

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

UNDER

the Resource Management Act
1991 ("RMA")

IN THE MATTER

of an application under section 88
of the Act by **ROBE AND ROCHE
INVESTMENTS LIMITED** to the
**NEW PLYMOUTH DISTRICT
COUNCIL** for a subdivision to
create 113 residential lots and
additional road and recreational
reserves at 56 Pohutukawa Place,
Bell Block. (SUB21/47803)

JOINT WITNESS STATEMENT

PLANNING AND CONSENT CONDITIONS

DATED: 9 May 2025

1. INTRODUCTION

1.1 This Joint Witness Statement ("JWS") on planning matters and consent conditions is presented in relation to the subdivision and land use consent application ("the Application") lodged by Robe and Roche Investments Limited ("the Applicant"), to subdivide the land at 56 Pohutukawa Place, Bell Block into 113 residential lots and associated road and recreational reserves.

1.2 It records the positions and outcomes of expert conferencing between;

- Ben Lawn – Planner for the Applicant,
- Kathryn Hooper – Planner for the Applicant,
- Sean Zieltjes – Planner and adviser to Te Kotahitanga o Te Atiawa Trust and Puketapu Hapū, and
- Todd Whittaker – S.42A planner for New Plymouth District Council.

(The above 4 parties are collectively referred to as the 'planning experts').

1.3 The experience and qualifications of each planning expert is set out in the statements of evidence that have already been circulated and presented to the Commissioner.

- 1.4 The planning experts convened on 23 April, 30 April, 2 May, 6 May and 8 May 2025 via teams. Planning experts were assisted during these meetings (at various times) by Richard Watkins – NPDC Principal Planner, Quinn Amor – NPDC Parks/Assets and Matt Sanger – NPDC Development Engineer.

2. CODE OF CONDUCT

- 2.1 We re-confirm that we have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and agree to comply with it. We confirm we have considered all the material facts that we are aware of that might alter or detract from the opinions we express. In particular, this JWS is within our sphere of planning expertise, and we have not omitted to consider material facts known to us that might alter or detract from the opinions we express.

3. PURPOSE AND SCOPE OF JWS

- 3.1 This JWS has been prepared post-hearing in response to item 5 of the Commissioner's minute 6. It covers;
- Changes made to the scheme plan to give clarity in relation to staging of the subdivision (and clearly inform the consent conditions);
 - Proposed conditions of consent;
 - Other matters that have arisen during conferencing (consent term).

4. CHANGES MADE TO THE SCHEME PLAN

- 4.1 The planners for the applicant (working with their experts) have developed an updated scheme plan which accurately shows the proposed staging of the subdivision. Additional amendments were also made to the scheme plan to address matters raised during the hearing. The amended scheme plan is provided as **Appendix 1**.
- 4.2 A statement detailing the amendments made to the scheme plan was provided by the planners for the applicant, with this provided as **Appendix 2**.
- 4.3 The Planning Experts have reviewed the amended scheme plan, and the supporting statement. They have consulted with their respective experts as appropriate and agree that the changes made to the scheme plan are appropriate, and within the scope of the application.

5. PROPOSED CONDITIONS OF CONSENT

- 5.1 The planning experts agree on the proposed conditions of consent which are provided as **Appendix 3**.

6. OTHER MATTERS

- 6.1 During conferencing, the issue of consent term was raised.
- 6.2 Mr Lawn raised this matter in his evidence to the hearing (Appendix G, Mark up to conditions, comments under General Advice notes), and during the hearing confirmed that a 10 year consent term is sought by the applicant.
- 6.3 The planning experts were unsure if there was scope for the consent term to be extended, and propose that this be addressed in the applicants closing submissions.
- 6.4 The matter was discussed and providing there is scope, the planning experts settled on a consent term of 7 years, which provides for a total timeframe of up to 10 years to complete title under the RMA.

7. CONCLUSION

- 7.1 All planning experts agree:
 - (a) that the amended scheme plan is within the scope of the application (Appendix 1 and 2).
 - (b) on the proposed conditions of consent (Appendix 3).
 - (c) that a consent term of 7 years is appropriate, subject to legal submissions confirming scope.
- 7.2 All planning experts thank the commissioner for the extension of time to complete this exercise.

Signed:



Ben Lawn
Planner for the Applicant



Kathryn Hooper
Planner for the Applicant



Sean Zieltjes
Planner and adviser to Te Kotahitanga o Te Atiawa Trust and Puketapu Hapū



Todd Whittaker
S.42A planner for New Plymouth District Council.

9 May 2025

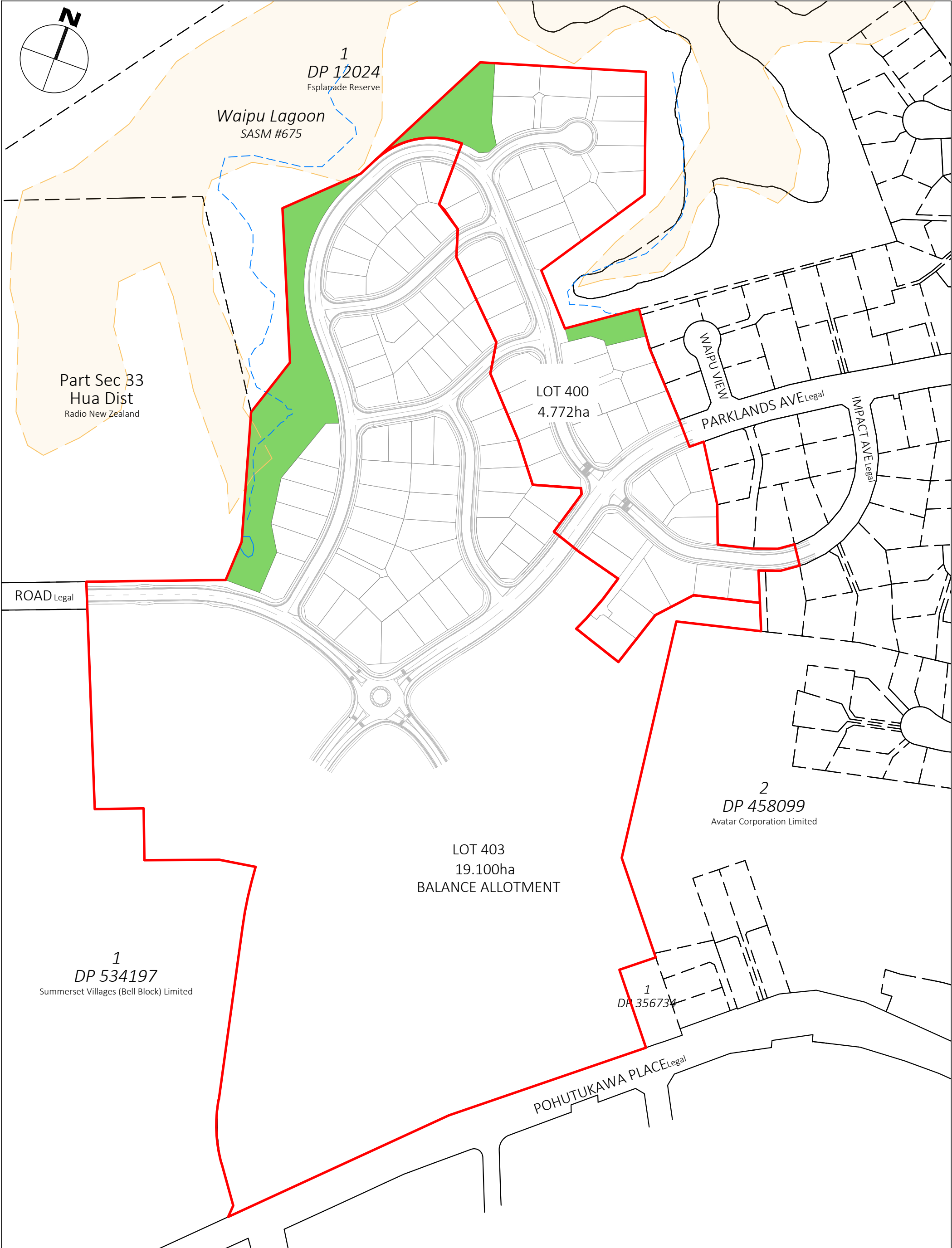
Appendices:


