

<b>Abbreviation</b>	<b>Means...</b>
“the Act” or “RMA”	Resource Management Act 1991
“the AEE”	The applicant’s assessment of environmental effects
“the Council”	Central Hawke’s Bay District Council (Regulatory Team)
“HBRC”	Hawke’s Bay Regional Council
“E&SCP”	Erosion and Sediment Control Plan
“RRMP”	The Regional Resource Management Plan by Hawke’s Bay Regional Council
“the proposal”	The proposed activity subject to Application RM220003
“the site”	The land at 25 Punawaitai Road, Pourerere, legally described as Lot 2 DP 564721 (1037998) and Lot 22 571974 (1037998)
“CCM”	Council’s Customer and Consents Manager (or nominee)
“CTMP”	Construction Traffic Management Plan
“CI&SMP”	Comprehensive Infrastructure Management Plan
“LP&S”	Landscape Plans and Specifications as applies to the Riparian Planting Areas
“SMP”	Stormwater Management Plan
“CVA”	Cultural Values Assessment submitted by Kairakau Lands Trust under RM220003
“Earthworks activities”	Earthworks activities for which a ESCP has been certified.
“Construction activities”	Construction works other than earthworks for which a ESCP has been certified.
“KLT”	Kairakau Lands Trust
“NZS4404:2010”	New Zealand Standard 4404:2010 Land Development and Subdivision Infrastructure
“AS/NZS 1547:2012”	Australia/New Zealand Standard 1547:2012 On-site domestic wastewater management
“Incorporated Society”	The Paoanui Management Society Incorporated
“OMP”	Operation and Maintenance Plan to be implemented by the Incorporated Society
“LMP”	Landscape Mitigation Plan

Pursuant to Section 104B of the Resource Management Act 1991, the application (RM220003) made by Paoanui Point Ltd to the Central Hawke’s Bay District Council for a 55 lot fee simple residential subdivision of land at 25 Punawaitai Road, legally described as Lot 2 DP 564721 (1037998) and Lot 22 571974 (1037998), consisting of:

- 47 allotments (Lots 1 to 14, 16, 17, 19 to 21 and 23 to 50 for residential development);
- Lot 22 (which may contain a dwelling)
- Lot 15 – (which will contain the stormwater detention and treatment area)
- Lot 18, 51 and 52 – (shared open space)
- Lots 53 and 54 (shared access)
- Lot 60 – approximately 358.77 ha (balance area)

is **granted** subject to the following conditions:

### General Accordance

1. The survey plan must conform to the subdivision consent proposal shown on the subdivision concept plan submitted with RM220003, Project titled: "62 Punawaitai Road", dated 3 August 2022, Plans titled:

- "Proposed subdivision of Lot 2 DP 564721 and Lot 22 DP571994", Drawing No: BRIDGE03-S1;
- "Stage 3A of the proposed subdivision of Lot 2 DP 564721 and Lot 22 DP571994", Drawing No: BRIDGE03-S2;
- "Stage 3A of the proposed subdivision of Lot 2 DP 564721 and Lot 22 DP571994", Drawing No: BRIDGE03-S3;
- "Stage 3B of the proposed subdivision of Lot 2 DP 564721 and Lot 22 DP571994", Drawing No: BRIDGE03-S4;
- "Stage 3B of the proposed subdivision of Lot 2 DP 564721 and Lot 22 DP571994", Drawing No: BRIDGE03-S5;
- "Stage 3C of the proposed subdivision of Lot 2 DP 564721 and Lot 22 DP571994", Drawing No: BRIDGE03-S6;
- "Stage 3C of the proposed subdivision of Lot 2 DP 564721 and Lot 22 DP571994", Drawing No: BRIDGE03-S7;
- "Stage 3C of the proposed subdivision of Lot 2 DP 564721 and Lot 22 DP571994", Drawing No: BRIDGE03-S8;

The Proposal must proceed in general accordance with the plans and information proposed, except where as modified by the conditions below. Where there is inconsistency between the plans and information provided, the conditions shall prevail.

Document	Author	Reference	Date
<b>Preliminary Engineering Drawings</b>	<i>Fraser Thomas Ltd</i>	220602SN	08 August 2022
<i>Plans Titled:</i>			
<ul style="list-style-type: none"><li>- <i>Earthworks Proposed Cut and Fill, Drawing No: 23828/3/100, Revision B;</i></li><li>- <i>Overall Road Plan, Drawing No: 23828/3/200, Revision B;</i></li><li>- <i>Proposed Road Intersections and Stage 1&amp;2 Interface, Drawing No: 23828/3/200, Revision A;</i></li><li>- <i>Proposed Long Road A Long Section Sheet 1 of 2, Drawing No: 23828/3/202, Revision A;</i></li><li>- <i>Proposed Long Road A Long Section Sheet 2 of 2, Drawing No: 23828/3/203, Revision A;</i></li><li>- <i>Proposed Long Road B Long Section, Drawing No: 23828/3/204;</i></li><li>- <i>Proposed Road A&amp;B Typical Cross Section, Drawing No: 23828/3/205, Revision A;</i></li><li>- <i>Proposed Stormwater Catchment Plan, Drawing No: 23828/3/300, Revision B;</i></li><li>- <i>Stormwater Pre-Development Catchment Plan, Drawing No: 23828/3/301, Revision C;</i></li><li>- <i>Existing Stream Catchment and Cross Sections, Drawing No: 23828/3/302, Revision A;</i></li><li>- <i>Proposed Dry Detention Basin Plan, Drawing No: 23828/3/303, Revision B;</i></li><li>- <i>Proposed Dry Pond Cross Sections and Outlet Details, Drawing No: 23828/3/304, Revision A;</i></li><li>- <i>Proposed Stormwater for Stage 1 Road Extension, Drawing No: 23828/3/305,</i></li><li>- <i>Onsite Wastewater Available Effluent Disposal Area, Drawing No: 23828/3/400, Revision E;</i></li><li>- <i>Proposed Fire Fighting Water Supply, Drawing No: 23828/3/500, Revision A.</i></li></ul>			

