



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

Manor Property Limited

S.42A Report

APPENDIX 6

Draft Conditions

NOTE: This set of draft conditions is not complete and will require further input and discussions with the applicant and mana whenua. Further technical input will also be required to refine and confirm the conditions.

RESOURCE CONSENT SUB19/47312 AND LUC19/47535

DRAFT CONDITIONS

Applicant: Manor Property Limited

Location: 19 Egmont Road, New Plymouth

Legal Description: Lot 2 DP 400849 (held in RT 401595)

Status: The proposal a Non-Complying Activity under the Operative New Plymouth District Plan

Proposal: Non-Complying Activity 2 Lot Residential Subdivision and Land-use consent for industrial activities on Lots 1 and 2

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 SUB19/47312.
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;

Survey Plan Approval

3. The survey plan shall conform with the subdivision scheme plan submitted by BTW Company and entitled "Lots 1 – 3 being a Proposed Subdivision of Lot 2 DP 400849" Drawing number: 180802.02, Rev5; dated: 17/11/22.

Cultural values and Kaitiaki Conditions

4. [Provision for a Kaitiaki Forum – scope to be determined with input from Applicant and mana whenua. Scope may include meetings through development process, opportunities for co-design, provision for earthworks monitoring, and specific design/input into discharge and treatment of stormwater]
5. If the consent holder discovers kōiwi tangata, waahi taonga (resources of importance), waahi tapu (places or features of special significance) or other Māori artefacts, the consent holder shall without delay;
 - a) Notify Tawhirikura Hapū, Puketapu Hapū, Te Kotahitanga o Te Atiawa, the Consent Authority, and Heritage New Zealand Pouhere Taonga and in the case of kōiwi, the New Zealand Police.
 - b) Stop work within the immediate vicinity of the discovery to allow a site inspection by Tawhirikura Hapū, Puketapu Hapū, Te Kotahitanga o Te Atiawa and Heritage New Zealand Pouhere Taonga, 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 tangata discovered should be handled and removed by kaumatua responsible for the tikanga (custom) appropriate to their removal or preservation.
 - d) Site work shall recommence following consultation with Tawhirikura Hapū, Puketapu Hapū, Te Kotahitanga o Te Atiawa, the Consent Authority and Heritage New Zealand Pouhere Taonga and in the case of kōiwi, the New Zealand Police.
6. The consent holder shall provide Tawhirikura Hapū, Puketapu Hapū, Te Kotahitanga o Te Atiawa, and the Consent Authority with the opportunity to undertake a pre-start blessing.

Other Consents

7. The consent holder is responsible for ensuring that all earthworks comply with the Archaeological Authority from Heritage New Zealand Ref No 2022/60 - 11013-042 granted 18 May 2022.
8. Earthworks will not be permitted to commence on site unless the consent holder obtains all necessary regional council consents .

Landscaping and Planting

9. The planting of Figure 15 Planting Plan of the ALVE shall be undertaken in the first planting season following the completion of the earthworks on the borrow site of proposed Lot 3, either:
 - a) Prior to the application for 224c; or
 - b) Enforced as a consent notice on the title of Lot 3, requiring the same planting and timeframe.

Vehicle Entrance

10. A heavy industrial vehicle crossing shall be constructed to serve Lots 1 and 2 to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard (CL.3.3.17.1).

Condition Note:

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

Water Services

11. An individual water connection incorporating a manifold assembly shall be provided for Lots 1 and 2. All new reticulation shall be designed and constructed to the requirements of:
 - a) The NPDC Consolidated Bylaws 2014 Part 14 Water, Wastewater and Stormwater Services.
 - b) The Council's Land Development & Subdivision Infrastructure Standard requirements.
12. Lots 1 and 2 shall be served by a new water connection. Connection shall be made to the existing 150mm distribution main along Egmont Road.
13. 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. (Backflow preventer for industrial) (a testable medium risk Council approved backflow preventer with a water meter downstream of the backflow preventer.)
14. Confirmation that there are no cross-boundary water connections shall be provided.

Condition Notes:

Lot 3 can keep its restricted water supply until further subdivision of this Lot takes place.

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.

Sewer Services

15. A sewer connection shall be provided for Lots 1 and 2 within the development. All new reticulation shall be designed and constructed to the requirements of:
 - i) The Building Act,
 - ii) The NPDC Consolidated Bylaws 2014 Part 14 Water, Wastewater and Stormwater Services.
 - iii) The Council's Land Development & Subdivision Infrastructure Standard.