APPENDIX 1 – AMENDED SCHEME PLAN

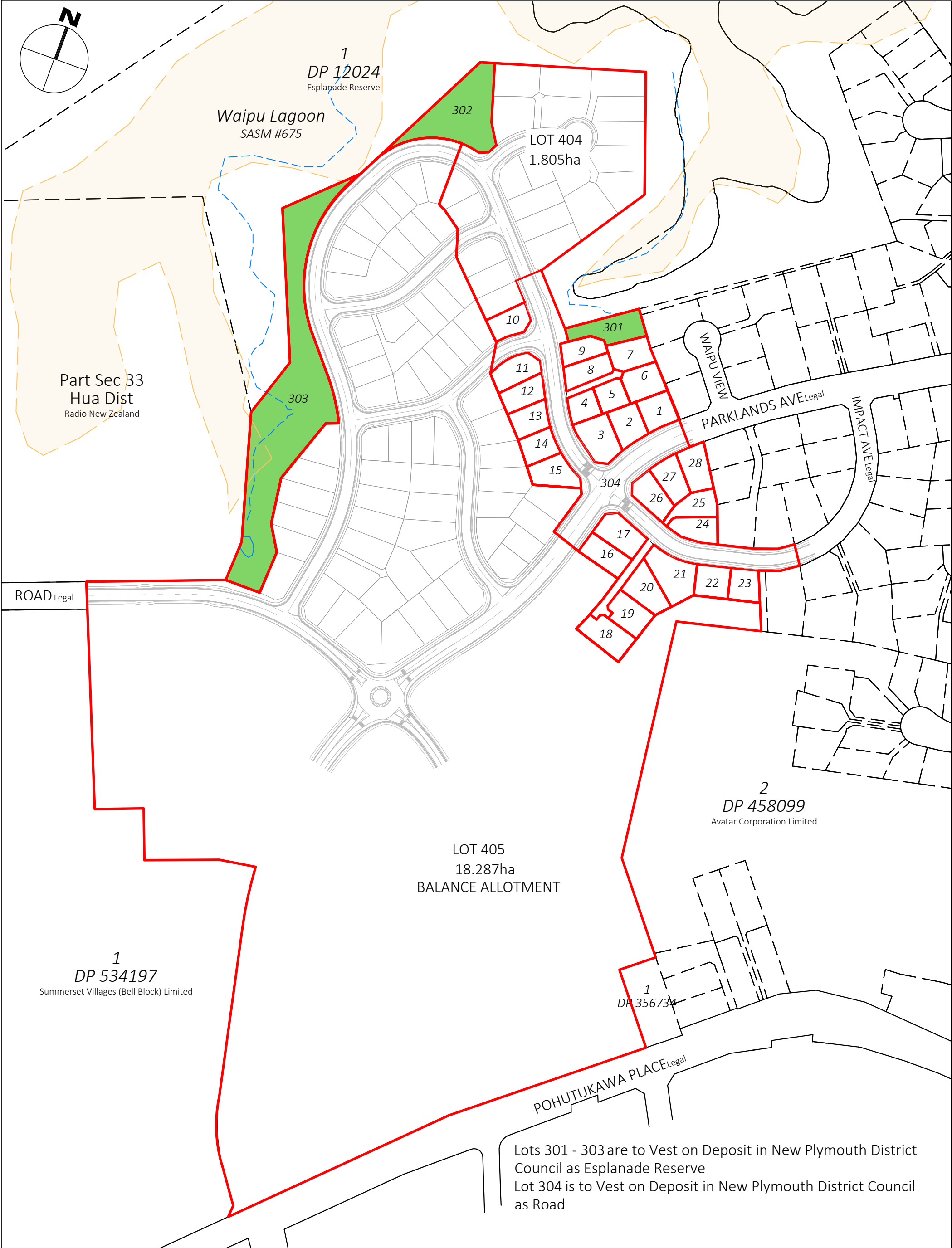
APPENDIX 2 – STATEMENT FROM APPLICANTS PLANNERS DETAILING AMENDMENTS TO THE SCHEME PLAN


