regional Council;
- (g) The location, planting, habitat creation and operation of constructed stormwater treatment swales within the development;
- (h) Measures necessary to ensure the conclusions and recommendations set out in the Wildlands Ecology Report contract report 6969 are achieved; and
- (i) Details of ongoing maintenance requirements.

Advice Notes:

As part of the Council review of the Plan, Council will meet Puketapu Hapū to discuss the plan and details before making any decision on the final works.

A Developer Agreement may be required to set out the agreed design and costings for any construction work, including Toi Māori through the reserve.

21-27. Prior to a s.224 certificate application, the Consent Holder shall complete all approved works as determined in accordance with Condition 21.

22-28. All earthwork batters and/or retaining structures on land adjacent to existing land owned by, or to be vested in, the New Plymouth District Council, shall be located on an approved residential allotment(s).

Advice Note:

The intention of this condition is to ensure that any retaining elements are contained within private land and to avoid any future ongoing maintenance obligations for New Plymouth District Council. Batters are preferred over retaining walls adjacent to reserve areas. Reserve boundary batter and/or retaining structures should be as minimal in height as possible so as not to create a 'wall' or dramatic height difference between the private lots and reserve boundary.

Commented [BL3]: Will need to take into account staging of consent

Commented [BL4]: Place this condition under Earthworks Section

Fencing of Reserves

23-29. The common boundaries between all residential lots and existing reserve or esplanade reserve to vest are to be fenced to the standards set out below;

- (a) the fencing shall be erected along the surveyed property boundary;
- (b) the fencing shall be both dog-proof and provide for passive surveillance of the adjacent reserve from private properties;
- (c) the fencing shall be of a minimum of 1.2m in height;
- (d) the fencing shall not exceed 1.5 m in height, and the portion between 1m and 1.5m shall be at least 50% visually permeable (e.g. open lattice, vertical rails or pool style bars).

24.30. A covenant shall be registered on the titles for all private Lots with a common boundary with existing or additional esplanade reserve, setting out the following;

- (a) an ongoing landowner obligation to maintain in good repair or replace fencing to the standards set out in condition #25.24;
- (b) indemnifying the Council against all costs of erection and maintenance of the fencing.

Esplanade Reserves – Ecological Management Plan

25.31. An Ecological Management Plan (EMP) for the esplanade reserve allotments to vest shall be submitted for Council certification by the Planning and Development Lead (or nominee) at time of engineering approval. The EMP is to be prepared by the consent holders consultant Ecologist and/or Landscape Architect, and any planting layout and species palates are to be co-designed with input from Puketapu Hapu and Council's Growth and Planning Lead or delegate. The EMP shall include, but not be limited to:

- (a) A Puketapu Hapū statement of association and values set out as follows: Kaitiakitanga - Active Protection of the Waipu Lagoons, the environment and knowledge; Kanohi ki te Kanohi - Engagement and Formal Consultation; Manawhenua - Recognition of the mana of Puketapu Hapū and respect for the Puketapu Hapū's relationship with its Waipu Lagoons sites; Tikanga - Appropriate action; and Rangatiratanga - leadership, integrity and ethical behaviour in all actions and decisions.
- (b) Detailed design plans;
- (c) Detailed specifications for landscape and ecological elements and processes;
- (d) Consideration of the recommendations and conclusions set out in Wildland Consulting Report #6969 'Assessment of Potential Ecological Effects for a Proposed Subdivision at Pōhutukawa Drive, Bell Block, Taranaki';
- (e) Measures to eliminate risk of sediment entry to the Waipu Lagoons;
- (f) Any earthworks, changes to site topography, and provisions around earthworks to protect the ecological and cultural environment;
- (g) Drainage engineering requirements to be met, as set out in the Stormwater Control conditions and Engineering Plans, Supervision and Certification conditions;
Advice Note
Design of stormwater management measures will also need to meet any conditions of resource consent issued by the Taranaki Regional Council.
- (h) Fencing alignment, and standards in keeping with the Parks Standards Manual;
- (i) A planting plan(s), showing varying planting zones and areas in m²;
- (j) Lists and or tabular information on intended planting species, spacing and numbers for varying planting zones, informed by both; the coastal and semi-coastal zones of the Egmont Ecological District, and; general availability in nursery propagation/cultivation;

