

Draft Conditions of Consent Proposed by Applicant (showing annotated tracked changes compared with the draft Conditions presented at the hearing):

Taken from 42A report and edited by applicant

Abbreviation	Means...
“the Act” or “RMA”	Resource Management Act 1991
“the AEE”	The applicant’s assessment of environmental effects (as amended by the applicant prior to hearing)
“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 22 DP 571994 and Lot 2 DP 564721 (1037998) and Lot 22 571974 (being part of Record of Title 1037998)
“CCM”	The Council’s Customer and Consents Manager (or nominee)
“CTMP”	Construction Traffic Management Plan
“CI&SMP”	Comprehensive Infrastructure Management Plan
HBRC ESC Guidelines	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))
“LP&S”	Landscape Plans and Specifications as applies to the Riparian Planting Areas
“SMP”	Stormwater Management Plan
“CVA”	Cultural Values Impact 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 incorporated society incorporated-nominated pursuant to eCondition 56 5053The Paoanui Management Society incorporated and any successor society to that incorporated society.
“OMP”	Operation and Maintenance Plan to be implemented by the Incorporated Society
“LMP”	Landscape Mitigation Plan
“PLDP”	Productive Land Drainage Plan

Commented [c1]: This Guideline is referenced in Condition 14.

Commented [c2]: The expression 'CVA' is no longer used in the conditions that follow. Amendment agreed with CHBDC Reporting Officer.

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~~will contain a dwelling)
- Lot 15 – (which will contain the stormwater detention and treatment area)
- Lot 18, 51 and 52 – (shared open space, including associated recreational community facility activity)
- 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 were ~~as~~modified by the conditions below. Where there is inconsistency between the plans, ~~and~~ information provided and these conditions, the conditions shall prevail.

Document	Author	Reference	Date
Preliminary Engineering Drawings	Fraser Thomas Ltd	220602SN	08 August 2022
Plans Titled:			
<ul style="list-style-type: none"> - Earthworks Proposed Cut and Fill, Drawing No: 23828/3/100, Revision B; - Overall Road Plan, Drawing No: 23828/3/200, Revision B; - Proposed Road Intersections and Stage 1&2 Interface, Drawing No: 23828/3/200, Revision A; - Proposed Long Road A Long Section Sheet 1 of 2, Drawing No: 23828/3/202, Revision A; - Proposed Long Road A Long Section Sheet 2 of 2, Drawing No: 23828/3/203, Revision A; - Proposed Long Road B Long Section, Drawing No: 23828/3/204; - Proposed Road A&B Typical Cross Section, Drawing No: 23828/3/205, Revision A; - Proposed Stormwater Catchment Plan, Drawing No: 23828/3/300, Revision B; - Stormwater Pre-Development Catchment Plan, Drawing No: 23828/3/301, Revision C; - Existing Stream Catchment and Cross Sections, Drawing No: 23828/3/302, Revision A; - Proposed Dry Detention Basin Plan, Drawing No: 23828/3/303, Revision B; - Proposed Dry Pond Cross Sections and Outlet Details, Drawing No: 23828/3/304, Revision A; - Proposed Stormwater for Stage 1 Road Extension, Drawing No: 23828/3/305, - Onsite Wastewater Available Effluent Disposal Area, Drawing No: 23828/3/400, Revision E; - Proposed Fire Fighting Water Supply, Drawing No: 23828/3/500, Revision A. 			
Onsite Wastewater Treatment	Fraser Thomas Ltd	23828	9 August 2022
Onsite Wastewater Treatment and Disposal Report, 25 Punawaitai Road, Pourerere (Stage 3)",			
Geotechnical Report	Land Development & Engineering Ltd (LDE)	14668.2 Revision 1	9 August 2021
Geotechnical Investigation Report for Proposed Stage 3 Subdivision at Punawaitai Road, Pourerere"			
Stormwater Calculations	Fraser Thomas Ltd	23828	2 June 2022
Appendix B Calculations 23828 Ltr Stage 3 s92			
Traffic Impact Assessment	Urban Connection	04/005	December 2021
Punawaitai Road Subdivision – Stage 3 Transport Impact Assessment			
Landscape Assessment	Hudson Associates Landscape Architects	-	September 2021
Pourerere Subdivision Punawaitai Road			
Archaeological Assessment	Heritage Services Hawkes Bay	-	-
Archaeological Assessment of Effects: Proposed Subdivision at 62 Punawaitai Road, Pourerere, Central Hawke's Bay			
Cultural Values-Impact Assessment (so far as is on public record)	Kairakau Lands Trust	-	Undated
Conclusion and Recommendations (pg 63 & 64 only)			

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 generally 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.
- At least 50% of the drainage works required by this consent in condition 50 and 51 14 are to be completed prior to requesting approval under Section 224 of the Act for lots XXX-1 – 17 being subdivided. The remaining drainage works must be completed prior to requesting approval under Section 224 of the Act for subdivision of all the remaining lots.

Easements

2. Prior to the Council signing the Survey Plan pursuant to Section 223, all ~~the necessary~~ easements ~~required by this consent shall be~~ shown in the Memorandum of Easements attached to the Survey Plan ~~and shall be~~ duly granted or reserved. Where services for individual lots cross other land, relevant easements shall be granted and recorded in the Memorandum of Easement.