APPENDIX 3 PROPOSED CONDITIONS OF CONSENT

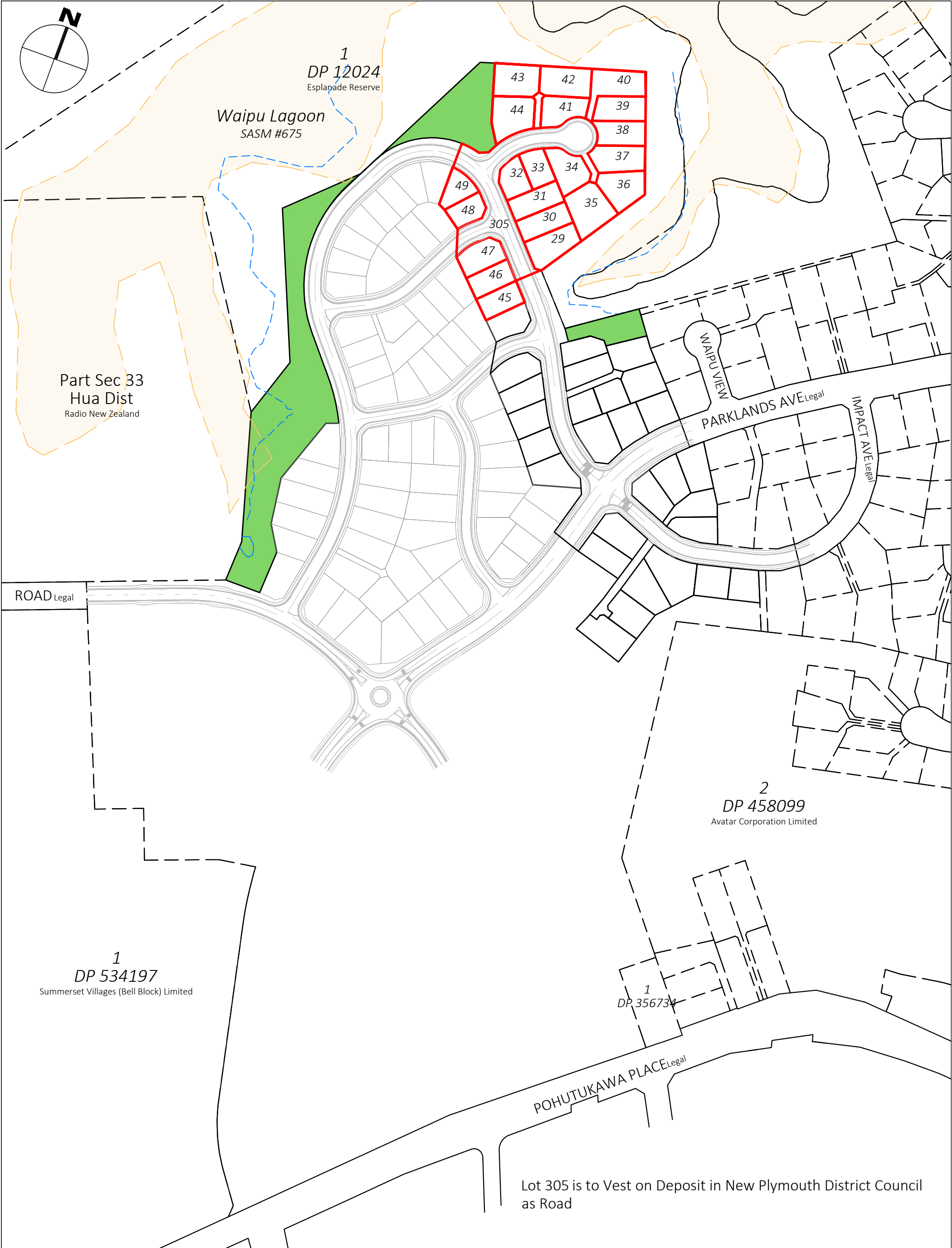
APPENDIX 1 – AMENDED SCHEME PLAN




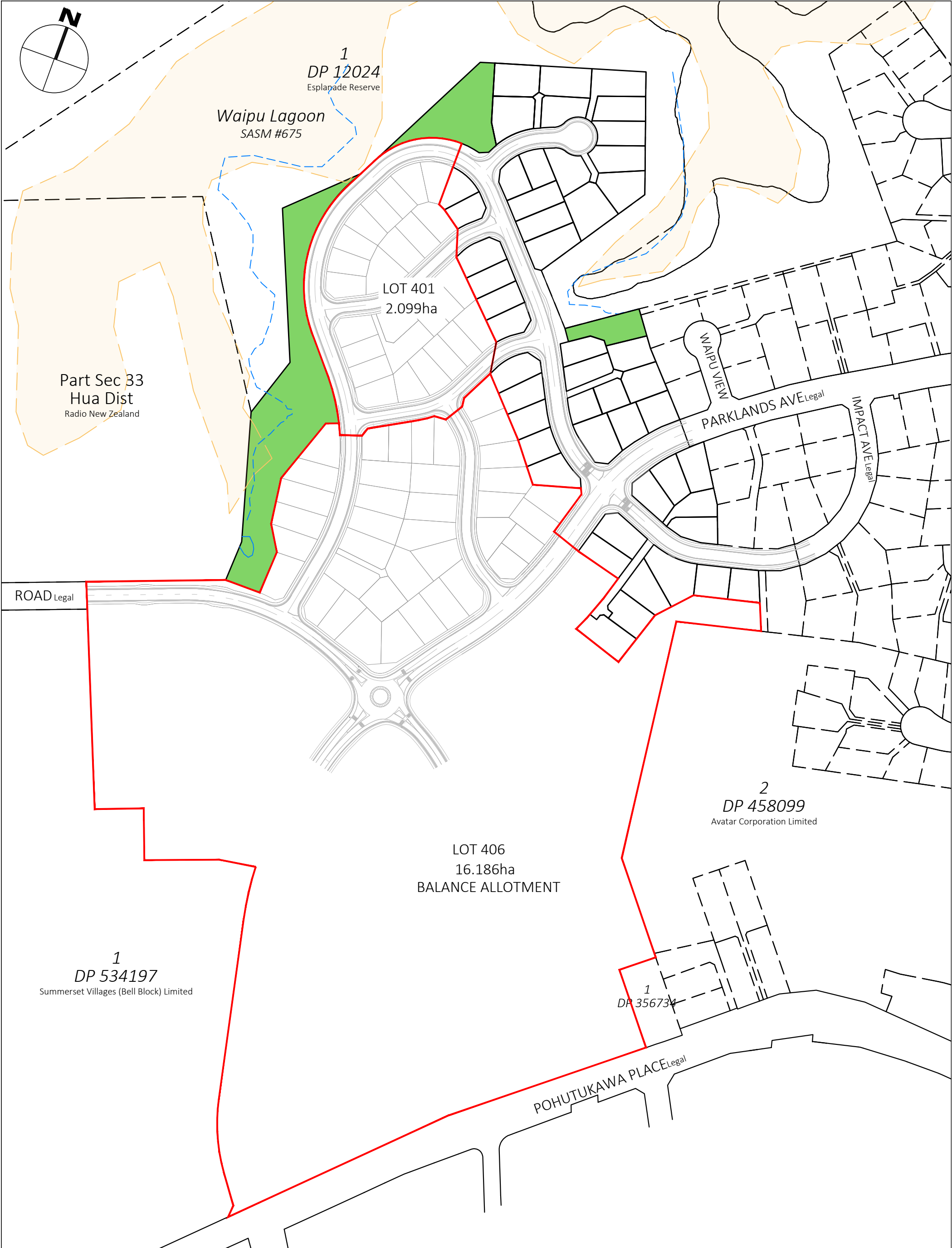
 <div>28A Manadon Street PO Box 116 New Plymouth 4340 New Plymouth 06 758 5342 Hawera 06 278 4456 www.mckinlaysurveyors.co.nz</div>	TITLE PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN - Stage 6A		RECORD OF TITLE 825757		
	APPLICANT W & C Bolton		TERRITORIAL AUTHORITY New Plymouth District Council	TOTAL AREA 23.8797ha	JOB No B-231212
				DATE 08/05/25	DWG No 06
	<i>This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.</i>			SCALE 1:2500@A3	SHEET OF 1 1




