

Abbreviation	Means...
“Act” or “RMA”	Resource Management Act 1991
“AEE”	The applicant’s assessment of environmental effects (Revised application date 14 August 2023)
“Council”	Central Hawke’s Bay District Council
“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
“proposal”	The proposed activity subject to Application RM230016
“site”	The land at 42 Okura Road, Kairakau, Elsthorpe, legally described as Lot 2 DP 481291 (being part of Record of Title 674477)
“RCM”	The Council’s Resource Consents Manager (or nominee)
“CTMP”	Construction Traffic Management Plan
“ADP”	Accidental Discovery Protocol
“ASMP”	Archaeological Site Management Plan
HBRC ESC Guidelines	<i>Hawke’s Bay Waterway guidelines— Erosion and Sediment Control</i> prepared by the Hawkes Bay Regional Council, ISBN No: 1-877405-35-3, dated April 2009 (Reference: 1 (hbrc.govt.nz))
“SMP”	Stormwater Management Plan
“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
“HNZPT”	Heritage New Zealand Pouhere Taonga
“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
“OMP”	Operation and Maintenance Plan
“LMP”	Landscape Management Plan

Pursuant to Section 104B of the Resource Management Act 1991, the application (RM230016) made by SR & BJ Williams Charitable Trust Board to the Central Hawke’s Bay District Council for an 11 lot fee simple subdivision of land at 42 Okura Road, Kairakau, Elsthorpe, legally described as Lot 2 DP 481291 (being part of Record of Title 674477), consisting of:

- 8 rural lifestyle allotments (Lots 1, 3, 4, 6 to 10);
- two balance allotments (Lots 11 and 12); and
- a separate lot (Lot 13) to be amalgamated with the adjoining property at 38 Okura Road (legally described as Lot 1 DP 25627).

which may be completed in a series of stages, as set out in the Staging Plan submitted with the Application (Appendix A2)

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 RM230016, Appendix A1 – Scheme Plan by *Surveying the Bay Ltd*, Project titled: “*Proposed Subdivision of Lot 2 DP 481291 402 Mangakuri Road, Mangakuri*”, Drawing No: 4698-30, dated August 2023, Sheets: 1 & 2.

The Proposal must proceed in general accordance with the plans and information proposed, outlined in the *Table of Documents* below, except where modified by more specific consent conditions. Where there is inconsistency between the plans, information provided and these conditions, the conditions shall prevail.

Notes:

The following staging plan submitted with the application is acknowledged, as referred to Appendix A2- Staging Plan, Plan by *Surveying the Bay Ltd*, Drawing No: 4698-31, dated August 2023, Sheets 1 to 6.

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, if applicable.

Table of Documents			
	Report	Author	Dated
Original Application 23 February 2023			
Appendices			
C1	Archaeological Assessment of Effects	Heritage Services Hawke's Bay	Undated
C2	Archaeological Authority	Heritage New Zealand Pouhere Taonga, File Ref: 2023/218	11 November 2022
C3	Cultural Impact Assessment (Requested to be kept Confidential)	Kairakau Lands Trust	29 September 2022
C4	Cultural Impact Assessment	Ngā Karanga Hapū o Kairakau	5 September 2023
F	Traffic Impact Assessment	East Coast Consulting Ltd	2 December 2022
	Report	Author	Dated
Revised Application 14 August 2023			
	Subdivision Consent Application and Assessment of Effects on the Environment.	Mitchell Daysh	15 August 2023
Appendices			
A1	Scheme Plan 4698-30, Sheets 1 and 2	Surveying the Bay	August 2023
A2	Staging Plan 4698-31, Sheets 1 to 6	Surveying the Bay	August 2023
D1	Landscape, Natural Character and Visual Effects Assessment	Wayfinder	August 2023
D2	Landscape & Visual Assessment Graphical Attachment	Wayfinder	August 2023
E	Geotechnical Assessment Report, Project: 10- Lot Subdivision, Mangakuri Beach, Revision R19385B-04	RDCL Limited	7 August 2023
E1	Geotechnical Report Review, Revision R19385B- 04	RDCL Limited	7 August 2023
F2	Traffic – Letter in response to traffic peer review	East Coast Consulting Ltd	11 August 2023
G1	Land Development Report, Mangakuri Station subdivision, Subdivision of Lot 2 DP 481291, Project No: J5864, Rev C	Strata Group Consulting Engineers	11 August 2023
G2	Engineering Plans, Project No: J5864, Revision C	Strata Group Consulting Engineers	11 August 2023
G3	3 Waters review Response, Job Number: 5864	Strata Group Consulting Engineers	15 August 2023