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 and a half share in Lot 7 DP 71994

be held in the same Record of Title

~~Stage 3B~~

~~(a)~~(b) That Lot 53 hereon be transferred to the owners of Lot 60 (Stage 3A), ~~and~~ Lot 22 DP 571994 and the half share in Lot 7 DP 571994, and that one Record of Title be issued to include all parcels.

Stage 3C

~~(b)~~(c) That Lot 54 hereon be transferred to the owners of Lot 60 (Stage 3A), Lot 53 (Stage 3B), ~~and~~ Lot 22 DP 571994 and a half share in Lot 7 DP 571994, and that one Record of Title be issued to include all parcels.

~~LINZ CSN Reference: 1860146~~

4. That Lots 18, 51 and 52 (~~road~~share open spaces) and Lots 53 ~~and~~, 54 ~~and~~ 55 (~~shared open spaceroads~~) be transferred to the Incorporated Society upon issue of a Record of Title and must be held by the Incorporated Society in perpetuity.

Commented [c3]: The second sentence of Condition 2 responds to the CHBDC Reporting Officer's request that, where infrastructure services cross other land, there must be an appropriate easement.

Commented [c4]: Lot 60 is the balance farm area + Lot 7 DP571994 is the shared open space allotment in Stage 2. The applicant intends to hold these, together with the private roads, in one allotment.

Commented [c5]: Deleted - will be superseded by whatever number LINZ assigns.

Commented [c6]: This condition also includes Lot 18 which is shared open space.

Commented [c7]: The proposed private roads in Stage 3 are now labelled Lots 53 and 54 (there are just two of them). There is no Lot 55.

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 [relevant](#) conditions of this resource consent and ensure compliance with those conditions.
6. A copy of this consent ~~and all~~ **certified management plans** shall be kept onsite at all times during the construction phase of the project and shall be produced without unreasonable delay upon request from ~~the CCM or Compliance Monitoring Officer~~.
7. In order to provide for health and safety of the community, the Consent Holder shall notify the ~~CCM Compliance Monitoring Officer~~ before conducting any works in any existing legal road.

Commented [c8]: The applicant and reporting officer agree this should say 'certified'.

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Commented [c9]: This is the correct officer's title which is abbreviated in the glossary at the front of these conditions.

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. ~~The E&SCP must, 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))~~¹ 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

Commented [c10]: The applicant and reporting officer agree to the deletion of 'principles' (because the expression is not necessary - all of the requirements of the ESCP are clearly specified).

¹ ISBN No: 1-877405-35-3, dated April 2009. Reference: <https://www.hbrc.govt.nz/assets/Document-Library/Waterway-Design-guidelines/Erosion-and-Sediment-Control-20090406.pdf>

Field Code Changed

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)~~ Measures for the management of topsoil stockpiles;

~~(g)~~ Measures to stabilise areas of exposed earth to minimise sediment runoff and erosion;

~~(h)~~ Timetable and nature of progressive site rehabilitation and re-vegetation proposed;

~~(i)~~ Maintenance, monitoring and reporting procedures;

~~(j)~~ 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;

~~(k)~~ Procedures and timing for review and/or amendment to the ESCP; and

~~(l)~~ Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.

9. ~~No earthworks activities shall commence on the site until the CCM has certified in writing that the ESCP meets the requirements of Condition 8 above. The ESCP shall be deemed to be certified as meeting the requirements of Condition 8 if the CCM does not respond to the consent holder within fifteen (15) working days either confirming certification or detailing the reasons why certification is withheld.~~

~~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 certified E&SCP referenced in **Condition 8** shall be confirmed in writing by the consent holder and are not to be implemented until the CCM has certified in writing that the amended ESCP meets the requirements of Condition 8 above. The amended ESCP shall be deemed to be certified as meeting the requirements of Condition 8 if the CCM does not respond to the consent holder within fifteen (15) working days either confirming certification or detailing the reasons why certification is withheld, and certified in writing by an appropriately qualified and experienced practitioner and provided to the Council the Council acting in a technical certification capacity, prior to the implementation of any changes proposed.

11. The consent holder shall undertake all earthworks authorised by this consent in accordance with the certified E&SCP.

~~10. 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.~~

Commented [c11]: The applicant and reporting officer agree to this addition.

Commented [c12]: The applicant's approach is that the condition should provide that, if the CCM doesn't respond within a reasonable specified period of time, the CCM is deemed to have certified the ESCP. That is to avoid problems experienced with other councils where such plans are sent to the Council officers for certification and the officers don't respond in a timely fashion.

Commented [C13]: Draft Condition 10 has been replaced by Condition 9 above.

Commented [c14]: The applicant and reporting officer agree the advice note is not necessary. The assumption should be that the ESCP will address the listed matters and can be certified. The test for certification should be whether the listed matters are addressed.

Commented [c15]: The applicant and reporting officer agree this should refer to the certified ESCP.

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Commented [c16]: The applicant and reporting officer agree that the certification step should also apply and that no amended earthworks activities should commence until certified as meeting the requirements of Condition 8.

Commented [c17]: The applicant and reporting officer agree this wording is appropriate.

11-12. 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.

12-13. 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) ~~in accordance with the certified ESCP, 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~~ minimises erosion and ~~prevents~~ minimises sediment from entering any water body.