Commented [BL5]: Combine this with Reserve Management Plan

Commented [BL6]: Possibly combine elements of Ecological Management Plan, Reserve Management Plan, Landscape Management Plan. Review in conjunction with existing TRC Wetland Restoration Management Plan condition

- (k) A works implementation schedule;
- (l) An 18 month maintenance plan for planting areas;
- (m) A plan for the control of environmental weeds and mammalian vertebrate pests, including an 18 month maintenance plan;
- (n) Areas to remain in cultivated turf grass, including an 18 month maintenance plan;
- (o) Tentative walkway alignment through proposed Lot 302, to remain unplanted.
- (p) A process for reporting on planning and works progress to Councils' Growth and Service Lead, including at completion of works prior to s224 approvals.
- (q) Provision of a consent notice limiting the number of domestic cats to three per residential property.
- (r) Notification of landowners that active cat control is an ongoing activity in the reserves adjacent to the lagoons.
- (p)(s) Provision of a consent notice that prohibits the dumping of garden (or other) waste in the Esplanade Reserves and the planting of pest plant species on private properties. Pest plants are defined as those listed in the National Pest Plant Accord and/or the Taranaki Regional Pest Management Plan (or equivalent).

26.32. 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 the maintenance period for all planting approved under Conditions 21 and 26 [insert certified planting plan condition and maintenance period condition] 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 Condition <condition number> [insert certified planting plan condition and maintenance period condition] 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 50% of the estimated cost for the maintenance period has been added.

Landscape Management Plan for Road Reserve areas

27.33. A Road Reserve Landscape Management Plan (RRLMP) shall be submitted for Council certification by the Planning and Development Lead (or nominee) at time of engineering approval. The RRLP is to provide for all planting and turf areas located within Roads to Vest Lots 303, 305 and 306, and is to be prepared by the consent holders consultant Landscape Architect. Design elements (including Toi Māori elements), planting layout and species palates are to be co-designed with input from Puketapu Hapu in accordance with Condition 16. The RRLP shall include, but not be limited to:

- (a) Detailed design plans;
- (b) Detailed specifications for landscape elements and processes;
- (c) Esplanade Reserve fencing alignment, and standards in keeping with the Parks Standards Manual;
- (d) Treatment of road verges fronting Esplanade Reserve Lots;
- (e) Establishment of grass verges fronting residential Lots;
- (f) Selection, planting and maintenance of street trees;
- (g) Detailed specifications for raingarden plantings;
- (h) A works implementation schedule;
- (i) An 18 month maintenance plan for RRLP installations/as-builts; and

- (j) A process for reporting on planning and works progress to Councils' Growth and Service Lead, including at completion of works prior to s224 approvals.

Advice Note:

Section Seven Landscape of the NPDC, STDC and SDC Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3) Based on NZS 4404:2010 is to be considered, in the drafting of Ecological Management Plan and the Road Reserve Landscape Plan as required by conditions 26 and 27.

Developer Agreement

- 28.34. During the exercise of this consent where works additional to the above are identified and required to be completed within Esplanade Reserve or Road Reserve areas by the consent holder, such as potential track formation, these may be subject to a Developer Agreement to define the scope and nature of works and the reasonable timeframe for completion:

Restriction on Domestic Cats

29. ~~[Placeholder – potential consent notice condition for a restriction or prohibition on domestic cats. To be addressed further at the hearing]~~

Commented [BL7]: If required - to be incorporated in Ecological Management Plan

Water Supply

31. ~~Urban~~ An individual water connection incorporating a manifold assembly and water meter shall be provided for Lots 1 – ~~117~~113.
- a) All new reticulation shall be designed and constructed to the requirements of:
- i) The NPDC Consolidated Bylaws 2014.
 - ii) The Council's Land Development & Subdivision Infrastructure Standard requirements.
 - iii) The New Zealand Fire Services "Code of Practice for Fire Fighting Water Supplies" requirements.
- b) The consent holder shall confirm that there are no cross-boundary water connections is required.
- c) The consent holder shall cover the cost of each water meter as part of the service connection fee. Each meter shall be supplied and installed by Council.

Advice Notes:

An application for service connection and infrastructure connection to the existing Council main is required. The connection and meter shall be installed by a Council approved contractor. An as built plan of all connections is required from the approved contractor and the supply of this plan by the contractor forms part of this consent.