<b>Onsite Wastewater Treatment</b> <i>Onsite Wastewater Treatment and Disposal Report, 25 Punawaitai Road, Pourerere (Stage 3)",</i>	<i>Fraser Thomas Ltd</i>	<i>23828</i>	<i>9 August 2023</i>
<b>Geotechnical Report</b> <i>Geotechnical Investigation Report for Proposed Stage 3 Subdivision at Punawaitai Road, Pourerere"</i>	<i>Land Development &amp; Engineering Ltd (LDE)</i>	<i>14668.2 Revision 1</i>	<i>9 August 2021</i>
<b>Stormwater Calculations</b> <i>Appendix B Calculations 23828 Ltr Stage 3 s92</i>	<i>Fraser Thomas Ltd</i>	<i>23828</i>	<i>2 June 2022</i>
<b>Traffic Impact Assessment</b> <i>Punawaitai Road Subdivision – Stage 3 Transport Impact Assessment</i>	<i>Urban Connection</i>	<i>04/005</i>	<i>December 2021</i>
<b>Landscape Assessment</b> <i>Pourerere Subdivision Punawaitai Road</i>	<i>Hudson Associates Landscape Architects</i>	<i>-</i>	<i>September 2021</i>
<b>Archaeological Assessment</b> <i>Archaeological Assessment of Effects: Proposed Subdivision at 62 Punawaitai Road, Pourerere, Central Hawke's Bay</i>	<i>Heritage Services Hawkes Bay</i>	<i>-</i>	<i>-</i>
<b>Cultural Values Assessment</b> <i>Conclusion and Recommendations (pg 63 &amp; 64)</i>	<i>Kairakau Lands Trust</i>	<i>-</i>	<i>Undated</i>

**Notes:**

The following staging plan submitted with the application is acknowledged, as referred to in the *Subdivision Scheme Plan* documents above.

Individual certifications pursuant to sections 223 and 224(c) of the Act may be issued for this proposal by the Council in a series of stages provided that all of the following criteria are met:

- The Land Transfer Plans give effect to this subdivision consent and shall be consistent with the approved overall scheme plan and staging plans;
- each individual allotment must be consistent with the proposal as approved and must have legal access to a legal road;
- the earthworks conditions have been satisfied with respect to the specific stage;
- all engineering conditions pertaining to the allotments shown on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the Act.
- Conditions relating to the provision of, and on-going maintenance of all shared infrastructure are complied with.

**Easements**

2. Prior to the Council signing the Survey Plan pursuant to Section 223 all necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

### **Amalgamation Condition**

3. The following amalgamation condition must be endorsed in the cadastral survey dataset:

#### Stage 3A

- (a) That Lot 60 hereon and Lot 22 DP 571994 be held in the same Record of Title

#### Stage 3B

- (b) That Lot 53 hereon be transferred to the owners of Lot 60 DP XXXXXX (Stage 3A) and Lot 22 DP 571994 and that one Record of Title be issued to include all parcels.

#### Stage 3C

- (c) That Lot 54 hereon be transferred to the owners of Lot 60 DP XXXXXX (Stage 3A), Lot 53 DP XXXXXX (Stage 3B) and Lot 22 DP 571994 and that one Record of Title be issued to include all parcels.

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4. That Lots 51 and 52 (roads) and Lots 53, 54 and 55 (shared open space) be transferred to the Incorporated Society upon issue of a Record of Title and must be held by the Incorporated Society in perpetuity.

### **Earthworks**

5. The Consent Holder shall be responsible for all contracted operations related to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
6. A copy of this consent shall be kept onsite at all times during the construction phase of the project and shall be produced without unreasonable delay upon request from a Compliance Monitoring Officer.
7. In order to provide for health and safety of the community, the Consent Holder shall notify the Compliance Monitoring Officer before conducting any works in any existing legal road.

### **Erosion and Sediment Control**

8. The consent holder shall, **fifteen (15) working days** prior to commencing earthworks activities authorised by this resource consent (including implementation of ESCP measures), provide Council with a finalised Erosion and Sediment Control Plan (E&SCP). The E&SCP shall be designed to avoid or mitigate adverse effects from earthworks on the environment, including waterways and neighbouring properties. As a minimum be based upon and incorporate those specific principles and practices which are appropriate for the activity authorised by this consent and contained within the document titled "*Hawke's Bay Waterway guidelines-- Erosion and Sediment Control*", prepared by the Hawkes Bay Regional Council, ISBN No: 1-877405-35-3, dated April 2009 (*Reference: [1 \(hbrc.govt.nz\)](http://1.hbrc.govt.nz)*), and shall include at least the following:

- (a) details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site;
  - (b) the design criteria, supporting calculations, dimensions and contributing catchments of all key erosion and sediment control structures, including (but not limited to) diversion bunds/channels and decanting structures.
  - (c) a site contour plan of a suitable scale to identify;
    - i. the locations of waterways;
    - ii. the extent of soil disturbance and vegetation removal;
    - iii. any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses;
    - iv. areas of cut and fill;
    - v. locations of topsoil stockpiles;
    - vi. all key erosion and sediment control structures;
    - vii. the boundaries and area of catchments contributing to all erosion and sediment control devices;
    - viii. the locations of all specific points of discharge to the environment; and
    - ix. any other relevant site information.
  - (d) Construction timetable for the erosion and sediment control works and the earthworks proposed;
  - (e) Specific design and construction details (including erosion and sediment controls) for all earthworks, streamworks, and management of flood waters;
  - (f) Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
  - (g) Maintenance, monitoring and reporting procedures;
  - (h) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
  - (i) Procedures and timing for review and/or amendment to the ESCP; and
  - (j) Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.
9. The E&SCP shall be certified in writing by Council’s CCM acting in a technical certification capacity prior to any activities authorised by this resource consent commencing and the consent holder shall undertake all earthworks authorised by this consent in accordance with the certified E&SCP. Should the CCM refuse to certify the E&SCP, the consent holder shall submit a revised E&SCP to Council for certification and shall follow the same procedure and requirements as outlined in **condition 8** above.