ADVICE NOTE: For the purposes of Condition 13, 'minimise' means to reduce to the smallest amount reasonably practicable.

Environmental Standard

13-14. The consent holder must ensure that sediment losses to ~~natural water~~ the modified tributary of the Pourêrerere 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 ~~HSBC ERC Guidelines, 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)", and the certified ESCP.~~²

14-15. 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.

15-16. 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.

Commented [c18]: The reporting officer's preference is to include a definition of 'minimise'. The one given here is emerging nationally as an appropriate definition (e.g. GWRC Natural Resources Plan).

Commented [c19]: There is no need to state the full document title here because it is abbreviated in the glossary at the front of these conditions.

Commented [c20]: Amendment agreed by the applicant and reporting officer.

² Above, n 1.
[ENVIRONMENTAL](#)

Construction Traffic Management Plan

~~16-18.~~ 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 (CCM in liaison with the Roading 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)~~ Plans indicating all road signs, markings and guidance proposed for the new roads
- ~~(c)~~ Relationship with other management plans;
- ~~(d)~~ Hours of construction traffic activity;
- ~~(e)~~ Estimated numbers and sizes of construction vehicles;
- ~~(f)~~ Controlled internal and external access routes;
- ~~(g)~~ Parking locations for construction staff;
- (h) How safety risks on the land transport network can be minimized.
- (i) The timing of and requirements for an operating speed assessment to ensure that vehicle speeds are constrained to below 30 km/h throughout the subdivision after construction.
- ~~(j)~~ The timing of a Detailed Design Stage Safe System Audit for the subdivision roads.
- (k) Procedures for managing construction vehicles when encountering potential rural activities within the roading network (such as the movement of livestock);
- ~~(l)~~ Procedures to minimise vehicles and earthmoving machinery exiting the site carrying earthworked materials onto the surrounding roading network (including legal road and shared private accessways).
- ~~(m)~~ Access and delivery locations, including swept path analysis for largest vehicles;
- ~~(n)~~ Likely construction access routes to and from the site;
- ~~(o)~~ Management of oversize loads;
- ~~(p)~~ Wheel cleaning and covering of loads; and
- ~~(q)~~ 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.

~~17-19.~~ No construction activities shall commence on the site until the CCM has certified in writing that the CTMP meets the requirements of Condition 18 above. The CTMP shall be deemed to be certified as meeting the requirements of Condition 18 if the CCM does not respond to the consent holder within fifteen (15) working days either confirming certification or detailing the reasons why certification is withheld.

~~18-20.~~

The Consent Holder shall comply with the certified CTMP at all times. All construction and other heavy vehicles accessing the site during construction shall do so in general accordance with the certified CTMP.

Commented [c21]: This deletion is agreed by the applicant and reporting officer. This part of the condition is talking about what needs to be in the proposed (pre-certification) CTMP. The relevant CHBDC officer will be involved in the certification step and does not need to be specified here.

Commented [c22]: As noted earlier, the applicant's approach is that the condition needs to ensure the CTMP is certified in a timely fashion.

Commented [C23]: This insertion has been shifted up from former Condition '23' below.

~~19.21.~~ 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 ~~CCM Compliance Monitoring Officer~~ (in liaison with the Roding Manager) ~~and are not to be implemented until the CCM has certified in writing that the amended CTMP meets the requirements of Condition 18 above. The amended CTMP shall be deemed to be certified as meeting the requirements of Condition 18 if the CCM does not respond to the consent holder within fifteen (15) working days either confirming certification or detailing the reasons why certification is withheld. ~~for written, technical certification. If the amended CTMP is certified, then it~~ Once certified, ~~The amended CTMP plan~~ becomes the certified CTMP for the purposes of **Condition 2018**. ~~Any amendments to the CTMP shall be:~~~~

~~19.~~

- ~~• achieve the CTMP purpose (see **Condition 178**);~~
- ~~• be consistent with the conditions of this resource consent; and~~
- ~~• be prepared by an appropriately qualified person.~~

~~19.~~ 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**.

~~2223~~ 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.~~

Archaeological Survey

~~22.~~ No less than **fifteen (15) working days** prior to commencing earthworks on-site, the consent holder must provide an archaeological survey of the coastal hills around Paoanui Point (within Lot 2 DP 564721 (1037998) and Lot 22 571994 (1037998)), to the ~~CMMCCM~~, the KLT and Heritage New Zealand. The survey is to be undertaken by an appropriately qualified and experienced person. 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.~~

Accidental Discovery Protocol and Archaeological Monitoring of Earthworks

~~23.~~ As volunteered by the applicant, no less than **fifteen (15) working days** prior to commencing earthworks on ~~site~~ or undertaking planting, the consent holder must obtain an Archaeological Authority under s48 of the Heritage New Zealand Pouhere Taonga Act 2014.

ADVICE NOTE:

Consultation with KLT and other tangata whenua is, in practical terms required, under [section 46](#) of the Heritage New Zealand Pouhere Taonga Act 2014

~~20-24.~~ No less than **fifteen (15) working days** prior ~~Prior to commencing~~ any earthworks activities ~~on site~~, the Consent Holder shall ~~develop and have in place~~ provide to the ~~CMMCCM~~ and KLT ~~an~~ Accidental Discovery Protocol ~~procedure~~ that is to be followed. ~~The Accidental Discovery Protocol must be certified by an appropriately qualified and experienced person as complying with this condition.~~ The Accidental Discovery Protocol need not address anything that is addressed in an

Commented [C24]: This condition is not necessary - the process set out above clearly sets out the steps required.