Jumbo manifold boxes are to be used if two or more connections are provided at the road boundary. Each manifold shall be tagged with the relevant Lot number (and street numbers if known).

32. ~~For Stage 6 and 7, the existing 150mm line along Parklands Ave shall be extended to service the proposed lots. The existing 150mm line along Parklands Ave shall be extended to service a maximum of 82 Lots.~~
33. ~~For Stage 8, a water line will be required to join the existing water line in Pohutukawa Place to provide a loop in order to provide fire fighting supply. Once the maximum number~~

of Lots is reached a water line will be required to join the existing water line Pohutukawa Place to provide a loop in order to provide fire-fighting supply

Wastewater

34. A sewer connection shall be provided for Lots 1 - ~~117-113~~ in accordance with the following;
- (a) All new reticulation shall be designed and constructed to the requirements of:
 - i) The Building Code,
 - ii) The NPDC Consolidated Bylaws 2014,
 - iii) The Council's Land Development & Subdivision Infrastructure Standard.
 - (b) For all new connections to the sewer main an application with the appropriate fee is to be made to Council, and upon approval this connection is to be installed by a Council approved contractor at the consent holders's cost.
 - (c) If any Lots cannot be serviced by a gravity connection, the consent holder shall install an access chamber and boundary kit as close to the road boundary as possible and shall comply with the Infrastructure Standard CI 5.3.11.1.
 - (d) Where a common private wastewater drain serves more than 2 single dwelling units a manhole will be required at the point where the common drain meets the Council reticulated system.
35. For Stage 6 and 7, the 150mm sewer line vested in Council that currently runs through this property is to be removed and a new sewer line installed along the line of the new road. The new main shall extend from the service main on Pohutukawa Place through to the NPDC trunk main to the North of the development. The replacement of the Council sewer line shall be designed by the consent holder's engineer so this aligns with sewer system required for the development. NPDC will pay for this design to be undertaken.
- Advice Notes:**
NPDC will pay for this design to be undertaken.
- The replacement of this line shall be funded largely by Council. The Developers agent shall model the existing sewer system to ensure that this new line has the capacity to accommodate the proposed additional flow. ~~If the new Council line requires upgrading in size then the difference in cost shall be borne by the developer. If the realigning of the new Council line alleviates the need for the proposed private pumping lines then the offset cost of this to the developer shall be reflected in the developer's contribution to Council for the new 150mm line.~~
36. The consent holder or future owners of proposed Lots 1- ~~117-113~~ shall comply with the following should they not be provided with a gravity sewer connection:
- Lot [insert allotment number(s)] does not have a gravity sewer connection to the main and the owner will need to install and maintain a suitable private pump at their expense. The owner shall include with their application for Building Consent for the construction of a Dwelling, details of the pumping system to be installed which shall be designed and constructed in accordance with Clause 5.3.11.0 of the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3).
37. Condition ~~33-36~~ shall be imposed by way of a section 221 consent notice registered against the new Record of Title for proposed Lot/s <Lot number/s> of the subdivision of <Legal description of land being subdivided> as shown on <Company responsible for plan> Job No./ Drawing No. <Drawing number> Rev.<Rev number> and shall be prepared by the Council at the cost of the consent holder.

Storm Water Management and Disposal

38. The consent holder shall demonstrate the suitability of each Lot to be able to dispose of all stormwater from dwellings and paved areas by on-site disposal by providing a soil suitability report including results of on-site stormwater soakage testing as per NZBC E1/VM1 Section 9.0.2. If it is demonstrated that on-site disposal is not suitable then an alternative method of disposal is to be identified and made available. Secondary flow paths shall be shown on a Plan and shall not be across private property. If this is not achievable then the following applies:

If stormwater detention is required it shall be designed to comply fully with the Land Development and Subdivision Infrastructure Standard, and shall achieve on the following additional criteria:

- a) The post-development peak flow and volume (utilising HIRDS V4 RCP8.5 2081-2100) for the 20%, 10%, 2% and 1% AEP storm events shall not exceed the pre-development peak flow and volume (utilising HIRDS V4 Historical Data) for each storm event.
39. Secondary flow paths shall not be across private property. In circumstances where this cannot be avoided, secondary flow paths shall be hard formed ie. Concrete or rock lined, and shall have an easement in gross in favour of Council. This easement shall not be obstructed, no building or structure shall be built within 1.5m from the edge of the secondary flow path.