**ADVICE NOTE:** Certification from Council (or withholding of certification) shall be based on its assessment of whether the matters being considered achieve the objective of minimising sediment discharges from the site to the extent practicable.

10. Any amendments proposed to the E&SCP referenced in **Condition 8** shall be confirmed in writing by the consent holder and certified in writing by the Council acting in a technical certification capacity, prior to the implementation of any changes proposed.
11. The consent holder shall ensure that a copy of the E&SCP, including any certified amendments, is kept onsite and this copy is updated within **five working days** of any amendments being certified.
12. The Consent Holder shall ensure that all erosion and sediment controls are inspected and in good working order at least once per week and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls. The consent holder shall further ensure that all erosion and sediment controls are maintained such that optimal sediment capture efficiency is achieved at all times.
13. The Consent Holder shall ensure those areas of the site where earthworks have been completed shall be stabilised against erosion (i.e stabilisation works shall be commenced) as soon as practically possible and within a period not exceeding 14 days after completion of any works authorised by this consent. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion to the satisfaction of Council acting in a technical certification capacity. The consent holder shall monitor and maintain the site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any water body.

#### **Environmental Standard**

14. The consent holder must ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during the duration of the works. In this regard, erosion and sediment control measures shall be established and maintained in accordance with the document titled: "*Hawke's Bay Waterway guidelines— Erosion and Sediment Control*", prepared by the Hawkes Bay Regional Council, ISBN No: 1-877405-35-3, dated April 2009 (Reference: [1 \(hbrc.govt.nz\)](http://hbrc.govt.nz)"), and the certified ESCP.
15. All earthmoving machinery, pumps, generators and ancillary equipment shall be operated in a manner, which ensures spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any water body, ephemeral water body, or overland flow path, such that any spillage can be contained so that it does not enter surface water, including stormwater systems.
16. The consent holder shall ensure that, as far as practicable, all clean water run-off from stabilised surfaces shall be diverted away from the exposed areas via a stabilised system to prevent erosion. The consent holder shall also ensure the outfall(s) of these systems are protected against erosion.
17. The consent holder must ensure that reasonably practicable measures are implemented to control dust on-site during construction works and until the earthworks areas are stabilised in an erosion resistant state. Exposed areas of earthworks shall be regularly wetted to ensure that there shall be no discharge of airborne particulate matter that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property.

## Construction Traffic Management Plan

18. No less than **fifteen (15) working days** prior to the commencement of any earthworks or construction activities on the site, the Consent Holder must submit a Construction Traffic Management Plan (CTMP) prepared by a suitably qualified and experienced practitioner to the Compliance Monitoring Officer (in liaison with the Roding Manager) for written, technical certification. The purpose of the certified CTMP is to set out how the effects of traffic on the surrounding roading and pedestrian environment, located within legal road or private shared access roads, are to be minimised during construction using reasonably practicable measures and the methods to be used to achieve these effects. The certified CTMP must include, but not be limited to, the following information, methods, measures and techniques to the achieve its purpose:

- (a) Purpose and scope of the plan;
- (b) Relationship with other management plans;
- (c) Hours of construction traffic activity;
- (d) Estimated numbers and sizes of construction vehicles;
- (e) Controlled internal and external access routes;
- (f) Parking locations for construction staff;
- (g) How safety risks on the land transport network can be minimized.
- (h) Procedures for managing construction vehicles when encountering potential rural activities within the roading network (such as the movement of livestock);
- (i) Access and delivery locations, including swept path analysis for largest vehicles;
- (j) Likely construction access routes to and from the site;
- (k) Management of oversize loads;
- (l) Wheel cleaning and covering of loads; and
- (m) Management of any complaints.

**ADVICE NOTE:** Certification from Council (or withholding of certification) shall be based on its assessment of whether the CTMP meets the purpose of this condition.

19. The Consent Holder shall comply with the certified CTMP at all times.

20. The CTMP may be amended at any time by the Consent Holder. Any amendments to the CTMP shall be submitted by the Consent Holder to the Compliance Monitoring Officer (in liaison with the Roding Manager) for written, technical certification. If the amended CTMP is certified, then it becomes the certified CTMP for the purposes of **Condition 18**. Any amendments to the CTMP shall be:

- (a) achieve the CTMP purpose (see **Condition 18**);
- (b) be consistent with the conditions of this resource consent; and
- (c) be prepared by an appropriately qualified person.

21. Should the CCM refuse to certify the CTMP, the consent holder shall submit a revised CTMP to the CCM for certification. The certification process shall follow the same procedure and requirements as outlined in **conditions 18-20**.

22. No construction or earthworks activities shall commence on the site prior to the CTMP being certified by the CCM. All construction and other heavy vehicles accessing the site during construction shall do so in general accordance with the certified CTMP.