H	Cut Fill Plan, Job Number: 5864, Sheet C150, Revision 3	Strata Group Consulting Engineers	15 August 2023
	Report	Author	Dated
Section 92 Response – 21 December 2023			
	Response to s92 Request– RM230016 – Subdivision Consent, SR & BJ Williams Charitable Trust Board, Williams Road, Mangakuri	Mitchell Daysh	21 December 2023
	Email from Phil McKay on Proposed Conditions to Limit Fragmentation	Mitchell Daysh	7 February 2024
Appendices			
D3	Addendum to Landscape, Natural Character & Visual Effects Rural Amenity Assessment	Wayfinder	22 September 2022
D4	Mangakuri Titles Subject to Proposed Covenant	Excerpt from GRIP	10 October 2023
E2	Geotechnical Assessment Report, Revision R19385B-05	RDCL Limited	21 December 2023
F3	Traffic – Letter in response to Section 92 Request	East Coast Consulting Ltd	29 September 2023
G4	3-Waters – Letter in response to traffic peer review	Strata Group Consulting Engineers	21 September 2023

Easements

2. Prior to the Council signing the Survey Plan pursuant to Section 223, all the easements shown in the Memorandum of Easements attached to the Survey shall be duly granted or reserved. The consent holder must provide a written statement by a professional surveyor to Council, to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted or reserved and endorsed in the cadastral survey dataset.

Easements must be created as set out in the “Proposed Easements” Schedule, as applicable for each subdivision stage, and as shown on Appendix A1 – Scheme Plan by *Surveying the Bay Ltd*, Project titled: “*Proposed Subdivision of Lot 2 DP 481291 402 Mangakuri Road, Mangakuri*”, Drawing No: 4698-30, dated August 2023, Sheets: 1 & 2.

Amalgamation Condition

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

Stage 1

- (a) That Lot 13 hereon be transferred to the owners of Lot 1 DP 25627 and that one Record of Title be issued to include both parcels.
LINZ Reference:

Cadastral Survey Dataset

4. Prior to requesting approval under s 223 of the Act, the cadastral survey dataset must be

prepared or amended as necessary to demonstrate the following, with reference Appendix A1 – Scheme Plan by *Surveying the Bay Ltd*, Project titled: “*Proposed Subdivision of Lot 2 DP 481291 402 Mangakuri Road, Mangakuri*”, Drawing No: 4698-30, dated August 2023, Sheet: 2.

- (a) The ‘*Identified Building Platform*’ for each allotment, formed as part of the subdivision
- (b) The ‘*Privately Managed Landscape*’ zone for each allotment; and,
- (c) The Landscape Enhancement Zone to be used only for the establishment of approved coastal native revegetation.

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 RCM.
- 7. In order to provide for health and safety of the community, the Consent Holder shall notify the RCM before conducting any works in any existing legal road.

Erosion and Sediment Control

- 8. The consent holder shall, **Twenty (20) 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) prepared by a suitably qualified and experienced person. 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 contained within the HBRC ESC Guidelines and shall include at least the following:
 - (a) details of all 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;
 - (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 RCM has certified in writing that the ESCP meets the requirements of **Condition 8** above.
10. Should the RCM 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.

11. 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 RCM has certified in writing that the amended ESCP meets the requirements of **Condition 8** above. The amended E&SCP is thereafter considered to be the certified E&SCP for the purpose of these conditions.
12. The consent holder shall undertake all earthworks authorised by this consent in accordance with the certified E&SCP.
13. 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.
14. 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. The consent holder shall monitor and maintain the site until vegetation is established to such an extent that it minimises erosion and minimises sediment from entering any water body.

ADVICE NOTE: For the purposes of **Condition 14**, 'minimise' means to reduce to the smallest amount reasonably practicable.

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 beyond the boundary of the subject property.

Construction Traffic Management Plan

18. No less than **Twenty (20) 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 RCM for written, technical certification. The purpose of the 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) Details of the estimated earthwork material volumes to be carted off-site;
 - (g) Controlled internal and external access routes;
 - (h) Parking locations for construction staff;
 - (i) How safety risks on the land transport network can be minimised;
 - (j) Contact details for construction manager;
 - (k) Construction site security and safety measures;

- (l) Details of planned construction works including locations and programming;
- (m) Procedures for incident management;
- (n) Procedures for dealing with adverse weather events
- (o) Procedures for managing construction vehicles when encountering potential rural activities within the roading network (such as the movement of livestock);
- (p) 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).
- (q) Access and delivery locations, including swept path analysis for largest vehicles;
- (r) Likely construction access routes to and from the site;
- (s) Management of oversize loads;
- (t) Wheel cleaning and covering of loads; and
- (u) 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. No construction activities shall commence on the site until the RCM has certified in writing that the CTMP meets the requirements of **Condition 18** above.
20. Should the RCM refuse to certify the CTMP, the consent holder shall submit a revised CTMP to the RCM for certification. The certification process shall follow the same procedure and requirements as outlined in **conditions 18-20**.
21. 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.
22. 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 RCM and are not to be implemented until the RCM has certified in writing that the amended CTMP meets the requirements of Condition 18 above. The amended CTMP becomes the certified CTMP for the purposes of **Condition 21**. The amended CTMP is thereafter considered to be the certified CTMP for the purpose of these conditions.