Condition Note:

For a new connection 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 holder's cost.

Engineering plans

16. An engineering plan and specification for the stormwater, earthworks, roading, street lighting isolux design shall be submitted and approved by the Council prior to the commencement of work.
17. 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.
18. The supervision of the work, and its certification and the provision of as built plans shall be as prescribed in section 1.8 of NPDC Land Development & Subdivision Infrastructure Standard.
19. A Council engineering plan approval/inspection fee shall apply at cost.
20. A schedule of assets vested in the Council is required.
21. A memorandum shall be shown on the survey plan and easements created at the time of depositing the plan for any easements in gross.
22. 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.

Road upgrade and Design

23. Kerb and channel, berm, street lights and stormwater disposal is required to be installed from the end of the kerb line at the junction of Oropuriri Road to the start of the new pond at the southern end of Lot 2. The new kerb line shall follow the same line as the existing at Oropuriri Road junction. The road width shall be no less than [insert] ??? at this point and ideally be constructed to the H2 road design in the Infrastructure Standard
24. A concept design for the future intersection roading layout shall be provided that will provide access to the larger Lot 3. The intersection concept design shall go back to the low point in the road and incorporate the future stormwater layout for this area.

Damage to council assets

25. The consent holder 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 subdivision work takes place.
26. Safe and continuous passage by pedestrians and vehicles shall be provided for along Egmont Road. Footpath or road shall be restored to the Council's satisfaction as early as practicable. The Consent Holder is required to pay for any damage to the road or street that results from their development. The Consent Holder must employ a council approved contractor to carry out such work.

Construction Management Plan

27. Works undertaken on site shall employ the best practical means of minimising the escape of silted water or dust from the site. A (CMP) shall be submitted with the engineering plans to be certified by Council's Monitoring Officer and all works installed prior to any earthworks commencing on site. The CMP shall be prepared by a suitably qualified person and include:
 - a) Measures to avoid silt and sediment runoff from all enabling earthworks into any adjoining sites and specifically the natural wetland;
 - b) Measures to minimise dust generation;
 - c) Remedial measures for exposed earthworks areas;
 - d) Measures for preventing tracking of material onto the Road network, and if any occurs measures to clean up such material;
 - e) Traffic Management;
 - f) Construction Noise management; and
 - g) Access and safety.
28. The consent holder shall ensure that all construction work complies with the construction noise limits in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.
29. Once certified the CMP shall be followed for the duration of all earthworks on the site.
30. The consent holder shall appoint a suitably qualified engineer to design, control and certify any earthworks associated with the development.

Earthworks

31. Earthworks shall be undertaken in general accordance with the plans:
 - Stage 1 Site Grading Plan, Drawing No. 180802.02-07, Sheet C02, Revision B2;
 - Stage 1 Sections, Drawing No. 180802.02-07, Sheet C03, Revision B2; and
 - Stage 1 Earthworks Cut Fill Plan, Drawing No. 180802.02-07, Sheet C04, Revision B2;
32. The current onsite flood storage volume of the overall site is to be maintained via excavation of an equivalent storage volume to mitigate any downstream effects from the proposed filling of proposed Lots 1 and 2. Detailed design, including the calculations and details of an appropriate compensation volume, are to be provided to council for certification prior to the pond being constructed.

33. Prior to the start of earthworks, CCTV shall be used on the stormwater network downstream of stormwater inlet NP-EGMO10902DI to determine where critical points may be (such as dips and/or pipes with flat gradients). These sections of pipe shall then be CCTVed at the consent holder's cost after the completion of earthworks to determine if any silt deposition has taken place. Any silt deposition which has taken place will be removed at the consent holder's cost.

Condition notes:

Council have agreed to pay the cost of the first CCTV use with regard to Condition 32.

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.

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 consent holders expense.

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.

Stormwater

34. A stormwater report will be required from a suitably qualified and experienced person, prior to construction of any stormwater works and shall include but not be limited to:
- a) A clear and descriptive design statement, detailing the existing and proposed 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 (including peak flow and volume) for both the primary and secondary stormwater systems, for existing and proposed (Lots 1 & 2 fully developed) landuse, for the 20%, 10% and 1% AEP events including RCP6.0 and RCP8.5 Climate Change allowance.
 - d) Overland flowpath network for the site and catchment upstream or downstream of the development.
 - e) Conceptual stormwater design details for Lots 1 & 2 demonstrating hydraulic neutrality for peak flows.
 - f) Conceptual stormwater design details for Lots 1 & 2 demonstrating stormwater treatment of hardstand areas.
 - g) Design calculations for the relocated attenuation pond showing that the existing storage characteristics and NPDC Stormwater Network operatively are maintained.