#### **Accidental Discovery Protocol and Archaeological Monitoring of Earthworks**

23. Prior to any earthworks activities, the Consent Holder shall develop and have in place an Accidental Discovery Protocol procedure that is to be followed. The purpose of this protocol is:
- (a) To manage and protect the integrity of “known” and “unknown” archaeological sites from damage and loss.
  - (b) To maximise the opportunity to retrieve physical and archaeological evidence from disturbed sites. In cases where sites clearly are unable to be retained intact, the orderly and systematic removal of archaeological evidence and information is of the utmost importance.
  - (c) Ensure the dignified and appropriate cultural management of Koiwi tangata (human skeletal remains), if unearthed
  - (d) To obtain quality information on the lives, activities, food, resource use, trails and camp sites of Hapu ancestors from archaeological sites.
  - (e) To obtain quality historic information on the lives of people, their activities, resource use and structures.
  - (f) Ensure any cultural material including faunal material uncovered is identified and analysed by appropriate specialists.

The protocol must set out the communication and consultation with KLT and other tangata whenua, as necessary, to ensure communication open and maintained.

24. The consent holder must ensure that an qualified archaeologist is on-site to monitor all earthworks associated with the construction of roads, services, the stormwater detention basin and any shared open space area(s).
25. Within **10 Working Days** of the upon the completion of the earthworks for each stages of the subdivision, the consent holder must document and submit to the CCM a report from the appointed archaeologist detailing the monitoring undertaken and reporting any finds of Archaeological material.
26. In the event that any urupā, taonga (significant artefacts), kōiwi (human remains) or archaeological sites (whether recorded or unrecorded) are disturbed and/ or discovered during site works, including:
- (a) works in the location of any accidental discovery immediately cease;
  - (b) the area is to be secured in a way that ensures any remains or artefacts are untouched; and
  - (c) Any cultural features must be investigated by a qualified archaeologist.
27. In the event of an archaeological site, waahi tapu or koiwi being discovered or disturbed during the activities authorised by this consent, the consent holder shall immediately cease further work and inform:
- (a) the relevant local iwi;
  - (b) the Council’s CCM; and



(c) Heritage New Zealand.

Further work at the site shall be suspended while iwi carry out their procedures for removal of taonga. The Council's CCM will advise the consent holder when work at the site may recommence.

**ADVICE NOTES:**

- In the event that human remains are found the police should be contacted immediately and all works shall cease until advice is given that works can recommence.
- Any taonga Māori/ taonga tūturu found are excavated in an appropriate way, reported to the hapū, registered under the Protected Objects Act 1975 and returned to tangata whenua.

**Earthworks Hours of Operation**

28. Earthworks and associated works on this site, including the transport of excavated material on to or off the site, must only occur within the following hours:

- Monday to Saturday 7.30am to 6pm
- Quiet setting up of site (not including running of plant or machinery) may start at 6.30am
- No work is to be carried out on Sundays or Public Holidays, apart from urgent erosion and safety control works.

*Note: these hours have been selected from Table 2 NZS 6803: 1999 "Acoustics – Construction Noise". The standard applies in all other respects, including the permitted noise levels in Table 2, and all persons undertaking earthworks and management of the site must adopt the best practical option to control noise to a reasonable level.*

**Clean up of earthworked materials tracked onto the roading network**

29. The Consent Holder shall ensure that all vehicles and earthmoving machinery exiting the site do not carry earthworked materials onto the surrounding roading network (including legal road and shared private accessways). In the event material is tracked onto the road, the consent holder must be responsible for cleaning and repairing the road back to its original condition.

**Revegetation/re-grassing**

30. All exposed areas of earthworks, unless otherwise built on, are to be grassed or re-vegetated within 3 months of the completion of the earthworks, or each stage of earthworks, to a level of establishment satisfactory of Council's CCM. This work is required to establish a ground cover for the purposes of limiting dust and erosion and also to mitigate the visual appearance of the exposed cut or fill surface. Progress must be monitored at regular intervals and remedial works carried out by the consent holder if required.

31. The grassing must achieve a minimum strike rate of 80% to the satisfaction of the Council's Compliance Monitoring Officer.

**Archaeological Survey**

32. Prior to commencing earthworks on-site, the consent holder must undertake an archaeological survey of the coastal hills around Paoanui Point, being recognised by KLT as an important cultural landscape. The purpose of the survey is to identify, record, and update the Archaeological Site

Record Forms related to the site, with the intent of preventing any cultural sites from being inadvertently damaged in the future; and, identify any cultural sites that are presently at risk.

33. Prior to commencing earthworks on-site or undertaking planting, the consent holder must undertake an archaeological survey of the areas proposed for riparian planting for potential cultural sites.
34. Prior to commencing the archaeological survey the consent holder must provide to the CCM, for written certification a plan and details for the archaeological survey, including:
  - (a) a plan which clearly outlines the geographical area of the archaeological survey required by **conditions 32 and 33** above. For the avoidance of doubt, this area must include all of the riparian planting areas ;
  - (b) details of consultation with KTL outlining whether that the geographical area of the archaeological survey is sufficient; and, in the event that it is not considered to be sufficient, the reasons for reaching this conclusion.

**ADVICE NOTE:** Certification from Council (or withholding of certification) shall be based on the extent to which the geographical area of the archaeological survey includes all of the riparian planting area and its consistency with the requested conditions as part of the CVA submitted with the consent application. This condition was offered by the applicant on an *Augier* basis.

35. Should the CCM refuse to certify the a plan and details for the archaeological survey, the consent holder shall submit a revised a plan and details for the archaeological survey to the CCM for certification. The certification process shall follow the same procedure and requirements as outlined in **conditions 32-33**.

### **Riparian Planting**

36. Prior to earthworks commencing, the consent holder must submit Landscape Plans and Specifications (LP&S) to the Council's CCM for written, technical certification for all riparian planting along the full length of the Makurapata Stream within the site. The purpose of the LP&S is to demonstrate how the riparian planting areas will be designed and landscaped to ensure its successful establishment and maintained thereafter.