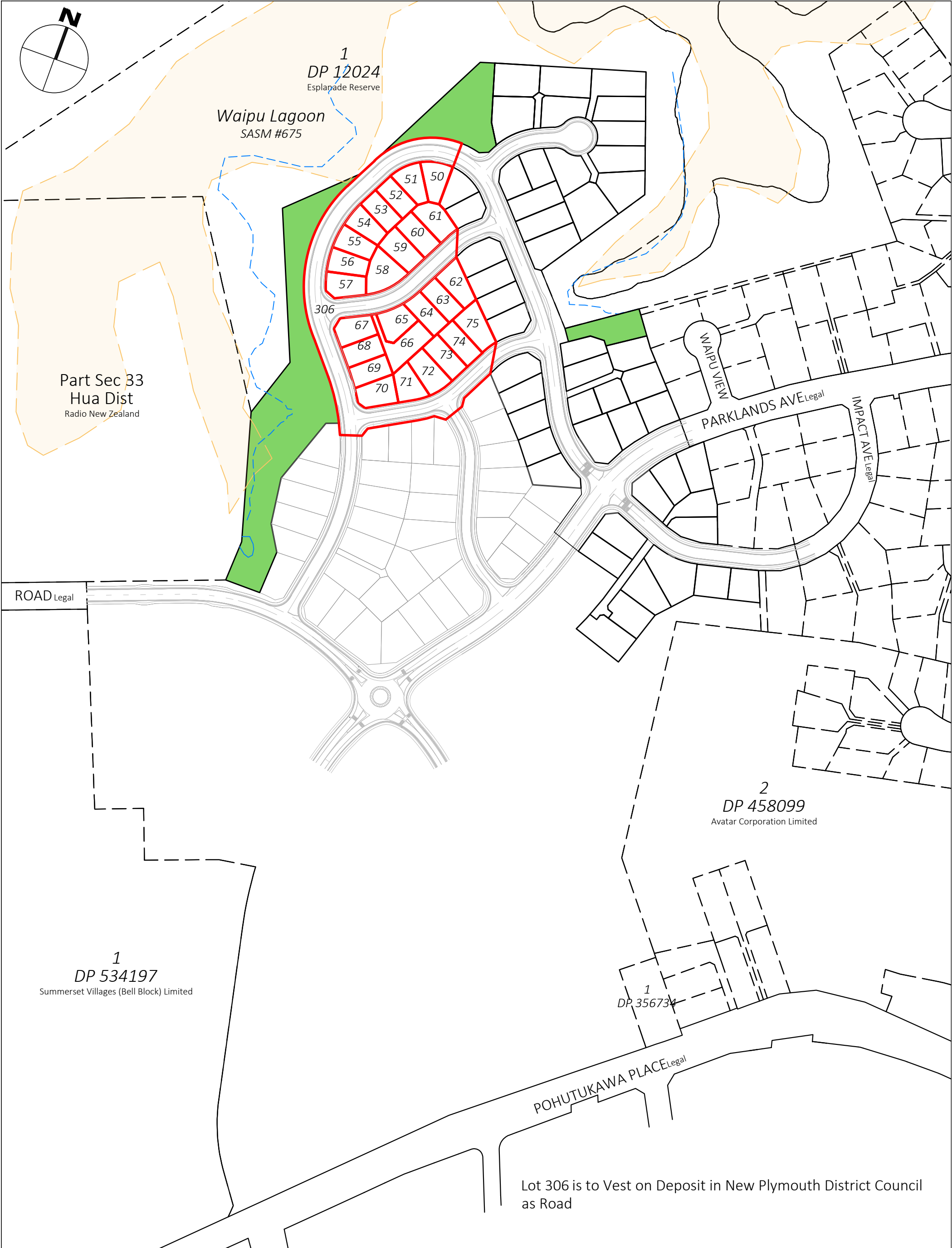
 <div>28A Manadon Street PO Box 116 New Plymouth 4340 New Plymouth 06 758 5342 Hawera 06 278 4456 www.mckinlaysurveyors.co.nz</div>	TITLE PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN - Stage 6B		RECORD OF TITLE 825757	
	APPLICANT W & C Bolton		TOTAL AREA 23.8797ha	JOB No B-231212
	TERRITORIAL AUTHORITY New Plymouth District Council		DATE 08/05/25	DWG No 07
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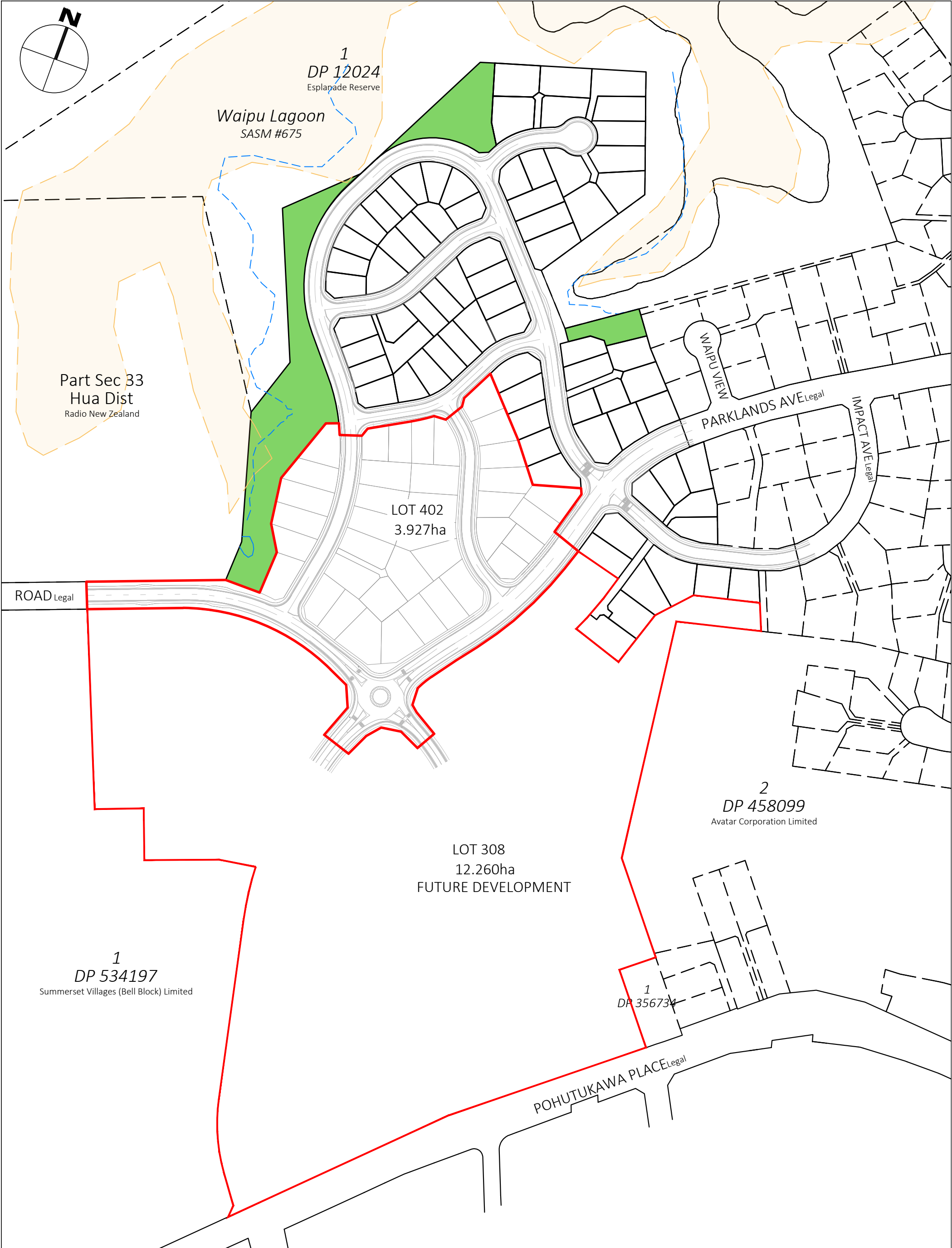
 <div>28A Manadon Street PO Box 116 New Plymouth 4340 New Plymouth 06 758 5342 Hawera 06 278 4456 www.mckinlaysurveyors.co.nz</div>	TITLE PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN - Stage 7		RECORD OF TITLE 825757		
	APPLICANT W & C Bolton		TERRITORIAL AUTHORITY New Plymouth District Council	TOTAL AREA 23.8797ha	JOB No B-231212
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	<i>This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.</i>			SCALE 1:2500@A3	SHEET OF 1 1




 <div>28A Manadon Street PO Box 116 New Plymouth 4340 New Plymouth 06 758 5342 Hawera 06 278 4456 www.mckinlaysurveyors.co.nz</div>	TITLE PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN - Stage 8A		RECORD OF TITLE 825757		
	APPLICANT W & C Bolton		TERRITORIAL AUTHORITY New Plymouth District Council	TOTAL AREA 23.8797ha	JOB No B-231212
				DATE 08/05/25	DWG No 09
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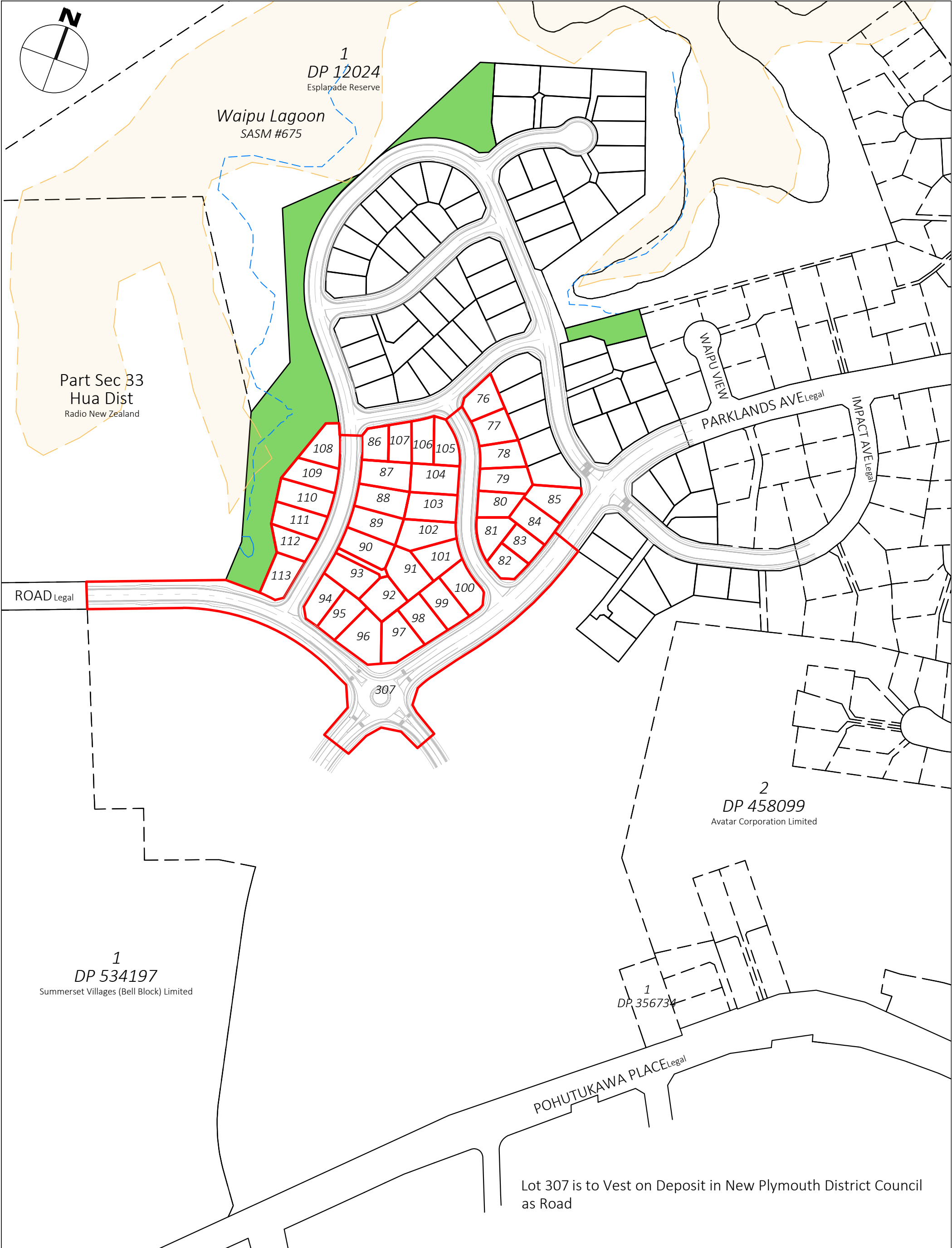