Commented [C25]: This fits logically within Condition 20 above and has been shifted to there.

Commented [C26]: The applicant and reporting officer agree this amendment, noting that the archaeological assessment did not identify any cultural sites presently at risk.

Archaeological Authority under s48 of the Heritage New Zealand Pouhere Taonga Act 2014. The purpose of this protocol is:

- (a) To attach a copy of any Archaeological Authority under s48 of the Heritage New Zealand Pouhere Taonga Act 2014
- ~~(b)~~ 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.
- ~~(d)~~ Ensure any cultural material including faunal material uncovered is identified and analysed by appropriate specialists, including when age analysis using C¹⁴ is appropriate.
- ~~(e)~~ To identify the means by which an archaeologist or suitably qualified person is to monitor earthworks and report findings to the consent holder, the CCM and KLT.
- ~~(f)~~ To train persons who undertake earthworks to identify and report discoveries to appropriate specialists.
- ~~(f)~~~~(g)~~ Processes to be adopted by those specialists.

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

25. No construction or earthworks activities may commence on site until the CCM has certified in writing that the Accidental Discovery Protocol meets the requirements of Condition 24. Construction and earthworks activities on site must be in accordance with the certified Accidental Discovery Protocol. The Accidental Discovery Protocol shall be deemed to be certified as meeting the requirements of Condition 24 if the CCM does not respond to the consent holder within fifteen (15) working days either confirming certification or detailing the reasons why certification is withheld.

24.26. The Accidental Discovery Protocol may be amended by an amended ~~plan~~ protocol, prepared by an appropriately qualified and experienced person, being submitted to the Council's CCM and KLT. The amended plan must otherwise comply with ~~e~~Condition 24.

~~1. 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 ~~(c)~~.~~

~~1. 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.~~

Commented [C27]: This deletion is agreed by the applicant and reporting officer.

Commented [C28]: This deletion is agreed by the applicant and reporting officer.

Commented [C29]: This deletion is agreed by the applicant and reporting officer.

Commented [C30]: This addition is agreed by the applicant and reporting officer.

Commented [C31]: Deletion agreed by the applicant and reporting officer.

Commented [C32]: Deletion agreed by the applicant and reporting officer.

~~22-27.~~ 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) ~~the procedure recorded in Archaeological Authority under s48 of the Heritage New Zealand Pouhere Taonga Act 2014 and the Accidental Discovery Protocol is to be followed;~~

~~(b)~~ works in the location of any accidental discovery must immediately cease;

~~(c)~~ the area is to be secured in a way that ensures any remains or artefacts are untouched; and

~~(d)~~ Any cultural features must be investigated by a qualified archaeologist.

Where an Archaeological Authority under s48 of the Heritage New Zealand Pouhere Taonga Act 2014 duplicates or is inconsistent with this condition, the Archaeological Authority prevails.

~~23-28.~~ In the event of an archaeological site, waahi tapu or kōiwi 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~~ the KLT;

(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

~~24-29.~~ 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.

Advice 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 practicable option to control noise to a reasonable level.

Clean up of earthworked materials tracked onto the roading network

~~25-30.~~ 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

~~26.31.~~ 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.

Commented [C33]: Deletion agreed by the applicant and reporting officer.

~~27.32.~~ The grassing must achieve a minimum strike rate of 80% ~~to the satisfaction of the Council's Compliance Monitoring Officer.~~

Commented [C34]: Deletion agreed by the applicant and reporting officer.

Archaeological Survey

~~1. 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~~

Commented [C35]: Replaced by Condition 22 earlier.

~~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.~~

~~1. 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.~~

~~1. —~~

~~1. 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 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;~~

~~(-) 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.~~

~~1. 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 and Shared Open Space

33. ~~No less than fifteen (15) working days prior~~ ~~Prior~~ to earthworks activities commencing on site, 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 modified Makurapata Stream tributary of the Pourêrere stream and shared open space within the site. The purpose of the LP&S is

(a) to demonstrate how the riparian planting areas will be designed and landscaped-planted to ensure its successful establishment and maintained thereafter.

~~(a)(b)~~ Mitigate the potential adverse landscape effects from built development and earthworks through vegetation measures on shared open spaces.

34. The LP&S must ~~be prepared certified by a registered landscape architects suitably qualified and experience person as complying with this condition, and~~ include, but be not limited to ~~demonstrating~~ the following:

Riparian Planting

~~(b)(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)~~ Adequate planting on abutments to bridges, culverts or other in stream structures to reduce the risk of scouring or erosion.

~~(e)~~ Provide as much shade to the stream as possible, with the final architecture of banks plus plants being designed to intercept at least 70% of solar radiation.

~~(f)~~ Use mostly grasses in areas where flow velocity may be high.

~~(g)~~ Use mainly hardy, fast growing and deeper-rooting species for the initial planting.

~~(h)~~ Phormium tenax (harakeke/flax) should be setback at least 1m from the edges of taller or unstable banks.