The LP&S must be prepared by a registered landscape architect and include, but be not limited to demonstrating the following:

- (a) The location, spatial allocation, dimensions and identification of all new landscape plantings proposed to be installed including open turf, WSUD stormwater treatment plantings.
- (b) A full schedule of quantities of all landscape planting to be installed including botanical name, common name and planter bag size and any critical planting notes for each species.
- (c) A full planting specification for all planted areas that demonstrates all materials (plant stock, soils, compost, mulches, stake types), ground preparation methodology, installation methodology, 24 month maintenance and defects period.

- (d) A documented 24 month planting maintenance programme post final completion outlining all maintenance, watering, feeding requirements per calendar month to ensure successful establishment of all types of landscape plantings.
- (e) Explanation and supporting detail (where necessary) as to how the LP&S is integrated with:
  - (i) SMP (**Condition 44**); and
  - (ii) The CIMP (**Condition 46**).
- (f) Details of any consultation and the views of KLT (or a representative thereof), and the extent to which this has been incorporated into the final design.
- (g) That regard has been had to providing for the enhancement of instream values, including water quality and ecological values, whilst also acknowledging the flood management function of the waterway.

**ADVICE NOTE:** Certification from Council (or withholding of certification) shall be based on its assessment of whether the LP&S meets the purpose of this condition.

- 37. Should the CCM refuse to certify the LP&S, the consent holder shall submit a revised LP&S to the CCM for certification. The certification process shall follow the same procedure and requirements as outlined in **condition 36**.
- 38. The LP&S certified under **Condition 36** above is fully planted. No construction or earthworks activities shall commence on the site prior to the LP&S being certified by the CCM.
- 39. Prior to requesting approval under Section 224 of the Act, the consent holder shall ensure that the LP&S certified under **Conditions 36** above is fully planted, unless appropriately bonded to the satisfaction of Council.
- 40. Under sections 108, 108A, and 222 of the Act, before any works commence on the site, the consent holder shall provide a bond to cover the 1.5x the value of the landscape works required under **Condition 36** above (**bond sum**).
- 41. The bond required under the above condition shall be paid to the Council to be held in a cash bond account.
- 42. The Council's solicitor will prepare and execute the bond document. All costs incurred by the Council in the preparation, execution, variation, administration or release of the bond shall be paid by the consent holder.
- 43. The bond sum will be released on the date the condition it safeguards the performance of has been satisfied to the satisfaction of CCM.

## Stormwater Management Plan

44. Prior to any construction activities commencing on site, the consent holder must provide to the Council's CCM for certification, a Stormwater Management Plan (SMP). This purpose of the SMP is to effectively manage the potential adverse effects of stormwater SMP must be based on the calculations and design details in *Appendix B* of the letter by Son Nguyen, *Fraser Thomas Ltd*, included in the Section 92 Response, dated 9 August 2022, submitted with RM220003.

Specifically, the final SMP must:

- (a) Provide detailed design of:
- i. any modifications (s) to any gullies or existing stormwater features;
  - ii. proposed detention pond (in Lot 15);
  - iii. all other stormwater features within the subdivision (stormwater swales, pipework, and outlets);
  - iv. erosion protection in accordance with the preliminary design submitted with the consent application, NZS4404:2010 and the "*Hawke's Bay Waterway guidelines—Erosion and Sediment Control*", prepared by the Hawkes Bay Regional Council, ISBN No: 1-877405-35-3, dated April 2009 (*Reference: [1 \(hbrc.govt.nz\)](http://hbrc.govt.nz)*); and,
- (b) The detailed design must be prepared by a suitably qualified and experienced stormwater engineer and must include, but is not necessarily limited to, the following:
- i. Provide hydraulic calculations and drawings which confirm that the detention pond within will be designed to achieve potential peak runoff being less than pre-development rates in a manner consistent with the calculations and design details in *Appendix B* of the letter by Son Nguyen, *Fraser Thomas Ltd*, included in the Section 92 Response, dated 9 August 2022.
  - ii. Identify the location and provide cross-sectional profiles, stormwater management design and sizing and details of discharge points complete with details of scour prevention for all discharge points.
  - iii. Demonstrate that the proposed outlet arrangements and capacities, and any primary and secondary (spillway) controls to cater for the possibility of blockage of the primary outlet and / or during over-design events.
  - iv. Outline the methods proposed for stormwater treatment.
  - v. Outline whether the surficial scour or shallow slumping mitigation measures are required.
  - vi. The design must provide for safe and ready access for personnel to undertake any required maintenance.
  - vii. The design must demonstrate how gross pollutants will be trapped and detail what maintenance will be required.
- (c) Confirm the locations of secondary flow paths.
- (d) Details on how stormwater from the road and Rights of Way will be managed onsite during a 10 year 10 minute AEP event.
- (e) Identifies the methods for stabilising and revegetating the banks of the stormwater detention pond.
- (f) Any other details as required by the conditions within this decision.
45. Prior to requesting approval under Section 224 of the Act for any stage the consent holder must fully construct works and implement the Stormwater Management Plan certified under **Condition 44** above.