- h) Adequate on-site soakage testing for the proposed Lots as per NZBC E1/VM1 Section 9.0.2, that demonstrate the capability for on-site stormwater disposal including winter water table levels for each lot and the relocated attenuation pond.
35. An Operations and Maintenance Plan is required at the Detailed Design Stage for all Stormwater Systems
36. The consent holder shall clearly demonstrate the suitability of each lot to be able to dispose of stormwater from buildings, paved and unpaved areas including:
- a) on-site disposal where achievable for the 10% AEP 60 min duration storm event; and
 - b) seasonal highest groundwater level.
37. The consent holder shall clearly demonstrate the suitability of the relocated attenuation pond to provide the same level of service as the existing storage area including (but not restricted to) the following design aspects:
- a) the depth / volume storage rating curve
 - b) the hydraulic characteristics of the connection with the NPDC stormwater reticulation system
 - c) the high level overflow including scour protection and freeboard
 - d) a forebay area
 - e) seasonal highest groundwater level beneath the pond footprint area
 - f) suitable access to enable maintenance operations (including access for a small digger) to be undertaken without causing damage to the structure
38. Secondary flow paths shall be shown on a Plan and shall not be across private property.
39. For Lots within the application site adjacent to secondary flow paths and/or ponding areas the building platform level or underside of floor slab or floor joists shall be a minimum of:
- a) 300mm for Industrial Buildings
 - b) 500mm for Residential buildings
- above the specified 1% AEP (with RCP8.5 Climate Change allowance) 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 Lots shall be shown on the final engineering plans. Levels shall be shown in relation to Taranaki Datum.
40. No flooding or nuisance is to be created by the increased stormwater surface flow in the catchment upstream or downstream of the development.
41. Stormwater easements shall be located in a position so that it will be along a future property boundary rather than across a Lot if required.
42. Where common service trenches are proposed to be used, NPDC shall require cross sections on the engineering plans showing separation distances both horizontally and vertically. Refer to Fig 3.0c of the Infrastructure Standard.
43. If required by the Taranaki Regional Council a consent shall be obtained for stormwater discharge and silt control.
- a) These consents are to be sighted by the Council prior to the commencement of any work on site.

- b) Any consent required shall be obtained in the name of the consent holder.

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

44. Pursuant to Section 221 of the RMA a consent notice shall be registered on the title for Lots 1 and 2 as follows:

“Onsite stormwater design of any new building/structure shall be undertaken by a suitably qualified person in accordance with the following requirements:

- Stormwater discharge from the site shall be provided with water quality treatment and be hydraulically neutral, or
- Stormwater from the site shall be in accordance with the requirements of the specified catchment wide NPDC stormwater management system”.

Building platforms and onsite stormwater disposal systems

45. A report shall be provided from a suitably qualified person to confirm that there is available within Lots 1 and 2 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 in the location of the identified building platform locations.
46. 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.

LANDUSE DECISION:

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

1. The use and development of the land shall be generally in accordance with the application SUB19/47312 and LUC19/47535.

Cultural values and Kaitiaki Conditions

2. [Provision for a Kaitiaki Forum – scope to be determined with input from Applicant and mana whenua. Scope only to address any works or matters arising from land use activity]
3. If the consent holder discovers kōiwi tangata, waahi taonga (resources of importance), waahi tapu (places or features of special significance) or other Māori artefacts, the consent holder shall without delay;
 - a) Notify Tawhirikura Hapū, Puketapu Hapū, Te Kotahitanga o Te Atiawa, the Consent Authority, and Heritage New Zealand Pouhere Taonga and in the case of kōiwi, the New Zealand Police.
 - b) Stop work within the immediate vicinity of the discovery to allow a site inspection by Tawhirikura Hapū, Puketapu Hapū, Te Kotahitanga o Te Atiawa and Heritage New Zealand Pouhere Taonga, 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 tangata discovered should be handled and removed by kaumatua responsible for the tikanga (custom) appropriate to their removal or preservation.
 - d) Site work shall recommence following consultation with Tawhirikura Hapū, Puketapu Hapū, Te Kotahitanga o Te Atiawa, the Consent Authority and Heritage New Zealand Pouhere Taonga and in the case of kōiwi, the New Zealand Police.