Accidental Discovery Protocol

23. No less than **Twenty (20) working days** prior to commencing any earthworks activities on site, the Consent Holder shall provide to the RCM an Accidental Discovery Protocol (ADP) that is to be followed. The ADP need not address anything that is addressed in an Archaeological Authority under s48 of the Heritage New Zealand Pouhere Taonga Act 2014. The ADP is to be submitted to Council for technical certification based on how the protocol achieves its purpose, being to:
 - (a) Manage and protect the integrity of “known” and “unknown” archaeological sites from damage and loss.
 - (b) Ensure the dignified and appropriate cultural management of Koiwi tangata (human skeletal remains), if unearthed
 - (c) Ensure any cultural material including faunal material uncovered is identified and

- analysed by appropriate specialists, including when age analysis using C¹⁴ is appropriate.
- (d) Identify the means by which an archaeologist or suitably qualified person is to monitor earthworks and report findings to the consent holder and the RCM.
 - (e) Train persons who undertake earthworks to identify and report discoveries to appropriate specialists.
 - (f) Outline processes to be adopted by those specialists.
 - (g) set out the communication and consultation protocol(s) with tangata whenua.

In satisfying this condition the consent holder must attach a copy of any Archaeological Authority under s48 of the Heritage New Zealand Pouhere Taonga Act 2014

Advice Note: An Archaeological Authority is currently in place from Heritage New Zealand Pouhere Taonga, No: 2023/218, dated 18 November 2022.

- 24. No construction or earthworks activities may commence on site until the RCM has certified in writing that the ADP meets the requirements of **Condition 23**. Construction and earthworks activities on site must be in accordance with the certified ADP.
- 25. The ADP may be amended by an amended protocol, prepared by an appropriately qualified and experienced person, being submitted to the RCM. The amended plan must otherwise comply with **Condition 23**. The amended ADP is thereafter considered to be the certified ADP for the purpose of these conditions.
- 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:
 - (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.

- 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 KLT;
 - (b) the Council's RCM; and
 - (c) Heritage New Zealand Pouhere Taonga.

Further work at the site shall be suspended while iwi carry out their procedures for removal of taonga. The Council's RCM 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.

Archaeological Monitoring of Earthworks

28. No less than **Twenty (20) working days** prior to commencing any earthworks activities on site, the Consent Holder shall provide details of the to the RCM an Archaeological Site Management Plan (ASMP) for written, technical certification. The ASMP shall set out how the potential adverse effects of the proposed earthworks on archaeological sites shall be managed and shall be undertaken in accordance with the minimum requirements specified below:
- (a) To minimise any potential adverse environmental effects on archaeological sites.
 - (b) To protect sites in close proximity to construction works from accidental damage by heavy machinery.
 - (c) To ensure a suitably qualified archaeologist attends the site and monitors all earthworks in compliance with this condition.
 - (d) To make and preserve a permanent record of all archaeological sites affected by the proposed earthworks.

The certified ASMP must include the following information to the achieve its purpose, but not be limited to:

- (i) Purpose and scope of the plan;
 - (ii) Details of the archaeologist appointed to
 - (iii) A forward works schedule and details of all earthworks to be undertaken that is to be monitored by the archaeologist.
 - (iv) Reporting procedures for the discovery of any archaeological sites to RCM, KLT and HNZPT.
29. No construction or earthworks activities may commence on site until the RCM has certified in writing that the ASMP meets the requirements of **Condition 28**. Construction and earthworks activities on site must be in accordance with the certified ASMP.
30. The ASMP may be amended by a revised ASMP, prepared by an appropriately qualified and experienced person, being submitted to the RCM. The amended ASMP must otherwise comply with **Condition 28**. The amended AAMP is thereafter considered to be the certified ASMP for the purpose of these conditions.

Earthworks Hours of Operation

31. 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

32. 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.