~~(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)~~

~~(f)~~ Explanation and supporting detail (where necessary) as to how the LP&S is integrated with:

~~(g)~~

~~(-)~~ SMP (Condition 44); and

~~(-)~~

~~(-)~~ The CIMP (Condition 46).

~~(-)~~

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.

~~(-)~~

(i) Demonstrating that ~~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.

Shared Open Space

(i) The location, spatial allocation, dimensions and identification of all new landscape plantings

proposed to be installed within shared open spaces.

- (k) A full schedule of quantities of all landscape planting to be installed within shared open spaces including botanical name, common name and planter bag size and any critical planting notes for each species.
- (l) A full planting specification for all planted areas within shared open spaces that demonstrates all materials (plant stock, soils, compost, mulches, stake types), ground preparation methodology, installation methodology, 24 month maintenance and defects period.
- (m) A documented 24 month planting maintenance programme post final completion outlining all maintenance, watering, feeding requirements to ensure successful establishment of all types of landscape plantings.
- (n) Explanation and supporting detail (where necessary) as to how the LMP is integrated with the:
 - (i) SMP (Condition 4442); and
 - (ii) CIMP (Conditions 4646 and 47).

Generally

- ~~— A documented 24 month planting maintenance programme post final completion outlining all maintenance, feeding requirements to ensure successful establishment of all types of landscape plantings.~~
- ~~— Explanation and supporting detail (where necessary) as to how the LP&S is integrated with:
 - ~~— SMP; and~~
 - ~~— The CIMP.~~~~

35. No riparian or landscape planting may commence on site until the CCM has certified in writing that the LP&S meets the requirements of Condition 34. The LP&S shall be deemed to be certified as meeting the requirements of Condition 34 if the CCM does not respond to the consent holder within **fifteen (15) working days** either confirming certification or detailing the reasons why certification is withheld.

36. The riparian and landscape planting on site must be in accordance with the certified LP&S.

28-37. The LP&S may be amended by an amended plan, prepared by an appropriately qualified and experienced person, being submitted to the Council's CCM. The amended LP&S shall be deemed to be certified as meeting the requirements of Condition 34 if the CCM does not respond to the consent holder within **fifteen (15) working days** either confirming certification or detailing the reasons why certification is withheld. The amended plan must otherwise comply with ~~e~~Condition 34 ~~31~~.

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.

~~1. 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**.~~

~~1. 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.~~

36-38. Prior to requesting approval under Section 224 of the Act, the consent holder shall ensure that the planting required by the LP&S certified under **Conditions 36** above is fully planted ~~is complied with~~, unless appropriately bonded to the satisfaction of Council.

~~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).~~

~~The bond required under the above condition shall be paid to the Council to be held in a cash bond account.~~

~~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.~~

~~The bond sum will be released on the date the condition it safeguards the performance of has been satisfied to the satisfaction of CCM.~~

Predator control plan

39. Prior to requesting approval under Section 224 of the Act, the consent holder must submit a Predator Control Plan (PCP) to the Council's CCM. The purpose of the PCP is to suppress predators around the designated dotterel nesting area, and to control predators over the broader property with particular focus on areas of native plantings along the Modified Tributary and around constructed wetlands. The PCP is to be certified by an appropriately qualified and experienced person as complying with this condition. The PCP needs to be complied with only to the extent that lawful access to the land is available.

~~37-40.~~ The PCP may be amended by an amended plan, prepared by an appropriately qualified and experienced person, being submitted to the Council's CCM. The amended plan must otherwise comply with Condition 39.

~~38-41.~~

~~38.~~ The PCP is to be implemented by the Incorporated Society (or in the case of default by the Incorporated Society, the owners of the subdivided lots) in accordance with condition 39.45. 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) Predator control of the designated dotterel nesting area and other locations to which lawful access is available is a requirement of the subdivision consent and is an ongoing obligation of the title holder. The title holder is required to comply with the Predator Control Plan. The obligations are able to be discharged by the Incorporated Society established with the subdivision.

Stormwater Management Plan

~~39-42.~~ No less than fifteen (15) working days 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) certified by an appropriately qualified and experienced person as complying with this condition. This The 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://1(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~~stabilising and revegetating the banks of the stormwater detention pond.
- ~~(f)~~(f) Identify which works are required for which stage.
- ~~(g)~~(g) Any other details as required by ~~the these~~ conditions ~~within this decision~~.

43. ~~No stormwater works shall be constructed on site until the CCM has certified in writing that the SMP meets the requirements of Condition 42. The SMP shall be deemed to be certified as meeting the requirements of Condition 42 if the CCM does not respond to the consent holder within fifteen (15) working days either confirming certification or detailing the reasons why certification is withheld.~~

44. ~~The SMP may be amended by an amended plan, prepared by an appropriately qualified and experienced person, being submitted to the Council's CCM. The amended SMP shall be deemed to be certified as meeting the requirements of Condition 42 if the CCM does not respond to the consent holder within fifteen (15) working days either confirming certification or detailing the reasons why certification is withheld. The amended plan must otherwise comply with eCondition 3742.~~

40-45. ~~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/SMP certified under~~

Field Code Changed

Commented [C36]: Condition agreed by the applicant and reporting officer, on the agreed advice of Son Nguyen and Wayne Hodson.