## Comprehensive Infrastructure Management Plan

46. Prior to construction commencing, the Consent Holder must submit a “*Comprehensive Infrastructure Management Plan*” (CIMP) to the Council’s CCM for written, technical certification. The purpose of the CIMP is to demonstrate how the proposed infrastructure is to be provided and maintained. The CIMP must include, but is not necessarily limited to, shared road, footpaths, walkways, roadside swale drains, lighting, the stormwater detention area, measures provide water supply for fire-fighting purposes and any shared reticulated services (water supply). The CIMP shall be design in accordance with the New Zealand Standard NZS4404:2010, Land Development and Subdivision Infrastructure, or altered by the conditions within this decision. (Note: For the sake of clarity, the ongoing maintenance obligations of infrastructure remain the responsibility of the Incorporated Society as asset owner).
47. The CIMP must be based on the calculations, plans and design details in *Appendix B* of the letter by Son Nguyen, *Fraser Thomas Ltd*, included in the Section 92 Response, dated 9 August 2022, submitted with RM220003, except:
- i) The footpaths within the shared access roads must be increased in width to 2m;
  - ii) A new 2m wide footpath must be provided within the existing subdivision area approved under RM180160 and 180160A;
  - iii) The roading design must be amended to achieve an operative speed within the roading environment of no more than 30km/ph;
  - iv) Roding improvements and/or speed management measures within Pourerere Road, between the Punawaitai Road intersection and the beach to achieve an operative speed for vehicles of no more than 30km/ph;
  - v) It must incorporate street lighting design of the proposed internal road network in accordance with *AS/NZS 1158.3.1:2020 Lighting for roads and public spaces, 11 Part 3.1: Pedestrian area (Category P)* such that street lighting is sufficient to ensure safety of road at intersections and withing the internal road network within the subdivision while avoiding the adverse effects of excessive light pollution within the rural zone

The CIMP must include, but be not limited to demonstrating the following:

- (a) All proposed new or altered assets including stormwater swales and water services, roading, and, access lot construction. The plans shall be prepared by a suitably qualified and registered chartered engineer or other suitably qualified persons as defined in Section 1.7 of New Zealand Standard NZS4404:2010.
- (b) Servicing trenches for potable water supply and other telecommunication and power services;
- (c) Final site contours for the proposed roading infrastructure;
- (d) A spatial layout of the entire internal road network, including connections to the existing section of Punawaitai Road;
- (e) The location, spatial allocation, surface treatment and dimensions of all: footpaths within the shared roads, roadside swales, any proposed vehicle access crossings, raised platforms, berms.
- (f) demonstrate all transitions from the shoulders, road edge delineation in the road design;
- (g) integration of the roadside swales and other road-side infrastructure with the stormwater detention basin (Lot 15).
- (h) Outline the methods proposed for stormwater treatment.
- (i) Location, spatial allocation, surface treatment, gradients and dimensions of all: 2.5m wide footpaths within the shared open space areas and Lot 60, as shown on the plan by *Fraser*

*Thomas Ltd*, Plan titled: “*Stage 3 Proposed Road Overall Plan*”, Drawing No: 23828/3/20, Revision B, dated 08/08/22.

- (j) Detailed design including sub-base material of all pathways, raised platforms and paving areas including material types, material finishes, colour and associated material specification.
- (k) Detailed engineering designs for the fire-fighting water supply, including storage, pumping and reticulation designs in accordance with SNZ PAS 4509:2008 and NZS4404:2010.
- (l) street lighting, street trees and any underplanting.

All drawings shall be submitted for certification from the CCM at the Central Hawke’s Bay District Council.

Form Schedule 1A of NZS 4404:2010 shall be completed and submitted along with the drawings.

**ADVICE NOTE:** Certification from Council (or withholding of certification) shall be based on its assessment of whether the CIMP meets the purpose of this condition and contains all necessary information requirements in sufficient detail. =

#### **Restriction on works**

- 48. No physical works associated with the construction of roads or the installation of services can be carried out until the CIMP is certified by Council in accordance with **Condition 46**.

#### **Certification of Completed Works**

- 49. Prior to requesting approval under Section 224 of the Act, the Consent Holder shall submit a written statement from a suitably qualified persons as defined in Section 1.7 of New Zealand Standard NZS4404:2010, that the physical works have been carried out in accordance with the engineering plans and the CIMP.

**ADVICE NOTE:** Form Schedule 1C of NZS 4404:2010 shall be completed and submitted along with the written statement.

#### **Water Supply for Fire Fighting Purposes:**

- 50. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 1-14 and Lots 16-50 advising the registered proprietors thereof of the following requirement:
  - (a) Potable drinking water supply for this lot must be from rainwater collection and any application for building consent shall include provision of a rain water collection and storage system for this purpose. The system must be installed in accordance with the relevant manufacturer’s specifications and any other such requirements and maintained in good working order thereafter.

#### **On-site Wastewater and Stormwater Management of Individual Lots (including maintenance)**

- 51. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 1-14 and Lots 16-50 advising the registered proprietors thereof of the following requirements:

### Wastewater:

- (a) The wastewater design for each lot must be provided via an on-site management system for each individual lot. This system must be designed and installed as part of the building development to meet the requirements of the AS/NZS 1547:2012 and comply with the Hawke's Bay Regional Resource Management Plan or any successor of that plan.
- (b) At the time of building consent, the registered proprietors must demonstrate that there is sufficient land application area and effluent disposal in accordance with the report and design assumptions within the "*Onsite Wastewater Treatment and Disposal Report, 25 Punawaitai Road, Pourerere (Stage 3)*", dated 9 August 2022, submitted with RM220003.
- (c) Compliance with (a) above requires, but is not necessarily limited to: the size of house (number of bedrooms) that can be serviced within the available lot area, including appropriate buffer, reserve areas and an allowance for on-site stormwater management areas which are separate from the effluent disposal areas.
- (d) the registered proprietors must ensure that:
  - i. Effluent disposal areas on all lots must be setback a minimum of 20m from any watercourses, or waterways (including any stormwater detention basin in Lot 15)
  - ii. Lots 4, 14, 16, 34, 41, 42, 44 and 45 are limited to a maximum of a 3-bedrooms dwelling at all times; and,
  - iii. Lots 1-3, 5-13, 17, 19-33, 35-40, 43, 46-50 are limited to a maximum of a 4-bedrooms dwelling at all times.
- (e) The registered proprietors must install, operate and maintain the system, and keep records in accordance with manufacturer's specifications and for the purpose of compliance with Section 15 of the Resource Management Act 1991.