Final Earthworks Plans and Methodology

33. Prior to any earthworks or construction commencing final details of all proposed earthworks must be submitted to the RCM for written, technical certification. The Final Earthworks Plans and Methodology must be designed to ensure all temporary and permanent earthwork cuts or fills remains stable and must:
- (a) Outline the final earthworks methodology incorporates the recommendations set out in Appendix E2 - Geotechnical Assessment Report, Revision R19385B-05; and
 - (b) Ensure that all earthworks are consistent with Appendix H - Cut Fill Plan, Job Number: 5864, Sheet C150, Revision 3.

In accordance with this condition, the consent holder must ensure:

- (i) Lots 3 to 11 building platforms are excavated to form a level building platform and to reduce the risk of further land instability.
- (ii) Lot 1 should not be subjected to excavation at the toe of the slope due to risk of land stability.
- (iii) Lot 1 may be subjected to fill in accordance with the recommendations and advice of the appointed geotechnical engineer.
- (iv) All cut slopes shall be formed at a maximum of 1V:1.5H for cuts and 1V:2H for fills.

Investigation of Existing Pond within Proposed Lot 11

34. Prior to any earthworks or construction commencing the consent holder must provide an assessment by an appropriately qualified and experienced geotechnical engineer to assess the structural integrity of the existing pond within proposed Lot 11. This assessment must include site investigations and testing of the existing dam embankments and surrounding land, to confirm it as being satisfactory for use as a detention storage. The testing results and a report outlining the professional opinions of the appointed geotechnical engineer must be provided to the RCM.

In the event that the existing pond is not satisfactory for its intended purpose, the geotechnical engineer must set out its recommended actions for remedial works to achieve its intended purpose.

Advice Note: Full details of these recommendations must be provided to the RCM in accordance with **Condition 35** below.

Stormwater Management Plan

35. No less than **Twenty (20) working days** prior to any construction activities commencing on site, the consent holder must prepare a Stormwater Management Plan (SMP) by an appropriately qualified person and submit this to the Council's RCM.

This purpose of the SMP is to achieve stormwater neutrality for the subdivision works; and, to effectively manage the potential adverse effects of stormwater from the site to avoid or mitigate adverse effects downstream of the site.

The SMP must be in accordance with Appendix G1 and G2, submitted with RM230016. Specifically, the final SMP must include, but is not necessarily limited to:

- (a) Final detailed design of all stormwater features (including pipework, bubble-up sumps and outlets) intended to be constructed/installed prior to s224 certification, accompanied with supporting plans and details as necessary to confirm how:
 - (i) run-off will be redirected from Lots 6, 7 and 8 platforms – conveying this to the west for Lots 6 and 7 and south for Lot 8;
 - (ii) the existing pond within Lot 11 will be modified so a portion of the pond volume is utilised for stormwater detention and restrict flow rates in Catchment B;
 - (iii) any recommendations from the geotechnical engineer have been incorporated as per **Condition 34** above.
 - (iv) the dry stormwater detention pond (dry pond A) will be constructed to restrict flow rates in Catchment C.
 - (v) the dry stormwater detention pond (dry pond B) will be constructed to restrict flow rates from Catchment A.
 - (vi) The location, size, and capacity of the bubble-up sumps to serve Lots 1, 3, 4, 6, 7, 8, 9 and 10 to disperse the stormwater flow over a wider area. These are proposed to be installed in a level line across the slopes, below the toe of any engineered fill..
- (b) Hydraulic calculations to confirm stormwater neutrality will be achieved and measures to ensure that the attenuation and disposal of stormwater does not exceed pre-development discharge rates.
- (c) Time of concentration for design of culverts, channels and overflows which shall be based on the time of concentration calculated in accordance with the method detailed in NZBC E1/VM1 Section 2.
- (d) Measures to ensure that the development shall mitigate stormwater runoff to pre-development rates in accordance with the HBRC Waterway Guidelines for the 2-year and 10-year ARI events and less than 80% of the 100-year event using the future climate rainfall intensity from RCP8.5 2081-2100. The required detention volumes and outlet details shall be confirmed through pond routing using a flow routing programme for a range of storm durations from 10 minute up to 24 hours in duration. Ponds should drain within an acceptable period in accordance with the HBRC waterway guidelines.
- (e) The location and details of all cut-off drains which shall be formed with minimum depths to achieve freeboard to peak design water levels of at least 500mm height, in accordance with NZS 4404.
- (f) 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)*); and,
- (g) the location and cross-sectional profiles, stormwater management design and sizing and details of discharge points complete with details of scour prevention for all discharge points.
- (h) 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.

- (i) Confirmation of the locations of secondary flow paths.
- (j) Identifies the methods for stabilising and revegetating the banks of the stormwater detention pond.
- (k) Identify which works are required for which stage.
- (l) Any other details as required by these conditions.
- (m) Outline all recommendations necessary for future owners of Lots 1, 3, 4, 6, 7, 8, 9, 10, 11 and 12 to comply with the SMP on an on-going basis, including any ongoing maintenance requirements of shared stormwater infrastructure. This is to be provided in a separately referenced addendum that is to be attached to the Record of title of each allotment as per **Condition 51(d)** below.