Condition 44 above, insofar as the SMP identifies the works as required for that stage.

Comprehensive Infrastructure Management Plan

41-46. No less than fifteen (15) working days prior ~~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. The CIMP must be certified by an appropriately qualified and experienced as complying with this, and the following condition. (Note: For the sake of clarity, the ongoing maintenance obligations of infrastructure remain the responsibility of the Incorporated Society as asset owner).

42-47. 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 21.5m;
- ii) A new 2m wide footpath must be provided within the existing subdivision area approved under RM180160 and 180160A;
- ~~ii) The roading design must be amended to achieve an operative speed within the roading environment of no more than 30km/ph;~~
- ~~ii) Roading 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;~~
- ~~ii) 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 within 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, roadedge delineation in the road design;~~

~~(g)(f)~~ integration of the roadside swales and other road-side infrastructure with the stormwater detention basin (Lot 15).

~~(h)(g)~~ Outline the methods proposed for stormwater treatment.

~~(h)~~ 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: 23828/3/200, Revision B, dated 08/08/22.

~~(h)(h)~~ Detailed design including sub-base material of all pathways, raised platforms and paving areas including material types, material finishes, colour and associated material specification.

~~(h)(i)~~ 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.

~~(i)~~ street lighting, street trees and any underplanting.

~~(k)~~ 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.

~~(j)~~ —

~~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.

~~48. Construction of the infrastructure services and infrastructure services listed in Condition 47 must not commence until the CCM has certified in writing that the CIMP meets the requirements of Conditions 46 and 47. The CIMP shall be deemed to be certified as meeting the requirements of Conditions 46 and 47 if the CCM does not respond to the consent holder within fifteen (15) working days either confirming certification or detailing the reasons why certification is withheld.~~

~~49. The CIMP may be amended by an amended plan, prepared by an appropriately qualified and experienced person, being submitted to the Council's CCM. The amended CIMP shall be deemed to be certified as meeting the requirements of Conditions 46 and 47 if the CCM does not respond to the consent holder within fifteen (15) working days either confirming certification or detailing the reasons why certification is withheld. The amended plan must otherwise comply with eConditions 46 and 47-40 and 41.~~

~~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~~

~~1. No physical works associated with the construction of roads or the installation of services can be carried out until the CIMP is certified by provided to Council in accordance with Condition 46.~~

Certification of Completed Works

Commented [C37]: Amendments agreed by the applicant and reporting officer, on the agreed advice of Son Nguyen and Wayne Hodson.

Commented [C38]: The applicant and reporting officer agree that the advice note is not necessary.

Commented [C39]: This condition is not required if Condition 48 is imposed - requiring certification before commencement of the infrastructure works.

~~43-50.~~ 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.

Drainage works

~~51. No less than fifteen (15) working days prior~~ ~~Prior to any construction activities commencing on site, the consult holder must provide to the Council's CCM for certification~~ a Productive Land Drainage Plan (PLDP). The purpose of the PLDP is to improve the productive capacity of Lot 60 through drainage works. The plan must be in general accordance with the Statement of ~~ef~~ Stephen Peter Goodman of 28 June 2023 supplied in support of application RM220003. The PLDP is to be certified by an appropriately qualified and experienced person as complying with this and the following condition.

~~52. The detailed design must be prepared by a suitably qualified and experienced agricultural expert and PLDP must include, but is not necessarily limited to, the following:~~

- ~~(a) Design of 40 ha of subsurface mole drainage with pipes installed at no less than 30m intervals;~~
- ~~(b) Confirmation~~ ~~Demonstrate~~ that water ~~will to~~ be directed to a constructed wetland before being discharged to a surface water body;
- ~~(c) Required maintenance of the system;~~
- ~~(d) The identification of which works are required for which stage (see staging provisions in Condition 1). At least 50% of the drainage works required are to be completed prior to requesting approval under Section 224 of the Act for lots XXXX. The remaining drainage works must be completed prior to requesting approval under Section 224 of the Act for the remaining lots.~~
- ~~(e) The design of constructed drainage wetlands generally – see title to fig 9 on p 20 of Andy's statement~~ in accordance with Tanner, C.C.; Depree, C.V.; Sukias, J.P.S.; Wright-Stow, A. E.; Burger, D.F.; Goeller, B.C. (2022). Constructed Wetland Practitioners Guide: Design and Performance Estimates. DairyNZ/NIWA, Hamilton, New Zealand.

~~53. The PLDP may be amended by an amended plan, prepared by an appropriately qualified and experienced person, being submitted to the Council's CCM. The amended plan must otherwise comply with eCondition 45 and 4650.~~

~~— Prior to requesting approval under Section 224 of the Act for any stage the consent holder must fully construct works and implement the PLDP to the extent required for that stage.~~

Water Supply for Fire Fighting Purposes:

~~44-54.~~ 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 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)

~~45-55.~~ 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:

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) Unless the wastewater system is considered in detail by a chartered professional engineer experienced in on-site wastewater engineering, any domestic wastewater system installed and utilised on this lot must ensure that~~the registered proprietors must ensure that:~~
 - i. Effluent disposal areas on all lots must be setback a minimum of 20m from any surface water (including watercourses, man-made artificial drains, channels, dams and any stormwater detention basin in Lot 15)~~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.~~ 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.
 - iv. Achieve discharge quality of a secondary treatment system or better (five-day Biochemical Oxygen Demand, BOD5 equal to or better than 20g/m³ and Suspended Solids/Non-Filterable Residue equal to or better than 30g/m³)
 - v. Filtration to 120 or 130micron level is required at the treatment outlet before discharging to the effluent disposal system.
 - ~~iii.~~vi. Utilise approved wastewater-pressured compensated drip-line irrigation for the discharge of treated effluent.
- (e) The registered proprietors must install, operate, ~~and maintain the system, enter into a maintenance contract with an HBRC-approved on-site wastewater contractor,~~ 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.