 <div>28A Manadon Street PO Box 116 New Plymouth 4340 New Plymouth 06 758 5342 Hawera 06 278 4456 www.mckinlaysurveyors.co.nz</div>	TITLE PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN - Stage 8B		RECORD OF TITLE 825757	
	APPLICANT W & C Bolton		TOTAL AREA 23.8797ha	JOB No B-231212
	TERRITORIAL AUTHORITY New Plymouth District Council		DATE 08/05/25	DWG No 10
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	PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN - Stage 9A		825757	
	APPLICANT	TERRITORIAL AUTHORITY	TOTAL AREA	JOB No
	W & C Bolton	New Plymouth District Council	23.8797ha	B-231212
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*This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991.
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Lot 307 is to Vest on Deposit in New Plymouth District Council as Road

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	APPLICANT W & C Bolton		TERRITORIAL AUTHORITY New Plymouth District Council	TOTAL AREA 23.8797ha	JOB No B-231212
				DATE 08/05/25	DWG No 12
	<i>This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.</i>			SCALE 1:2500@A3	SHEET OF 1 1

APPENDIX 2 – MEMO FROM B LAWN DETAILING AMENDMENTS TO SCHEME PLAN

BEFORE COMMISSIONER MARK ST. CLAIR APPOINTED BY NEW PLYMOUTH DISTRICT COUNCIL

UNDER

the Resource Management Act 1991 ("RMA")

IN THE MATTER

of an application under section 88 of the Act by **ROBE AND ROCHE INVESTMENTS LIMITED** to the **NEW PLYMOUTH DISTRICT COUNCIL** for a subdivision to create 113 residential lots and additional road and recreational reserves at 56 Pohutukawa Place, Bell Block. (SUB21/47803)

AMENDMENTED SUBDIVISION SCHEME PLANS

DATED: 09 May 2025

- 1.1 Following the Commissioners minute dated 30 April 2025, the planners for the Applicant, NPDC and Puketapu Hapū have continued progressing an amended and agreed set of conditions.
- 1.2 The Commissioners minute dated 30 April 2025 requested a separate section from the proposed conditions as to the details and plans of the staging of the subdivision and how that is different or not, from the proposal at the adjournment of the hearing.
- 1.3 The below outlines the amendments made to the Subdivision Scheme Plan dated 05/02/25, since the adjournment of the hearing on the 15th April 2025. The amended Subdivision Scheme Plans are dated 08/05/25.
 - (a) Roading Changes
 - (i) The initial roundabout shown on the scheme plans for Road 1, Road 2 and Impact Ave has been modified to be two intersections instead. This was following the initial draft consent condition which included an advice note stating "*Access to Lots 36, 37 and 76 will need careful consideration regarding location, due to the splitter islands and separation from roundabout.*"

- (ii) Following review from Red Jacket Engineering, in discussion with NPDC Roding Team, it was agreed that a roundabout in this location was not appropriate and would create unintended access and visibility issues with the residential lots adjoining it.
- (iii) The two intersections to replace the roundabout has been designed by Red Jacket Engineering and reviewed by the NPDC Roding Team who are accepting of the design which will alleviate the advice note requiring consideration on the access to the adjacent residential lots. The advice note has subsequently been removed from the draft consent conditions.

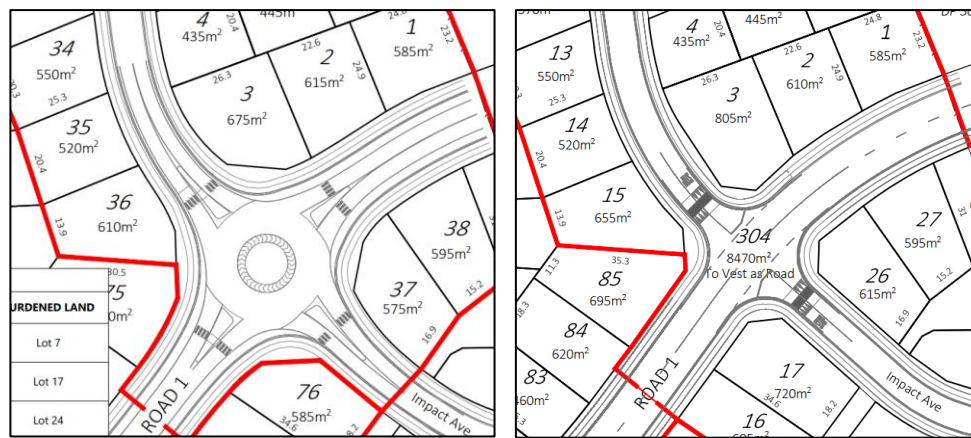


Figure 1: Initial Roundabout Design *Figure 2: Amended Intersection Design*

(b) Adjustment of Lot 301 Esplanade Reserve

- (i) Following the discussion of the Designation 'NPDC-3' process for Lot 301 at the hearing, the Designation area was overlaid on the scheme plan and agreed that Lot 301 needed to be widened to encompass the entire Designation overlay.
- (ii) The Esplanade Reserve Lot 301 has been widened in the amended scheme plan and increased in size from the initial 605m² to 900m², which allows for the Designation to be wholly contained within Lot 301. The adjoining residential Lots 6, 7, 8 and 9 have subsequently reduced slightly in size, however, are all still above the minimum allotment size of the ODP or PDP.

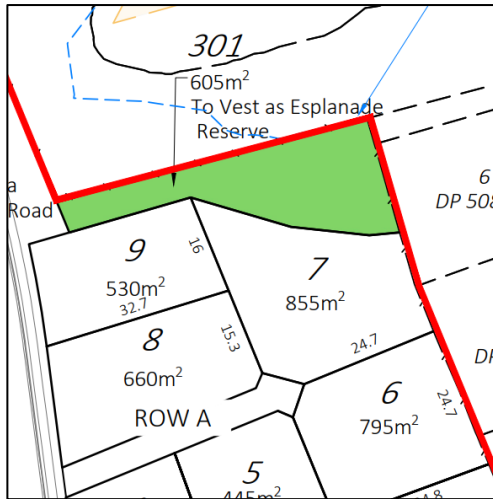


Figure 3: Initial Lot 301

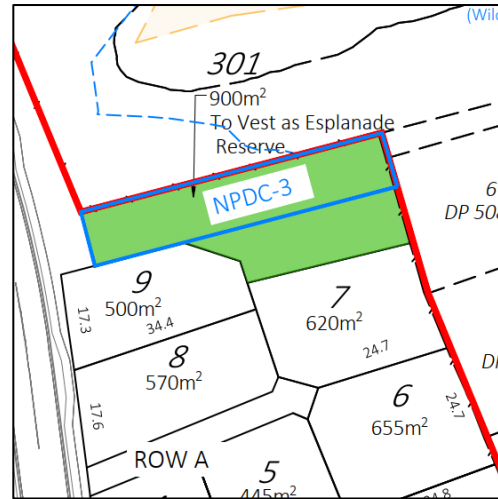


Figure 4: Amended Lot 301

(c) Subdivision Stages and Numbering

- (i) Discussions have taken place during the drafting of consent conditions on the staging requirements for the subdivision, with amendments to include infrastructure, financial and cultural reasonings.
- (ii) The altered subdivision scheme plan has included the following changes:

Original Staging

- Stage 6: Lots 1 – 39, Lots 301, 302 (Reserves) and Lot 303 (Road);
- Stage 7: Lots 40-65, Lot 304 (Reserve) and Lot 305 (Road);
- Stage 8: Lots 66-105, and Lot 306 (Road); and
- Stage 9: Lots 106-113 and Lot 307 (Road)

Amended Staging

- Stage 6A – Lot 400 and Lot 403 (Superlots);
- Stage 6B – Lots 1 – 28, Lots 301 – 303 (Reserve) and 304 (Road);
- Stage 7 – Lots 29 – 49 and Lot 305 (Road);

- Stage 8A – Lot 401 and Lot 406 (Superlots);
 - Stage 8B – Lots 50 – 75 and Lot 306 (Road);
 - Stage 9A – Lot 402 and Lot 308 (Superlots); and
 - Stage 9B – Lots 76 – 113 and Lot 307 (Road).
- (iii) The amended staging allows for the creation of the 'superlots' required for the applicant to purchase the land and fund the subdivision. This was included in the original scheme plan submitted with the consent application and addressed in the submitted "*Addendum to Application for Resource Consent 56 Pohutukawa Place, Bell Block*" dated 8/7/21.
- (iv) The amended staging removes 'Stage 9' and replaces it with 'Stage 7' which allows for each stage to include a stormwater discharge outlet, allowing each stage to be independent on stormwater discharges.
- (v) The three esplanade reserve Lots 301, 302 and 303 have been included in Stage 6B to align with the creation of the various ecological and reserve management plans which will address all esplanade reserves. This will also allow for vesting of the esplanade reserves in the first development stage, which is required to align with the cultural adaptive management plan, which allows for relocation of archaeological finds to these reserve areas.
- (vi) The numbering of the residential allotments, roads and reserves have been amended to match the updated stages. The total number of residential allotments, roads and reserves is the same as the previous subdivision scheme plan, with no increase in scale or intensity.



Ben Lawn
Planner for the Applicant
09 May 2025



Kathryn Hooper
Planner for the Applicant
09 May 2025

APPENDIX 3 PROPOSED CONDITIONS OF CONSENT

Robe and Roche Subdivision SUB21/47803

Consent Conditions to support Planning JWS.

Dated: 9 May 2025

SUBDIVISION

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:
 - a) *Assessment of Environmental Effects, titled “Application for Resource Consent 56 Pohutukawa Place, Bell Block” prepared by McKinlay Surveyors dated 26 May 2021 and all updated material and reports since the original application was submitted, and*
 - b) *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 DWG 6-12 dated 08/05/25,*
 - c) *Red Jacket Plan – Typical Rain Garden Details – C2-3 - C2-5 Rev A dated 12/03/25,*
 - d) *Red Jacket Plan – Stormwater Discharge Points – C2-6 - C2-9 Rev A dated 12/03/25,*
 - e) *Red Jacket Plan – Roading & Stormwater Layouts – C3-1 – C3-7 Rev A dated 12/03/25,*
 - f) *Red Jacket Plan – Typical Road Cross Sections – C4-1 – C4-4 Rev A dated 12/03/25,*
 - g) *Red Jacket Plan – Stormwater – C5-1 – C5-12 Rev A dated 12/03/25,*
 - h) *Red Jacket Plan – Water Reticulation – C6-1 – C6-12 Rev A dated 12/03/25,*
 - i) *Red Jacket Plan – Sewer – C7-10 – C7-22 Rev A dated 12/03/25,*
 - j) *Red Jacket Plan – Bulk Earthworks Plan – C8-1 – C7-22 Rev A dated 12/03/25,*

unless otherwise modified by the following conditions of consent.

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 DWG 6-12 dated 08/05/25 as follows:
 - a) Stage 6A – Lot 400 and Lot 403;
 - b) Stage 6B – Lots 1 – 28, Lots 301 – 304;
 - c) Stage 7 – Lots 29 – 49 and Lot 305;

- d) Stage 8A – Lot 401 and Lot 406;
 - e) Stage 8B – Lots 50 – 75 and Lot 306;
 - f) Stage 9A – Lot 402 and Lot 308; and
 - g) Stage 9B – Lots 76 – 113 and Lot 307.
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. The Consent Holder shall also demonstrate that any staging and completion of conditions will not impede or restrict the ability of the remaining stages of consent to be completed in full compliance with all conditions of this consent.
 4. The Consent Holder shall pay to the New Plymouth District Council all the administration, certification, monitoring and supervisions costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.
 5. This consent lapses on **XX XXXXX 2032** 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.

ARCHAEOLOGY, CULTURAL SITES AND ADAPTIVE MANAGEMENT

6. Initial 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.
7. Until such time as a general archaeological authority is issued by Heritage New Zealand Pouhere Taonga for the subdivision the Consent Holder shall implement the following Discovery Protocol at all stages of works:

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, Puketapu Hapū 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) Adopt and implement any additional or alternative Accidental Discovery Protocol as agreed by the Kaitiaki Forum.
8. Upon receipt of a general archaeological authority from Heritage New Zealand Pouhere Taonga that covers earthworks necessary to give effect to the subdivision consent, condition 7 shall no longer apply.
 9. In the instance the inspection required by condition 6 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 16 below; 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 9(b) are complete, earthworks may be recommenced.
 10. If an archaeological discovery is made and the decision of the Kaitiaki Forum is for the find to remain in-situ in accordance with condition 9(b)(ii), a consent notice in accordance with s.221 of the Resource Management Act 1991 shall be imposed on the residential titles that the find remains within. The consent notice shall be:

(a) No earthworks, land disturbance or erection of any structures shall be undertaken on the archaeological area shown as X.

PRE-WORKS CONDITIONS (PRIOR TO STAGES 6B, 7, 8B, 9B)

Kaitiaki Forum

11. Prior to the commencement of any site works, or the preparation of any management plans the Consent Holder shall take all reasonable endeavours, and act in good faith, to convene and resource a Kaitiaki Forum.
12. The function and purpose of the Kaitiaki Forum shall be formally agreed by the Consent Holder and Puketapu Hapū. This shall be formally documented in a Forum Collaboration Agreement ('Agreement'). This Agreement shall include (but not be limited to):
 - a) The entities to be represented on the Forum are the Consent Holder, Puketapu Hapū and Te Kotahitanga o Te Atiawa;
 - b) The entities that form the quorum;

- c) The number of representatives and the representatives from the entities on the Forum;
 - d) The construction timetable, and the frequency the Forum shall meet relative to that timetable;
 - e) The duration of the Forum;
 - f) A dispute resolution clause;
 - g) Any role for New Plymouth District Council and/or Taranaki Regional Council staff in relation to the role and function of the Forum; and
 - h) Anything further the participating entities deem appropriate to consider.
13. Prior to the commencement of works a copy of the Forum Collaboration Agreement shall be provided to the New Plymouth District Council – Planning Lead or nominee.
14. The Consent Holder shall engage with the Kaitiaki Forum:
- a) To gain cultural understanding and input into the content of:
 - i. The Reserve Plan required by condition 17.
 - ii. The Road Reserve Landscape Plan required by condition 20.
 - iii. The engineering plans required by condition 24.
 - b) To develop an Applied Cultural Expression Plan which shall include but not be limited to;
 - i. The overall purpose of Applied Cultural Expression Plan .
 - ii. The locations and on-going maintenance of any installations of Toi Māori.
 - iii. Road naming.
 - iv. The location and maintenance schedule of sign and story boards.
 - c) As required to implement the adaptive management strategy for archaeology and Sites and Areas of Significance to Māori required by condition 9.
 - d) To contribute to the induction process of all persons working on the site, control and provide over-sight of all earthworks undertaken within the development; and
 - e) To implement necessary tikanga māori including 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.

Advice Notes:

The Kaitiaki Forum will also convene on the management plans as required in the TRC Consents (TRC 11136-1.0 & 11146-1.0)

15. 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) Compliance with the scope of earthworks as approved under land use consent

LUC25/48765.