ADVICE NOTE: the consent holder is required to obtain all necessary resource consents from the Hawke's Bay Regional Council for stormwater discharges, if required.

- 36. No stormwater works shall be constructed on site until the RCM has certified in writing that the SMP meets the requirements of **Condition 35**.
- 37. Should the RCM refuse to certify the SMP the consent holder shall submit a revised SMP to the RCM for certification. The certification process shall follow the same procedure and requirements as outlined in **condition 35**.
- 38. The SMP may be amended by an amended plan, prepared by an appropriately qualified and experienced person, being submitted to the Council's RCM. The amended plan must otherwise comply with **Condition 35**.
- 39. Prior to requesting approval under Section 224 of the Act for any stage the consent holder must fully construct works and implement the SMP, insofar as the SMP identifies the works as required for that stage.

Engineering Drawing and Report Requirements

- 40. No less than **Twenty (20) working days** prior to commencing any earthworks or construction activities on site, the Consent Holder shall have all technical engineering and infrastructure design/construction drawings prepared by a suitably qualified and registered chartered engineer and submit these details to the RCM for written, technical certification.

The technical engineering and infrastructure design/construction drawings must be based on the Engineering Report and Plans submitted with Appendix G1 and G2 of the application and 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 technical engineering and infrastructure design/construction drawings must outline all works: within legal road (including vehicle crossings and other off-site work); shared accessway(s); earthworks; and, stormwater infrastructure (including culverts, ponds, pipe conveyance and discharge). The information design/construction drawings shall include, but is not necessary limited to, the following:

- (a) The final design detailing the earthworks to be carried out, overland flow paths and proposed finished ground levels within the subdivision.
- (b) The location of vehicle crossing(s) have a minimum width of 3.5m and detail all works required to be completed within legal road to ensure a minimum sight distance from vehicle accesses of 97m in both directions.
- (c) The provision for access to each lot in accordance with NZS NZS4404 Land Development and Subdivision Infrastructure, including details or widths and gradients.
- (d) Details of any consultation with Fire and Emergency New Zealand and, outline the the extent to which any emergency vehicle access will meet SNZ PAS 4509:2008, including:
 - (i) demonstrating that all access remains sufficient to accommodate the vehicle tracking of an 8-metre-long fire appliance in the event that the access width is less than 4m and has a gradient greater than 16%.
 - (ii) Outline how firefighters may continue to efficiently work around the fire appliance and safely access and operate the hoses and pumps.
 - (iii) Ensure a clear vehicle crossing of no less than 3.5m wide should be provided as site entrances, internal entrances and between buildings.
 - (iv) Ensure a height clearance at vehicle crossings and along carriageways should not be less than 4m.
 - (v) Ensure that each lot is capable of operate pumping appliances from a hard standing capable of withstanding the fully laden weight of a fire appliance from which fire operations for a structure are conducted.
- (e) Integration of all stormwater infrastructure within the SMP;
- (f) Details of all proposed utility services within the development, including:
 - (i) Provision for any in-ground ducts to electrical cables and telecommunication connections within the access corridors during construction to service future development.
 - (ii) Details of where any existing underground telecommunications cables within the identified building platform areas for Lots 3, 4, 11 and 1 will be relocated to.
 - (iii) The new location of the repeater station (if proposed to be relocated and not removed), which is currently located within the identified building platform for Lot 8.

The infrastructure shall be designed, constructed and completed in accordance with:

- The approved plans and documents under Condition 1;
- The NZS NZS4404 Land Development and Subdivision Infrastructure;
- The New Zealand Standard NZS 4431 Earth Fill for Residential Development;
- A safe system audit which shall be prepared by a suitably qualified transport expert to examine all works within the legal road

The submitted drawings shall include (but are not limited to):

- i. Confirmation with the information supplied with the approved scheme plan;
- ii. Cross sectional profiles, details of earthworks to be carried out, location of cut and fills, proposed finished ground levels;
- iii. The final design detailing the earthworks to be carried out and proposed finished ground levels within the subdivision;
- iv. All drainage works;
- v. Details of access to all lots
- vi. Test results of in-situ ground for the portion of new pavement to be constructed and for the existing formation;
- vii. All erosion and sediment controls during construction;

- viii. A safe system audit; and
- ix. Surface treatment – i.e. sections to be sealed.

The engineering design shall be in accordance with the documents submitted in support of the resource consent application unless otherwise agreed to by the RCM. Form Schedule 1A of NZS 4404:2010 shall be completed and submitted along with the drawings.