- (f) The impervious area, including buildings, accessways and hardstands, shall not exceed 30% of the site area.
- ~~(h)~~(g) All stormwater must discharge into the collective drainage system shown on the certified SMP. No direct discharge of any sort into the streams or dams.
- ~~(h)~~(h) On-site stormwater systems within lots residential lots shall be maintained on an ongoing basis.

Upstream / downstream monitoring **Monitoring**

Faecal source contamination monitoring

- (i) The Incorporated Society must undertake an event-based monitoring programme to monitor the outlet of the stormwater detention pond for E. coli. Sampling must occur on at least one occasion each year at a time that the outlet is flowing.
- (j) If the E. coli count is higher than 500 cfu / 100ml, the Incorporated Society will undertake faecal source tracking to confirm whether the source of faeces is human or not.
- (k) If a human source is indicated, then the Incorporated Society will undertake further investigations to explore the potential source of faecal contamination. The Incorporated Society will promptly prepare a report on the monitoring results and investigation and provide this to the Council.
- (l) In the event that the Incorporated Society defaults on Condition 55 (i) to 55 (k), the obligation applies to the owners of lots 1 – 14 and 16 – 50 for the time being.
- (m) A consent notice shall be registered on the Records of Title for Lots 1 – 14 and 16 – 50 recording the obligations of this consent.

~~In the event that the Hawkes Bay Regional Council ceases to monitor water quality at Pourêrere Lagoon for 13 months, the Incorporated Society (or in the case of default, the owners of 1-14 and Lots 16-50) shall cause eEnterococci monitoring to occur between January and March every year by an appropriately qualified person. The results of that monitoring are to be provided to CMM and KLT within 5 working days of receipt.~~

- ~~(i) For the first 10 years following the s224 certificate is issued the Incorporated Society (or in the case of default, the owners of 1-14 and Lots 16-50) shall cause water quality monitoring be undertaken by an appropriately qualified person every three months. The monitoring points shall be located on the unnamed tributary of the Pourêrere immediately above the confluence with the Pourêrere and upstream of the subdivision. The variables to be monitored are temperature, pH, dissolved oxygen, conductivity, water clarity, nitrogen, phosphorus, nitrate, ammonia, suspended solids and biochemical oxygen demand. The results of that monitoring are to be provided to CMM and KLT within 5 working days of receipt.~~

Lagoon monitoring

- (n) The Incorporated Society must cause Enterococci monitoring to occur in the Pourêrere Lagoon weekly between November and April each year (20 weeks), at or about coordinates 40°05'50.2"S 176°52'16.4"E. The results of the latest season of monitoring are to be provided to the CCM and KLT by the end of May each year.
- (o) In the event that the Incorporated Society defaults on Condition 55 (n), the obligation applies to the owners of lots 1 – 14 and 16 – 50 for the time being.
- (p) The obligation to monitor only applies in the event that the Regional Council has not monitored the lagoon in a 12-month period.
- (q) A consent notice shall be registered on the Records of Title for Lots 1 – 14 and 16 – 50 recording the obligations of this consent.

Advice Note: The applicant volunteers this condition to ensure that general information about the health of the lagoon is available. It is not intended as a condition to monitor the effects of the

subdivision activity. The lagoon is located at the end flows of the entire Pourêrere catchment, of which the unnamed tributary is only one small contributor. A decrease in health of the lagoon is not necessarily attributable to the subdivision.

Membership of an Incorporated Society and Ongoing Maintenance of Shared Infrastructure

~~46-56.~~ Prior to the issue of a section 224(c) certification, the consent holder must ~~establish-nominate an~~ 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~~ shared open spaces
- (d) Predator control pursuant to Condition 3439
- ~~(e)~~ Monitoring pursuant to Condition 5055 (h) to (p); and
- (f) The stormwater detention area within Lot 15.