- b) The existing contours across the site; and
 - c) the area of earthworks for each stage of the subdivision; and
 - d) final volumes, cut and fill areas; and
 - e) the location where any cut-to-waste material is to be deposited.
16. Prior to each stage of earthworks commencing identified in condition 15 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 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 that shall be followed for that stage.
 - d) The Consent Holder shall provide a report to the Planning and Development Lead (or nominee) outlining the recommendations from the Kaitiaki Forum required by condition 14.

Ecological Management and Reserve Development Plan (Reserve Plan)

17. An *Ecological Management and Reserve Development Plan (Reserve Plan)* shall be prepared by the consent holder and submitted to the Planning and Development Lead (or nominee) for certification. The Reserve Plan is required to be submitted at least one month prior to any works on the proposed esplanade reserves commencing (excluding earthworks approved under this consent).

The purpose of the Reserve Plan will be to detail the ecological, planting and development works for the proposed esplanade reserves, the timing of the works and ongoing monitoring and management measures. The Reserve Plan shall also give effect to the future use and purpose of the reserve being primarily to identify and protect the cultural and ecological values of the Waipu Lagoons.

The Reserve Plan shall include the following provisions, standards and details:

- 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;
 - 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) A single walkway alignment to the coastal walkway through proposed Lot 302, to remain unplanted;
 - p) Any ongoing monitoring and management recommendations and provisions noting that any such works will need to be funded by Council reserves budgets or passed over to a community group.
 - q) A process for reporting on planning and works progress to Councils' Growth and Service Lead, including at completion of works prior to s224 approvals.
 - r) A Privileged Access Agreement required for any work within council administered reserves;
18. The consent holder must undertake all works on the esplanade reserves in accordance with the certified Reserve Plan. 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 condition 17 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 17 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.

19. Any amendment to the Reserve Plan must be;
- a) submitted to the Planning and Development Lead (or nominee) for certification,
 - b) supplied to Puketapu Hapū for advice on cultural impacts of the amendments no less than 30 working days prior to the consent holder submitting the plan to Council for certification.

Road Reserve Landscape Plan

20. A Road Reserve Landscape Plan (RRLP) shall be submitted for Council certification by the Planning and Development Lead (or nominee). The Reserve Plan is required to be submitted at least one month prior to any works on the proposed roads (excluding earthworks approved under this consent).

The purpose of the RRLP is to detail the landscape and interface details within the road reserves and in particular along the interface with the proposed esplanade reserves.

21. The RRLP is to provide for all planting and turf areas located within Roads to Vest - Lots 304 - 307, 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 14. 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) A Privileged Access Agreement required for any work within council administered reserves;
 - e) Treatment of road verges fronting Esplanade Reserve Lots;
 - f) Establishment of grass verges fronting residential Lots;
 - g) Selection, planting and maintenance of street trees;
 - h) Detailed specifications for raingarden plantings;
 - i) Detailed specifications for any other plantings within Road Reserve (e.g. chicane plantings)
 - j) A works implementation schedule; and
 - k) An 18 month maintenance plan for RRLP installations/as-builts.

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 17 and 20.

22. The consent holder must undertake all works in accordance with the certified RRLP which shall also be incorporated into the engineering plans.
23. Any amendment to the RRLP must be;
 - a) submitted to the Planning and Development Lead (or nominee) for certification,
 - b) supplied to Puketapu Hapū for advice on cultural impacts of the amendments no less than 30 working days prior to the consent holder submitting the plan to Council for certification.

Engineering Plans (Stages 6B, 7, 8B, 9B)

24. An engineering plan and specification for all subdivisional and civil works authorised by this consent shall be submitted to and approved by the Council prior to the commencement of work.

Advice Notes:

- (b) For private stormwater disposal systems on right-of-ways, such as soakholes, a building consent may be required.*
- (c) In terms of the internal road design the follow matters will need to be assessed/detailed:*
 - a. The northernmost curve on Road 2 might restrict visibility from the access on Lot 50.*
 - b. The roundabouts will need to be checked for swept paths for HCV's.*

Construction Management Plan

25. A Construction Management Plan (CMP) shall be submitted to Council for certification by the Planning and Development Lead (or nominee). The CMP is required to be submitted at least one month prior to any works.

The purpose of the CMP is to detail the measures to be adopted during earthworks and civil works to ensure the management and mitigation of construction works on the surrounding properties, Waipu lagoon, and community

26. The CMP must include, but not be limited to, the following:
 - a) Details for all stages of the construction works.
 - b) Details of the site or project manager, including their contact details.
 - c) Any means, such as the fencing and setback of construction vehicles and machinery from the ecologically sensitive areas.
 - d) Measure to be adopted to minimise impacts on visual amenity including any screening, storage of rubbish and unloading of building materials and similar construction activities;
 - e) Measures to be adopted to ensure that accessible pedestrian access past the site

is provided at all times and that the access is safe including details of public facing detour information;

- f) Location of workers conveniences (eg portaloos);
 - g) Ingress and egress to the construction site for construction, trade and worker vehicles and machinery during the construction period;
 - h) Procedures for controlling sediment runoff, dust and the removal of soil, debris and demolition and construction materials from public roads or places. Dust mitigation should include use of water sprays to control dust nuisance on dry or windy days.
 - i) Hours of operation and days of the week for construction activities;
 - j) Management of construction traffic;
 - k) Noise Management measures to ensure that Construction Noise standards NZS6803:1999 are complied with.
27. The management and mitigation measures prescribed in the certified CMP must be implemented for the duration of the construction works.

Certification of Management Plans

28. The Council may certify or decline to certify a management plan. Should the Council decline to certify a management plan they will provide clear reasons why, and the Consent Holder may resubmit a revised plan in accordance with the following process:
- a) Within 10 working days of being notified of the Council's decision to not certify the management plan, the Consent holder must submit a revised management plan for certification by the Council.
 - b) The Council may certify or decline to certify the revised management plan.
29. The Consent Holder must submit a revised management plan, repeating the process in condition 28 above, until the Council certifies the management plan.

CERTIFICATION AND ENGINEERING ADMINISTRATION

30. 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.
31. 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.
32. A Council engineering plan approval/inspection fee shall apply at cost.
33. A schedule of assets vested and SW infrastructure Operations and Maintenance Manual shall be provided to Council.

RESERVE INTERFACE AND ECOLOGICAL PROTECTION

34. Prior to the Section 224 certificate, each residential lot that has a boundary with the Esplanade Reserve Lots 301, 302 and 303, must have a dog proof fence constructed along each common boundary with a reserve. The dog proof fencing is to be constructed to councils standards for both dog proof and visually permeable fencing. An alternative design may be proposed and approved in writing by the Planning and Development Lead (or nominee).
35. A consent notice in accordance with S.221 of the Resource Management Act 1991 shall be imposed on all titles which adjoin an esplanade reserve and require a dog proof fence in accordance with condition 34.

The consent notice conditions are:

- (a) The owner of Lots [insert lot numbers] are required to maintain a dog proof fence on each common boundary with the adjacent esplanade reserve. The dog proof fence is to be maintained or replaced to councils standards for both dog proof and visually permeable fencing. An alternative design may be proposed and approved in writing by the Planning and Development Lead (or nominee).*
- (b) All owners are prohibited from disposing of any garden waste or other rubbish into or on the adjacent esplanade reserve.*

Advice Notes:

Councils' standards for dog proof and visually permeable fencing are as follows;

Dog proof fencing

- (a) minimum 1.5m tall*
- (b) minimum 1.2m closed board fencing*
- (c) may be topped by fully visually permeable (e.g. pool style) material up to maximum height 1.8m*
- (d) An alternative design may be proposed and approved by council.*

Visually permeable fencing

- (a) maximum 1.8m tall*
- (b) maximum 1.2m closed board fencing*
- (c) where exceeds 1.2m requires to be topped by fully visually permeable (e.g. pool style) material up to maximum height 1.8m*
- (d) may be constructed of fully visually permeable (e.g. pool style) material up to maximum height 1.8m*
- (e) An alternative design may be proposed, and approved by council.*

36. A consent notice in accordance with S.221 of the Resource Management Act 1991 shall be imposed on all residential titles.