Note: Council reserves the right to seek a peer review of any roading design at the developer's expense.

- 41. No earthworks or construction activities shall occur on site until the RCM certifies in writing that the requirements of **Condition 40** have been met. In the event that certification is provided on a staged basis, any earthworks or construction activities shall be limited to that applicable stage for which certification is given.
- 42. Prior to requesting approval under Section 224 of the Act for any stage the consent holder must fully construct works outlined in **Condition 40** as applicable for each stage.

Pre-Construction Safe System Audit

- 43. Prior to any earthworks or construction activities commencing, the consent holder shall submit a Safe System Audit of Williams Road between Mangakuri Road and Okura Road. The Safe System Audit shall be in accordance with the New Zealand Transport Agency/Waka Kotahi "Safe System audit guidelines for transport projects", published October 2022 and be completed by a Suitably Qualified Professional Engineer. The purpose of this condition is to provide an assessment of the existing road conditions and identify potential mitigation works to address potential safety concerns.
- 44. The consent holder must pay for the installation of any new signage (e.g. warning signage or changes to speed limits) identified as necessary in the Safe System Audit. This signage must be installed prior to construction or earthworks activities commencing.

Certification of Completed Works

- 45. Prior to certification pursuant to Section 224 of the Resource Management Act 1991, the Consent Holder shall construct all infrastructure including roads, accesses and the installation of stormwater infrastructure certified under **Conditions 23 and 24** to the satisfaction of the RCM. The Consent Holder shall submit a written statement from a suitably qualified person 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.

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

- 46. Prior to requesting approval under Section 224 of the Act and post the completion of the earthworks, the Consent Holder shall provide subsequent geotechnical reporting which identifies building platform setback requirements and no build areas in accordance with the recommendations of the Preliminary Geotechnical Report prepared by RDCL, Geotechnical Assessment Report, Revision R19385B-05, dated 21 December 2023 submitted with Appendix

E2 of the resource consent application (RM230016).

47. Prior to requesting approval under Section 224 of the Act the Consent Holder must provide a statement of professional opinion from a Chartered Professional Engineer acceptable to Council, that the land is suitable for subdivision and residential development. This statement must be made in accordance with NZS 4404:2010 Schedule 2A and must include a completion report confirming that:
- (i) the land is suitable for residential development
 - (ii) there are suitable building sites on all allotments
 - (iii) all restrictions on the lands suitability for subdivision and/or residential development are identified.

Revegetation/re-grassing

48. 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. Progress must be monitored at regular intervals and remedial works carried out by the consent holder if required.
49. The grassing must achieve a minimum strike rate of 80% and must restore all earthworked areas to an erosion resistant state.

Water Supply:

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, 3, 4, 6, 7, 8, 9, 10, 11 and 12 advising the registered proprietors thereof of the following requirement:
- (a) Prior to the occupation of any dwelling within this allotment, potable drinking water supply must be provided 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.

Stormwater:

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, 3, 4, 6, 7, 8, 9, 10, 11 and 12 advising the registered proprietors thereof of the following requirements:
- (a) Stormwater runoff originating from impervious areas on the site, including (but not necessarily limited to) driveways, paved areas, roof runoff etc, must be collected and piped in a controlled manner. Concentration of surface water flows must be avoided.
 - (b) All stormwater infrastructure shall be installed in a manner that does not result in any scouring or erosion at or downstream of the discharge point. Any uncontrolled stormwater must not be allowed to saturate the ground.
 - (c) Stormwater detention shall be always maintained in operating condition at the minimum required volumes, including regular clearing of outlets, control orifices and inlet screens

- in accordance with the OMP provided with the development.
- (d) The Registered Proprietors must, on an on-going basis, comply with the requirements of the addendum to the SMP in **Condition 35(m)** which outlines maintenance requirements of shared stormwater infrastructure.
 - (e) For Lots 1, 3, 4, 6, 7, 8, 9 and 10, all roof area and rainwater tank discharges within the lots shall be via bubble up trenches.
 - (f) For developments with building area coverage greater than 300m² or where the proposed detention is in underground tanks, a specific design by a Civil Engineer will be required to meet the same objectives, restricted outflows equal to or less than those shown in the final approved Civil Design Report and Plans – Appendix G1 and G2 of RM230016. Any other stormwater discharge from the building platforms shall be installed in a manner that does not result in any scouring or erosion at or downstream of the discharge point.
 - (g) Stormwater detention shall be installed in accordance with the following requirements:
 - (i) The top 700mm of one 25,000L tank, or top 350mm of two 25,000L tanks shall remain available for detention at all times for Lots 1, 6, 7, 8, 9, 10.
 - (ii) The top 500mm of two 25,000L tank shall remain available for detention at all times for Lots 1, 6, 7, 8, 9, 10.
 - (iii) The registered proprietors must achieve the Target Restricted Outflow from the Tank (L) as applicable for each Lot, as outlined in the table below:

LOT	WATER TANK VOLUME REQUIRED FOR DETENTION (L)	DETENTION CONDITION REQUIRED	APPLICABLE TIME OF CONCENTRATION (VOL. REQ. = INFLOW-OUTFLOW x T.O.C) IN MINUTES	TARGET RESTRICTED OUTFLOW FROM TANK (L)
1	7800	A	10	0.87
3	11000	B	30	0.74
4	11000	B	30	0.74
6	7800	A	10	0.87
7	7800	A	10	0.87
8	7800	A	20	0.87
9	7800	A	30	0.87
10	7800	A	10	0.87

Water Supply for Firefighting Purposes:

52. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 1, 3, 4, 6, 7, 8, 9, 10, 11 and 12 advising the registered proprietors thereof of the following requirement:

- (a) All dwellings must demonstrate compliance with SNZ PAS 4509:2008 Firefighting Water Supplies Code of Practice. This must be achieved through either:
 - (i) the provision of individual water supply tanks for each residential dwelling; or,
 - (ii) shared provision for water supply for fire-fighting purposes in a manner compliant with SNZ PAS 4509:2008. In the event that this option is elected for, the registered proprietors shall include with their building consent details of any consultant which has occurred with Fire and Emergency New Zealand with respect to achieving compliance with SNZ PAS 4509:2008.
- (b) The registered proprietors must ensure that water supply for firefighting purposes will be physically available in accordance with (a)(i) or (ii) above prior to the occupation of any

- building on the respective lot.
- (c) All on-site water tank systems will be fitted with a 100 mm diameter firefighting coupling for firefighting purposes.
 - (d) All dwellings shall be provided with access for firefighting appliances that complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Advice note:

Consultation and agreement on an alternative firefighting water supply such as water sprinklers or communal supplies and associated access (to the water supply and dwelling) will need to be sought from Fire and Emergency New Zealand and evidence of this agreement provided to Central Hawke's Bay District Council for its consideration and agreement when determining whether the consent notice relating to the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 has been satisfied.

- (e) The provision for water supply and access for fire-fighting purposes must remain available for the registered proprietors on an ongoing basis.

On-site Domestic Wastewater

53. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 1, 3, 4, 6, 7, 8, 9, 10, 11 and 12 advising the registered proprietors thereof of the following requirements:

Lots 1, 3, 4, 6, 7, 8, 9 and 10 only:

- (a) The location of any wastewater disposal area within must be entirely contained within the area of each allotment identified on the plan by Strata Group Ltd, Plan Titled: '*Wastewater Disposal Overview*', Project No: J5864, Sheet No C300, Revision 2, dated 11/08/23, included in Appendix A2 submitted with resource consent number RM230016.
- (b) At the time of building consent and prior to installation of any wastewater system, the registered proprietors must provide details of the proposed domestic effluent treatment system and confirm that there is sufficient land application area and effluent disposal within the proposed allotment.

Lots 11 and 12 only:

- (c) Prior to installation of any wastewater system for any dwelling in Lots 11 or 12, the consent holder must submit a report from an appropriately qualified person on the location, specifications and design details of any wastewater treatment system located within that allotment.

All Lots

- (d) 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.
- (e) Effluent disposal areas on all lots must be setback a minimum of 20m from any surface water (including watercourses, artificial drains, channels or dams)
- (f) Systems must utilise approved wastewater-pressured compensated drip-line irrigation for the discharge of treated effluent.
- (g) The registered proprietors must install, operate, 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.

Ongoing Maintenance of Shared Infrastructure

54. 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 and require the ongoing management, operation, and maintenance of the shared infrastructure by the registered proprietors of Lots 1, 3, 4, 6, 7, 8, 9, 10, 11 and 12.
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, 3, 4, 6, 7, 8, 9, 10, 11 and 12 advising the registered proprietors thereof of the following requirements:
- (a) The registered proprietors have an ongoing obligation to manage and maintain the all associated communal stormwater infrastructure, including the bubble-up sumps and stormwater ponds located within Lot 11, in accordance with the Operation and Maintenance Plan (OMP).
 - (b) The registered proprietors must keep all assets and infrastructure in good working order suitable for its intended purpose.
 - (c) If the registered proprietors fails to comply with its obligations then Council may enforce these obligations against owners at the direct cost of owners.