### Stormwater

- (f) Any future development, building(s) and/or impervious surface areas shall not result in an increased flow of stormwater discharging from the boundaries of the site. A hydraulically neutral stormwater design must be completed and provided to Council for approval at the time of building consent identifying a method to attenuate stormwater discharge to a predevelopment flowrate (based on a 10% Annual Exceedance Probability).
- (g) The Registered Proprietors must retain land, buildings and the stormwater attenuation system in accordance with the approved details thereafter.
- (h) All stormwater must discharge into the collective SMP. No direct discharge of any sort into the streams or dams.
- (i) On-site stormwater systems shall be maintained on an ongoing basis.

### **Membership of an Incorporated Society and Ongoing Maintenance of Shared Infrastructure**

52. Prior to the issue of a section 224(c) certification, the consent holder must establish a residents' incorporated society (Incorporated Society) to own, manage and maintain the:
- (a) shared road and all associated communal infrastructure, including the upkeep or replacement of footpaths, roads surfaces, road features, markings, associated signage, roadside swales.
  - (b) All shared open spaces and footpaths which serve the development within Lots 51, 52, and 60;
  - (c) Any planting within the overall development; and
  - (d) The stormwater detention area within Lot 15.

53. Prior to the issue of a section 224(c) certification, the consent holder must prepare, and submit for technical written certification, an Operation and Maintenance Plan (OMP) for all shared infrastructure and communal areas within the development. The OMP must provide for the ongoing management, operation, and maintenance of the shared infrastructure by the Incorporated Society and obligate:
- (a) All registered proprietors of Lots 1-14 and Lots 16-50 to become members of the Incorporated Society, and transfer that membership when they sell, with a covenant or similar mechanism on individual titles to record these obligations.
  - (b) The Incorporated Society must be responsible for maintenance of infrastructure, and similar matters at the cost of the Incorporated Society.
  - (c) The consent holder must transfer to and vest in the Incorporated Society those assets and lots that the Incorporated Society is to own in order to meet its obligations under this consent.
  - (d) If the Incorporated Society fails to comply with its obligations and/or becomes insolvent, then Council may enforce these obligations against owners at the direct cost of owners.
  - (e) If the Incorporated Society becomes insolvent and/or unable to manage its assets and/or assets/obligations are disclaimed, then these will divest to owners (as tenants in common in shares), with owners then directly responsible for maintenance responsibilities.
  - (f) The rules of the Incorporated Society must require asset management plans to be adopted and implemented stating how its assets will be managed (including the operation, maintenance, repair, renewal as well as short and long-term funding of such activities and the engagement of contractors to undertake such work as is appropriate).
  - (g) Such asset management plans must be prepared by and at the cost of the consent holder, and must address the following assets:
    - (i) shared road and all associated communal infrastructure, including the upkeep or replacement of footpaths, roads surfaces, road features, markings, associated signage, lighting and roadside swales.
    - (ii) All shared open spaces and footpaths which serve the development within Lots 51, 52, and 60;
    - (iii) Any planting within the overall development;
    - (iv) The stormwater detention area within Lot 15; and
    - (v) any other infrastructure or assets which the Incorporated Society will own or manage pursuant to this consent.
  - (h) Keep all assets, infrastructure and facilities it owns and is responsible for in good working order.
  - (i) The Incorporated Society must ensure sufficient base funding for the Incorporated Society through an initial payment and/or levy on purchasers to ensure the Incorporated Society can meet its obligations under this condition for a minimum period of 12 months from the issue of a section 224 certification.



### Consent Notice – Archaeology

54. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 1-14 and Lots 16-50 advising the registered proprietors thereof of the following requirements:
- (a) That the removal of topsoil, and the excavation of service trenches, roads, building or tank platforms are monitored by an qualified archaeologist.

### Geotechnical

55. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 1-14 and Lots 16-50 advising the registered proprietors thereof of the following requirements:
- (a) Future development must have regard to the findings and conclusions of the *“Geotechnical Investigation Report for Proposed Stage 3 Subdivision at Punawaitai Road, Pourerere”*, by Land Development & Engineering Ltd (LDE), Project Reference: 14668.2 Revision 1, dated 9 August 2021.
  - (b) A 10m ‘no-build’ setback must be provided from the banks of waterways to mitigate the potential (minor) risk of lateral spread during a significant seismic event.
  - (c) A 10m ‘no-build’ building setback must be provided from the crest of any crest / break of slope greater steeper than 1V:4H (18° from the horizontal).

**ADVICE NOTE:** Specifically Engineered Design (SED) will generally be required for foundation design of future buildings at the time of building consent. Soils are present on that do not generally meet a bearing capacity of 300kPa and will therefore not meet Section 3.1 of NZS3604: *Timber Framed Buildings*.

### Flooding/Inundation

56. A detailed assessment for stormwater and overland flow design shall be submitted to Council’s CCM for review as part of engineering design certification, and that in preparing the CIMP required under **condition 46** above. This detailed assessment shall address the proposed development levels for Lots 19 to 22 and potential of overland flow from the adjacent gully catchment to the west, including making any necessary mitigations to development levels to provide adequate freeboard in accordance with NZS 4404:2010.

### Landscape Mitigation Plan

57. Prior to requesting approval under Section 224 of the Act, the Consent Holder shall submit a LMP for technical written certification. The LMP must be prepared by an appropriately qualified landscape architect and be designed to mitigate the potential adverse landscape effects from built development and earthworks through vegetation measures. The LMP must include:
- (a) The location, spatial allocation, dimensions and identification of all new landscape plantings proposed to be installed.
  - (b) A full schedule of quantities of all landscape planting to be installed including botanical name, common name and planter bag size and any critical planting notes for each species.
  - (c) A full planting specification for all planted areas that demonstrates all materials (plant stock, soils, compost, mulches, stake types), ground preparation methodology, installation methodology, 24 month maintenance and defects period.