The consent notice condition is:

All lots within this area are located within a broader area which has ecological values and in proximity to the Waipu Lagoons. To manage the potential risk of cat roaming and feral cats becoming established, the following conditions and advisories apply;

- (a) A maximum of three domestic cats may be kept on each residential lot,*
- (b) Cat owners are advised that cat trapping and culling may take place within and around the Waipu Lagoons. All cat owners will need to take appropriate steps to manage cat roaming into and around the Waipu lagoons.*

DESIGN STANDARDS AND WORKS CONDITIONS

Water Supply

37. An individual water connection incorporating a manifold assembly and water meter shall be provided for Lots 1 – 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.

Advice Notes:

- (a) 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.*
 - (b) 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).*
38. The existing 150mm line along Parklands Ave shall only be extended to service a maximum of 82 Lots.

Advice Notes:

- (a) 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

39. A sewer connection shall be provided for Lots 1 - 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 Cl 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.
40. For Stage 6B 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.
41. For Stage 9B, 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 and extend to the service main on Pohutukawa Place. 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.

Advice Notes:

- (a) NPDC will pay for this design to be undertaken.
- (b) 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.
42. If any of Lots 1- 113 cannot be provided with a gravity sewer connection, then the relevant titles shall be subject to the registration of a consent notice in accordance with S.221 of the Resource management Act 1991 to impose the following condition:
- 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).*

Storm Water Management and Disposal

43. The stormwater design shall comply with the plans and consent conditions for the TRC stormwater discharge (TRC 11136-1.0 granted 25 March 2025).
44. The consent holder shall demonstrate the suitability of each residential 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.
45. 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.
46. 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 NZVD2016.
47. 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.
48. Stormwater runoff from road surfaces and hard stand areas will require water quality treatment before discharge to receiving environments and wetlands.

Advice Notes

- (a) *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.*
- (b) *The Council shall accept the responsibility for any consent associated with an*

infrastructure asset upon acceptance of that asset.

49. 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 prior to Section 224 detailing:
- a) A clear and descriptive design statement, detailing the pre-development stormwater management and groundwater conditions, and the stormwater 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
 - d) Stormwater runoff water quality treatment design calculations, specifications of any proposed treatment devices including treatment effectiveness and location of devices.
 - e) An Operations and Maintenance Plan is required at the Detailed Design for Stormwater systems including any treatment devices
 - 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

50. 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.
51. 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 the Scheme Plans titled "Proposed Subdivision of Lot 2 DP 521660 – 56 Pohutukawa Place" prepared by McKinlay Surveyors with references B-231212 DWG 6-12 dated 08/05/25, and allotments containing access legs in accordance with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3).
52. For Stages 6B and 7, Lots 304 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
 - c) A Road Safety Audit shall be 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 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 6B or 7B but shall also cover Stages 8B and 9B.

- 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) Kerb & channel, footpath, berm, stormwater disposal and street lighting shall be provided on the proposed road.
 - 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.
 - g) 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 a 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.
53. For Stages 8B and 9B: Lots 306 and 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
 - c) Kerb & channel, footpath, berm, stormwater disposal and street lighting shall be provided on the proposed road.
 - d) The proposed road shall be constructed to the Council's Land Development & Subdivision Infrastructure Standard requirements and designed to Austroads.

Geotechnical

54. The Consent Holder shall appoint a suitably qualified geo-professional to design, control and certify all earthworks.
- a) All earthworks shall be carried out under the direct control of a suitably qualified geo-professional.
 - b) Any non-engineered fill shall be identified and shall be shown on the final plans.
 - 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.
55. 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:

- (a) It is recommended that developments are designed to minimise changes to landform except in circumstances where a Geo-Professional assesses that the natural landform presents risks to health, infrastructure or the environment.*
 - (b) 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.*
56. 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 of Lots 1-113 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 Lots 1-113. This would demonstrate that the site is suitable for building foundations in accordance with the requirements of the New Zealand Building Code B1.
57. 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 of Lots 1-113. 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

58. An individual power connection shall be provided to Lots 1 - 113.
59. An individual telecommunications connection shall be provided to Lots 1 - 113.
60. Prior to certification under Section 224 of the Resource Management Act, confirmation from the provider(s) that power and telecommunications connections have been provided to Lots 1 – 113.

SURVEY PLAN SECTION 223 (RMA) APPROVAL

61. 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 DWG 6-12 dated 08/05/25.
62. 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.
63. 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.

Advice Notes:

(a) ‘Temporary’ easements may be required on individual staging plans to ensure that Council has appropriate rights of access and maintenance to all Council assets pending any completion of future subdivision stages.

64. Prior to approval under Section 223 of the Resource Management Act 1991, the Land Transfer Plan shall show the relevant Lots 304 - 307 as ‘Road to Vest’ in New Plymouth District Council in accordance with each Stage in condition 2.
65. Prior to approval under Section 223 of the Resource Management Act 1991, the Land Transfer Plan shall show the relevant Lots 301, 302, and 303 as ‘Local Purpose Reserve - (Esplanade) to Vest’ in ‘New Plymouth District Council’ in accordance with each Stage in condition 2.
66. Prior to approval under Section 223 of the Resource Management Act 1991, a right to convey water easement shall be created and included on the memorandum over the water main connection to Pohutukawa Place (Stage 9B).

SECTION 224 (RMA) APPROVAL

67. 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;

- c) All works are to be designed and constructed in accordance with New Plymouth District Council's Land Development & Subdivision Infrastructure Standard.

Un-serviced Lots

68. A consent notice pursuant to S.221 of the RMA shall be registered against the Records of Title of Lots 400-402, to ensure that the following condition is complied with on a continuing basis:
- a) That for the purposes of subdivision resource consent SUB21/47803, Lots 400 – 402 are intended for future subdivision and development. As such, no provision for a wastewater, stormwater, water supply, power and telecommunications connections or vehicle access is required at this time.
 - b) No dwelling shall be constructed or established on these lots.

Advice Notes:

Upon the first subdivision development on each lot being serviced by an approved wastewater, stormwater and water supply network and a power and telecommunications connection, this consent notice shall be cancelled from the respective title(s).

GENERAL ADVICE NOTES

- a) *A Development Contribution for off-site services of:*
 - *Stage 6B: Lots 1-28: 28HUE \$211,104.18 Ex GST*
 - *Stage 7: Lots 29-49: 21HUE \$158,328.13 Ex GST*
 - *Stage 8B: Lots 50-75: 26HUE \$196,025.30 Ex GST*
 - *Stage 9B: Lots 76-113: 38HUE \$286,498.52 Ex GST*

is payable by the consent holder and shall be invoiced separately. The 224 release of this subdivision will not be approved until payment of this contribution is made.
- 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 consent holder

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. Consent holders are 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.

- 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) 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.*
- g) A Partial Cancellation of consent notice in relation to the future roading link should be applied for prior to the issue of the residential titles.*

LANDUSE (EARTHWORKS WITHIN 50M OF A SASM)

General Conditions

1. Bulk earthworks associated with SUB21/47803 shall be subject to all terms and conditions of this consent for earthworks within 50m of a SASM and 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 LUC 25/48765 including the following:
 - a) *Assessment of Environmental Effects, titled “Application for Resource Consent 56 Pohutukawa Place, Bell Block” prepared by McKinlay Surveyors dated 26 May 2021 and all updated material and reports since the original application was submitted, and*
 - b) *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 DWG 6-12 dated 08/05/25,*

unless otherwise modified by the following conditions of consent.

2. All bulk earthworks shall be subject to the subdivision consent conditions as granted under SUB21/47803 including archaeological, kaitiaki and construction management conditions to manage and review the earthworks construction and process.
3. The scope of earthworks which are approved and subject to this land use consent are explicitly limited to the following;
 - a) The earthworks along the road corridors as shown on Red Jacket Plan – Bulk Earthworks Plan – C8-1 – C7-22 Rev A dated 12/03/25, and
 - b) The stripping of topsoil to provide for the assessment of any subsurface archaeological features and the reinstatement of topsoil to re-establish the original contour levels.

*This consent lapses on **XX XXXXX 2032** 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.*