40. ~~For all residential lots adjacent to secondary flow paths and/or ponding areas the building platform level or underside of floor slab or floor joists shall be 500mm above the specified 1% (1 in 100-yr) AEP (utilising HIRDS V4 RCP6.0 2081-2100) flood level. This will allow for the minimum freeboard protection as referred to in Clause 4.3.5.2 of the Infrastructure Standard. Finished floor levels for all sections shall be shown on the final engineering report. Levels shall be shown in relation to Taranaki Datum.~~

For all residential Lots the minimum freeboard height additional to the computed top water flood level of the 1% AEP design storm (utilising HIRDS V4 RCP6.0 2081-2100) should be as specified in Section 4.3.5.2 of the NPDC Land Development and Subdivision Infrastructure Standard. The minimum freeboard shall be measured from the top of the water level to the building platform level or underside of the floor joists or underside of the floor slab, whichever is applicable. Finished platform levels for all sections shall be shown on the final engineering report. Levels shall be shown in relation to Taranaki Datum.

41. Where it is not possible to achieve the level of protection by use of secondary flow paths, then the primary flow path shall be increased in capacity until the level of protection can be achieved.
42. Stormwater runoff from road surfaces and hard stand areas will require water quality treatment before discharge to receiving environments and wetlands.

Advice Note:

The consent holder has gained consent from Taranaki Regional Council for the discharge of stormwater to the Waipu lagoons. The consent holder will need to ensure that the design of the stormwater management and treatment system is able to satisfy the conditions of the stormwater discharge.

The Council shall accept the responsibility for any consent for an infrastructure asset upon acceptance of that asset.

43. No flooding or nuisance is to be created by increased stormwater surface flow in the catchment upstream or downstream of the development. To ensure that this does not occur, a stormwater report will be required from a suitably qualified and experienced person detailing:
- a) A clear and descriptive design statement, detailing the existing stormwater management and groundwater conditions, and the intended design approach.
 - b) A stormwater catchment / sub-catchment plan to accompany any stormwater calculations which can be easily related to the calculations.
 - c) Stormwater design calculations for both the primary and secondary stormwater systems, including replicating the hydrological regime of the Waipu Lagoons. Refer TRC Resource Consent: 11136-1.0 hydraulic neutrality for peak flow and volume for each.
 - ~~d) Stormwater design calculations for detention tanks / ponds.~~
 - ~~e)d)~~ Stormwater runoff water quality treatment design calculations, specifications of any proposed treatment devices including treatment effectiveness and location of devices.
 - ~~f)e)~~ An Operations and Maintenance Plan is required at the Detailed Design for Stormwater systems including any treatment devices
 - ~~g)f)~~ Adequate on-site soakage testing for the proposed Lots as per NZBC E1/VM1 Section 9.0.2, to demonstrate the capability for on-site SW disposal.

Roading and Access

44. All right-of-ways shall be formed to the requirements of the New Plymouth District Plan and the Council's Land Development & Subdivision Infrastructure Standard including on-site stormwater control and splays.
45. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder shall construct and seal new vehicle crossings serving the Right of Ways identified as Areas A - E on plan and allotments containing access legs in accordance with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3).
46. For Stage 6 and 7:
- Lot 303 and 305 shall vest in the Council as road and in accordance with the following conditions/standards;
- a) The proposed road shall be constructed to the Council's Land Development & Subdivision Infrastructure Standard requirements and designed to Austroads.
 - b) A road pavement design shall be provided using asphaltic concrete or chipseal surfacing, meeting requirements set out in Council's Land Development & Subdivision Infrastructure Standard and shall meet the deflections for Benkelman Beam testing appropriate for the specific design.
 - ~~c) A "Give Way" sign and associated road markings, as defined in NZTA publication "Manual of Traffic Signs and Markings" (MOTSAM) shall be installed at the intersection of roads 1 & 2.~~
 - ~~d)c)~~ A Road Safety Audit shall be organised by NPDC but undertaken at the cost of the developer. This audit shall be completed prior to final sign off of the engineering plans detailed design so that any recommendations from the audit can be included at design

Commented [SZ8]: Is a condition enabling the partial roll back the s.221 notice for the roading alignment at each stage required? To maintain the alignment on the balance each stage.

stage. The Road Safety Audit shall cover aspects as referred to in Cl. 3.2.7 of the Infrastructure Standard. This audit shall be provided at Stage 1 but shall also cover Stage 2.