Building and Site Development Standards

4. All activities and buildings on Lots 1 and 2 shall comply with the following provisions for activities of an industrial nature:
 - a) At least 20% of the site shall be planted in grass, vegetation and or landscaped with permeable materials. Where practicable this area shall be incorporated into a water sensitive design solution receiving and treating stormwater and/or planted in native species as advised by Ngāti Tawhirikura to support birds, lizards and key native ecosystems found in the vicinity of this site.
 - b) Landscaping shall occur along the road boundary to screen all structures, carparking and yard areas from the road with landscaping and planting that will within two years of planting reach a minimum height of 2m, with the exception of vehicle crossings, be a minimum depth of 3m from the road boundary.
 - c) No outdoor storage areas shall be visible from an adjoining property or road.
 - d) Buildings shall be a maximum height of 10m and a height of no greater than RL42 (Lot 1) and RL39.5 (Lot 2) datum level (Taranaki datum 1970) whichever is the lesser.
 - e) Buildings shall be setback a minimum of 30m from the road boundary and a minimum of 10m from any side or rear boundary.

Transportation assessment

5. Any activities that exceed 5000m² gross floor area will require an Integrated Transport Assessment considering both operational and construction effects, prepared by a suitably qualified traffic specialist and submitted for approval and certification from Council prior to undertaking the activity.

Industrial Activities

6. All activities and buildings on Lots 1 and 2 shall be restricted to those that are defined as an industrial activity in accordance with the following definition:

“An activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.” Additionally, any office activity, retail activity and/or training space that is ancillary to an industrial activity must occupy no more than 15% of the gross floor area of the building or 180m² whichever is the lesser, and is located within the same building on the same site as the industrial activity.

[Definition may be updated in accordance with PDP decisions]

Landscaping

7. Prior to construction of any building on Lot 1 or 2, a Landscape Planting Plan for the relevant Lot shall be submitted to Council's Planning Lead (or nominee) for approval. The plan shall detail:
 - a) At least 20% of the site in permeable surfaces - planted in grass, native vegetation or landscaped with permeable materials. Where practicable this area shall be incorporated into a water sensitive design solution receiving and treating stormwater and/or planted in native species as advised by Ngāti Tawhirikura to support birds, lizards and key native ecosystems found in the vicinity of this site.
 - b) Landscaping along the road boundary to screen structures, carparking and yard areas from the road with landscaping and planting that will within two years of planting reach a minimum height of 2m, and with the exception of vehicle crossings, be a minimum depth of 3m from the road boundary.
8. All planting shall be maintained and any dead or diseased plants shall be replaced with a plant of a similar species and nature.
9. All landscaping on-site shall be implemented in accordance with the approved Landscape Planting Plan identified in condition 4 and shall occur prior to issue of Code of Compliance for each building/ development on each allotment.

Noise and Lighting

10. [Operational Noise standard – based on PDP and final zone provisions]
11. [Operational Lighting standard – based on PDP and final zone provisions]

Construction Management Plan

12. Works undertaken on site shall employ the best practical means of minimising the escape of silted water or dust from the site. A (CMP) shall be submitted with the engineering plans to be certified by Council's Monitoring Officer and all works installed prior to any earthworks commencing on site. The CMP shall be prepared by a suitably qualified person and include:
- a) Measures to avoid silt and sediment runoff from all enabling earthworks into any adjoining sites and specifically the natural wetland;
 - b) Measures to minimise dust generation;
 - c) Remedial measures for exposed earthworks areas;
 - d) Measures for preventing tracking of material onto the Road network, and if any occurs measures to clean up such material;
 - e) Traffic Management;
 - f) Construction Noise management; and
 - g) Access and safety.

Condition Note:

The CNP from the subdivision consent may be used and adopted for the land use works.

13. The consent holder shall ensure that all construction work complies with the construction noise limits in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.
14. Once certified the CMP shall be followed for the duration of all earthworks on the site.
15. The consent holder shall appoint a suitably qualified engineer to design, control and certify any earthworks associated with the development.

Advice notes

A Development Contribution for Lots 1 and 2 will be charged at the time of Building Consent

Consent Lapse Date

*This consent lapses on **X XXXX 2028** 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.