~~47-57.~~ 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) ~~s~~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)~~ Predator control pursuant to Condition 3925;

~~(iii)(v)~~ Monitoring pursuant to Condition 55 (h) to (p);

~~(iv)(vi)~~ The stormwater detention area within Lot 15; and

~~(v)(vii)~~ 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

~~1.~~ 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.~~

Consent Notice – Reverse Sensitivity

~~48.~~

~~58.~~ 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:

~~That each Lot Owner acknowledges that the Lot is located in a productive rural area where agricultural management practices such as agrichemical spraying, use of farm machinery, the operation of bird scarers, stock crossing Punawaitai Road / bridge and other similar activities occur.~~

~~That each Lot Owner shall not bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the uses of Lot 100 (in gross) and/or rural land in the general vicinity:~~

~~(a) make nor lodge; nor~~

~~(b) be party to; nor~~

~~(c) finance nor contribute to the cost of any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of operations or any rural activity on rural land in the general vicinity, including without limitation any action to require the registered owner or occupier of rural land in the general vicinity to modify the rural operations carried out on rural land in the general vicinity.~~

Geotechnical

~~48.~~~~59.~~ 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

~~1. 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

~~2. 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:~~

- ~~(-) The location, spatial allocation, dimensions and identification of all new landscape plantings proposed to be installed within shared open spaces.~~
- ~~(-) A full schedule of quantities of all landscape planting to be installed within shared open spaces including botanical name, common name and planter bag size and any critical planting notes for each species.~~
- ~~(-) A full planting specification for all planted areas within shared open spaces that demonstrates all materials (plant stock, soils, compost, mulches, stake types), ground preparation methodology, installation methodology, 24 month maintenance and defects period.~~
- ~~(-) 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.~~
- ~~(-) The location for a 'Defined Building Area' within each allotment where all future buildings must be located within.~~
- ~~(-) Explanation and supporting detail (where necessary) as to how the LMP is integrated with the:

 - ~~(-) SMP (Condition 44); and~~
 - ~~(-) CIMP (Condition 46);~~
 - ~~(-) 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.~~

- ~~2. 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.~~
- ~~2. 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.~~
- ~~2. 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

~~49-60.~~ 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 no more than one dwelling and one accessory garage.
- (ii) All buildings must be located at least 5m from all site boundaries.
- ~~(iii) Placement: All buildings must be located within a 'Defined Building Areas' including ancillary buildings, garden sheds and above ground water tanks.~~
- ~~(iv)(iii) Height: The maximum height of all buildings shall not exceed be single storey and a maximum height of 8m from pre-development ground level.~~
- ~~(iv)(iv) Watertanks: All water tanks shall be screened from view from lots [shared access lots] in a manner and/or with screening and using either vegetation or materials and colours harmonious with similar to the dwelling and should be installed on each respective lot.~~

Commented [C40]: The applicant and reporting officer agree that, given the other building location and design controls, there is no need for a defined building area.

Building Form

- ~~(vi) Buildings shall have a dominant horizontal profile that is congruent with the natural contour of the valley floor.~~
- ~~(vii) Site coverage of all building must not exceed 400m², including the placement of buildings and ancillary dwellings~~
- ~~(viii) All roofs must be designed to integrate buildings into the landscape and use a sheltering form with deep overhangs of more than 1.0m.~~
- ~~(ix) Roof materials shall be colour in recessive colours no greater than the reflectance~~

values set out in Attachment 2 of the Landscape Assessment Report.

- ~~(x)~~ 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.
- ~~(xi)~~ Recess large areas of glazing below wide eaves and dividing glazing with walls, pergolas and the like.
- ~~(xii)~~ Use of dark tinted glass, but not mirror glazing.
- ~~(xiii)~~ ~~(v)~~ Use window joinery, doors and balustrades ~~that shall have reflectance values consistent and~~ no greater than the reflectance values set out in Attachment 2 of the Landscape Assessment report.
- ~~(xiv)~~ 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.
- ~~(xv)~~ 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

- ~~(xvii)~~ Demonstrate that materials selected respond to the natural landscape and native vegetation immediately surrounding the subject site.
- ~~(xviii)~~ Select colour palettes that have a reflectance value no greater than those set out in Attachment 2 of the Landscape Assessment Report.
- ~~(xix)~~ Use natural material finishes such as stone and timber which will weather naturally.
- ~~(xx)~~ Apply dark oxide colouring to concrete materials to reduce reflectivity of the material.
- ~~(xxi)~~ Use timber cladding and other natural elements (stone) naturally weathered or stained dark.
- ~~(xxii)~~ Ensure painted timber, blockwork or other materials may be used and must contribute to receding the building into the landscape.
- ~~(xxiii)~~ ~~(vi)~~ ~~The~~ Ensure that the reflectance value of surfaces, including joinery, gutters, downpipes, cladding and roofing materials shall ~~not exceed~~ have a reflectance value of ~~no greater than~~ those set out in Attachment 2 of the Landscape Assessment Report.

Exterior Hard Surfaces

- ~~(xxiv)~~ If driveways are paved, all driveways must be with flush kerb with either rip rap, grass or planted swales for stormwater management.
- ~~(xxv)~~ ~~(vii)~~ ~~A~~ Asphaltic concrete, dark coloured concrete, ~~or~~ exposed aggregate concrete or gravel driveway surfaces must be used.
- ~~(xxv)~~ Impervious outdoor areas, including patio, outdoor entertainment areas and turning areas (within the driveway), all located within the Defined Building Areas.

Fencing

- ~~(xxvi)~~ ~~(viii)~~ Where fences are proposed, these must be vegetation; or; 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

~~(ix)~~ All exterior lighting should ~~be contained within the Building Areas and shall~~ be down lights only.

~~(xviii)~~~~(x)~~ All street lights are to meet the standards published by the Australasian Dark Sky Alliance Pty Ltd (ABN 89 632 593 161 | ACN 632 593 161) as "ADSA Approved" when they are installed.

~~(xxviii)~~~~(xi)~~ 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

50-61. 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.