~~e)d)~~ A turning head shall be constructed at the end of cul-de-sac. Where a temporary turning head is required two MOTSAM PW66 (2 chevron option) chevron boards shall be erected to indicate the end of the road.

~~f)e)~~ Kerb & channel, footpath, berm, stormwater disposal and street lighting shall be provided on the proposed road.

~~g)f)~~ A light industrial vehicle crossing shall be installed to serve lot 302. The crossing shall be able to meet the visibility set out in TRAN-S2 of the district plan.

47. For Stage 8 and 9:

Lot 306 307 shall vest in the Council as road and in accordance with the following conditions/standards;

a) The proposed road shall be constructed to the Council's Land Development & Subdivision Infrastructure Standard requirements and Austroads design.

b) A road pavement design shall be provided using asphaltic concrete or chipseal surfacing, meeting requirements set out in Council's Land Development & Subdivision Infrastructure Standard and shall meet the deflections for Benkelman Beam testing appropriate for this specific design.

~~c)~~ A "Give Way" sign and associated road markings, as defined in NZTA publication "Manual of Traffic Signs and Markings" (MOTSAM) shall be installed at the intersection of roads 1 & 9.

~~d)~~ A turning head shall be constructed at the end of cul-de-sac. Where a temporary turning head is required two MOTSAM PW66 (2 chevron option) chevron boards shall be erected to indicate the end of the road.

~~e)c)~~ Kerb & channel, footpath, berm, stormwater disposal and street lighting shall be provided on the proposed road.

~~f)d)~~ The proposed road shall be constructed to the Council's Land Development & Subdivision Infrastructure Standard requirements and designed to Austroads.

~~g)e)~~ The intersection for the future alignment with Impact Ave shall require the same construction dimensions as the existing Impact Ave. Road 1 shall be classed as an Arterial-Collector Road and complying sight distances at this intersection shall be required. A long section of this future connection to Impact Ave will be required at the time of engineering plans for this proposal

Earthworks

48. The subdivider shall appoint a suitably qualified engineer to design, control and certify all earthworks.

a) All earthworks shall be carried out under the direct control of a suitably qualified engineer.

b) Any uncompacted fill shall be identified and shall be shown on the final plans.

Commented [SZ9]: To be brought up alongside the rest of the earthworks conditions

- c) Any works undertaken on site shall employ the best practical means of minimising the escape of silted water or dust from the site. A description of the proposed means of mitigating these temporary effects shall be submitted with the Engineering Plan and approved and installed prior to any works commencing. Regional Council approval shall be obtained where required for sediment control.
 - d) Excavation works associated within the subdivision must be kept wholly within the subject site and not encroach past the boundary on to neighbouring land or road reserve.
 - e) Any excavation works that take place over or near Council reticulation shall ensure that backfill/compaction and adequate cover complies with the Infrastructure Standard.
49. Any retaining wall that falls outside the scope of Schedule 1 of the Building Act (2004) shall require a building consent. Earthworks that have the potential to undermine the stability of any adjoining property is to be assessed by a suitably qualified engineer with any remedial work to comply with the NZ Building Act 2004.

Advice Notes:

It is recommended that developments are designed to minimise changes to landfill except in circumstances where a Geo-Professional assesses that the natural landform presents risks to health, infrastructure or the environment.

Any excavation that takes place within road reserve during this development shall require an approved Corridor Access Request (CAR). Refer to the "National Code of Practice for Utility Operators' Access to Transport Corridors" for additional information. Applications can be made via the website www.beforeUdig.co.nz or 0800 248 344. A CAR along with a Traffic Management Plan must be submitted a minimum of 5 working days before an operator intends to start work for minor works or 15 working days for major works and project works. All costs incurred shall be at the applicant's expense.