- (d) A documented 24 month planting maintenance programme post final completion outlining all maintenance, watering, feeding requirements per calendar month to ensure successful establishment of all types of landscape plantings.
- (e) The location for a 'Defined Building Area' within each allotment where all future buildings must be located within.
- (f) Explanation and supporting detail (where necessary) as to how the LMP is integrated with the:
  - (i) SMP (**Condition 44**); and
  - (ii) CIMP (**Condition 46**).
  - (iii) LP&S (**Condition 36**)

**ADVICE NOTE:** Certification from Council (or withholding of certification) shall be based on its assessment of whether the LMP meets the purpose of this condition.

- 58. Should the CCM refuse to certify the LMP, the consent holder shall submit a revised LMP to the CCM for certification. The certification process shall follow the same procedure and requirements as outlined in **condition 57**.
- 59. The LMP certified under **Condition 57** above is fully planted. No construction or earthworks activities shall commence on the site prior to the LMP being certified by the CCM.
- 60. Prior to requesting approval under Section 224 of the Act, the consent holder shall ensure that the LMP certified under **Conditions 57** above is fully planted, unless appropriately bonded to the satisfaction of Council.

#### **Design Controls and Landscaping on allotments**

- 61. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 1-14 and Lots 16-50 advising the registered proprietors thereof of the following requirements:
  - (a) Future development must comply with the following building, fencing, landscaping design controls at all times, and must demonstrate compliance at the time of application for building consent.
  - (b) Where reference is made in the conditions below to "Appendix 2 of the Landscape Assessment", it refers to the Landscape Assessment by Hudson Associates Landscape Architects, titled: Pourerere Subdivision Punawaitai Road, dated September 2021, submitted with resource consent application Council Reference: RM220003.

#### Buildings & Structures

- (i) Dwelling and Garage: Each lot must contain only one dwelling and one accessory garage.
- (ii) Placement: All buildings must be located within a 'Defined Building Areas' including ancillary buildings, garden sheds and above ground water tanks.
- (iii) Height: All buildings shall be single storey and a maximum height of 8m from pre-development ground level.

- (iv) Watertanks: All water tanks shall be screened from view in a manner and/or with screening and materials/colours harmonious with the dwelling and should be installed on each respective lot.

#### Building Form

- (v) Buildings shall have a dominant horizontal profile that is congruent with the natural contour of the valley floor.
- (vi) Site coverage of all building must not exceed 400m<sup>2</sup>, including the placement of buildings and ancillary dwellings
- (vii) All roofs must be designed to integrate buildings into the landscape and use a sheltering form with deep overhangs of more than 1.0m.
- (viii) Roof materials shall be colour in recessive colours no greater than the reflectance values set out in Attachment 2 of the Landscape Assessment Report.
- (ix) Use building modulation to break the length of a building facade by changing direction, stepping in and out of the main facade, balconies, eaves, pergolas and other structures.
- (x) Recess large areas of glazing below wide eaves and dividing glazing with walls, pergolas and the like.
- (xi) Use of dark tinted glass, but not mirror glazing.
- (xii) Use window joinery, doors and balustrades that are consistent and no greater than the reflectance values set out in Attachment 2 of the Landscape Assessment report.
- (xiii) Design buildings that use natural materials including natural stone, timber and concrete and cladding that has a reflectance value no greater than those set out in the Attachment 2 of the Landscape Assessment report.
- (xiv) Any carport or garage must be constructed of the same materials as the residential dwelling and of a design to be architecturally integrated with and of the same colour scheme as the residential dwelling.

#### Materials and Colour

- (xv) Demonstrate that materials selected respond to the natural landscape and native vegetation immediately surrounding the subject site.
- (xvi) Select colour palettes that have a reflectance value no greater than those set out in Attachment 2 of the Landscape Assessment Report.
- (xvii) Use natural material finishes such as stone and timber which will weather naturally.
- (xviii) Apply dark oxide colouring to concrete materials to reduce reflectivity of the material.
- (xix) Use timber cladding and other natural elements (stone) naturally weathered or stained dark.
- (xx) Ensure painted timber, blockwork or other materials may be used and must contribute to receding the building into the landscape.
- (xxi) Ensure that the reflectance value of surfaces, including joinery, gutters, downpipes, cladding and roofing materials shall have a reflectance value of no greater than those set out in Attachment 2 of the Landscape Assessment Report.

### Exterior Hard Surfaces

- (xxii) all driveways must be with flush kerb with either rip rap, grass or planted swales for stormwater management.
- (xxiii) asphaltic concrete, dark coloured concrete or exposed aggregate concrete driveway surfaces must be used
- (xxiv) Impervious outdoor areas, including patio, outdoor entertainment areas and turning areas (within the driveway), all located within the Defined Building Areas.

### Fencing

- (xxv) Where fences are proposed, these must be post and 3 - 5 timber rail; or, post and wire fencing to demarcate boundaries of properties to reflect the rural character of the wider area. Closed boarded post and panel fencing shall be avoided. Boundaries may also be demarcated through vegetation.

### Lighting and Utilities

- (xxvi) All exterior lighting should be contained within the Building Areas and shall be down lights only.
- (xxvii) All utilities and services shall be located below ground. No above ground wiring will be permitted. Aerials, satellite dishes and other utilities shall be maintained within the 8.0m building height plane. Note: Downward facing bollard lighting is acceptable along the accessway corridor and to demarcate driveway entrances.

### **Conditions Met**

- 62. Prior to approval under Section 224 of the Act, the consent holder shall make a written statement to Council detailing how the above conditions have been met, unless they are to be the subject of a bond or consent notice.