50. A Geotechnical Completion Report as detailed under Chapter 2 of Council's Land Development & Subdivision Infrastructure Standard authored by a suitably qualified geo-professional (refer NZS4404:2010 Definitions) shall be submitted to the Council's Planning Team prior to 224 certification to confirm a stable, flood free building platform that meets the requirements of the NPDC District Plan, including the soil's suitability to dispose of stormwater, is available on proposed Lots 1 & 2. This would demonstrate that the site is suitable for building foundations in accordance with the requirements of the New Zealand Building Code B1.
51. If the report identifies limitations needed to be raised with future property owners the consent holder shall apply for consent notices at the time of Section 224 certification. The limitations and ability to identify constraints on consent notices will be considered by Council at the time of the Section 224 certification and the Planning Lead shall retain discretion of whether consent notices are applicable in this regard.

Telecommunication and Power connections

52. An individual power connection shall be provided to Lots 1 - ~~117113~~.
53. An individual telecommunications connection shall be provided to Lots 1 - ~~117113~~.

Engineering Plans and Approvals

54. An engineering plan and specification for the right of way/sewer/water/stormwater /sediment and silt control/secondary flow paths/earthworks/roading/roading pavement

design/street lighting isolux design/common service trenches/location of above ground utility structures/street tree planting design shall be submitted to and approved by the Council prior to the commencement of work. For private stormwater disposal systems on right-of-ways, such as soakholes, a building consent will be required.

Advice Note:

In terms of the internal road design the follow matters will need to be assessed/detailed:

- a. Access to Lots 36, 37 and 76 will need careful consideration regarding location, due to the splitter islands and separation from roundabout.
- b. The northernmost curve on Road 2 might restrict visibility from the access on Lot 40.
- c. The roundabouts will need to be checked for swept paths for HCV's.

55. All work shall be constructed under the supervision of a suitably qualified person who shall also certify that the work has been constructed to the approved Engineering Plan/Infrastructure Standard requirements.
56. The supervision of the work, and its certification and the provision of as built plans shall be as prescribed in sections 1.8 and 2.0 of NPDC Land Development & Subdivision Infrastructure Standard.
57. A Council engineering plan approval/inspection fee shall apply at cost.
58. A schedule of assets vested and SW infrastructure Operations and Maintenance Manual shall be provided to Council.

GENERAL ADVICE NOTES

- a) A Development Contribution for off-site services of:
 - Stage 6: Lots 1–39 \$294,037.96 excl GST
 - Stage 7: Lots 40-65 \$196,025.30 excl GST
 - Stage 8: Lots 66-75, 78- 105 \$286,498.52 excl GST
 - Stage 9: Lots 106-113 \$60,315.48 Excl GSTis 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.
- b) Other alternative solutions may be approved for those aspects where the Infrastructure Standards are unable to be met or can be achieved in a different way.
- c) Any excavation that takes place within road reserve during this development shall require an approved Corridor Access Request (CAR). Refer to the "National Code of Practice for Utility Operators' Access to Transport Corridors" for additional information. Applications can be made via the website www.beforeUdig.co.nz or 0800 248 344. A CAR along with a Traffic Management Plan must be submitted a minimum of 5 working days before an operator intends to start work for minor works or 15 working days for major works and project works. All costs incurred shall be at the applicant's expense.
- d) Damage to council assets
The owner is required to pay for any damage to the road or Council assets that results from their development. The developer must notify the Council of any damage and the Council will engage their contractor to carry out the repair work. The owner,

builder/developer or appointed agent responsible for building/development work must repair, to the satisfaction of Council, damaged roads, channels drains, vehicle crossings and other assets vested in council adjacent to the land where the building/construction work takes place. Safe and continuous passage by pedestrians and vehicles shall be provided for. Footpath or road shall be restored to the Council's satisfaction as early as practicable. Developers are required to pay for any damage to the road or street that results' from their development. The developer must employ a council approved contractor to carry out such work.

- e) Street light design can be found <http://www.nzta.govt.nz/assets/resources/specification-and-guidelines-for-road-lighting-design/docs/m30-accepted-luminaires.pdf>. A street lighting design can be undertaken to incorporate the location and predicted height of street trees. This may lead to a reduction in the number of trees on the site. (NPDC will not accept painted poles)
- f) This consent lapses on ~~xx xxxxxx 2030~~ **2035** unless the consent is given effect to before that date; or unless an application is made before the expiry of that date for Council to grant an extension of time. An application for an extension of time will be subject to the provisions of section 125 of the Resource Management Act 1991.

Commented [BL10]: Suggest 10 year consent due to extent of development and based on timeframe in Ben Hawkes evidence