Consent Notice – Reverse Sensitivity

56. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 1, 3, 4, 6, 7, 8, 9 and 10 advising the registered proprietors thereof of the following requirements:
- (a) 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 and/or other similar activities occur.
 - (b) That each Lot Owner shall not bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the uses on rural land in the general vicinity:
 - (i) make nor lodge; nor
 - (ii) be party to; nor
 - (iii) 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

57. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 1, 3, 4, 6, 7, 8, 9 and 10 advising the registered proprietors thereof of the following requirements:
- (a) Future development must have regard to the findings and conclusions of the preliminary Geotechnical Report prepared by RDCL, Geotechnical Assessment Report, Revision R19385B-05, dated 21 December 2023 submitted with Appendix E2 of the resource consent application (RM230016).
 - (b) All materials excavated from this site in preparation for being used as engineered fill

should be tested to confirm the presence of expansive clay soils in accordance with NZS3604:2011.

- (c) Where land falls below the building platform a minimum building setback of 5 m is required inside the break in slope (slope crest) for all building platforms formed on cut where ground slopes away exceeding 20 degrees;
- (d) Where land rises above the building platform a minimum building setback of 5m from the toe of slope is required where ground rises above the building platform (Lots 1).
- (e) Building Platforms (for dwellings) must be formed entirely within Natural ground (Cut). However, engineered fill may be appropriate for minor structures and landscaping only unless modified and certified acceptable. Expansive clay soils can only be reused if modified and confirmed as suitable by the consent holder's appointed geotechnical engineer.
- (f) Subsoil drains must be installed where seepage occurs relative to the building footprint or fill placement and in particular on the eastern side of the building platform and where appropriate for road access where seepage is observed.
- (g) Cut-off drains must be installed above building platforms and cuts for vehicle access.
- (h) All cut and fill slopes and stormwater and effluent discharge areas to be planted with small shrubs and shallow rooting plants.
- (i) Large tree species may not be planted within a horizontal distance equivalent to the mature tree height of any pertinent structure (house, road, stormwater, drainage).

Future Building Platform for Lots 11 and 12

58. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Records of Title for Lots 11 and 12 advising the registered proprietors thereof of the following requirements:

- (a) no dwelling shall be established unless any application for building consent is accompanied by:
 - (i) a Geotechnical Report from a suitably qualified engineer verifying the appropriateness of the proposed building platform and associated access way for a residential dwelling; and
 - (ii) an Archaeological Report from a suitably qualified archaeologist verifying that the proposed building platform and associated access will not modify or destroy any known archaeological sites.
- (b) The Geotechnical Report and Archaeological Report required by condition (a) above must be provided to Council prior to an application for building consent for review and technical certification that the requirements of (a) have been met.
- (c) Construction of any dwelling on Lots 11 or 12 may only occur in the location certified by Council in accordance with (b) above.

Design Controls and Density Restrictions

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, 3, 4, 6, 7, 8, 9, 10, 11 and 12 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 (where a building consent is required).

Location and Number of Buildings

- (b) Only one dwelling is permitted on each allotment.
- (c) Buildings or structures may only be constructed within the identified Building Platform zone, with the exception of garden sheds or garden pergolas up to a maximum combined

footprint of 16m², and in-ground swimming or spa pools up to a maximum footprint of 40m² which may be in the privately managed landscape area. No buildings or pools may be constructed in the Landscape Enhancement zone.

Maximum height and area controls

- (d) The combined footprint of all buildings on any one lot must not exceed 250m².
- (e) The maximum height of any building on Lots 3 – 9 inclusive shall be single storey and no greater than 5m in height.

Building materials

- (f) Building cladding and joinery must to be timber or coloured steel/aluminium, or greywacke stone.
- (g) All buildings (including roof materiality, facades and joinery), structures, joinery and retaining walls are to be finished in dark, earthy tones and have a reflectivity value of no more than 25%.
- (h) All glass, including windows and fences, must incorporate a dark tint.
- (i) Building materials must be limited to those that have the potential to develop a natural patina over time, namely natural stone, timber, powder-coated zincalume/colour steel products, and rammed earth.

Accessory structures, retaining walls and fences

- (j) No retaining walls are to be constructed on any lot that are greater in height than 900mm, and there must be at least 2.0m separation between any two retaining walls.
- (k) All water tanks are to be positioned such that they are located behind any buildings when seen from the reserve area adjacent to the intersection of Okura and Williams Roads. Water tanks are to be coloured dark grey or black only.
- (l) No commercial activities or buildings, including commercial or industrial sheds, are to be constructed on the site.
- (m) No fences are to be constructed between lots. Fences are only permitted at the boundary between the residential lots and the retained farmland, or incorporated into the building design to provide screening or privacy within the Building Platform zone.
- (n) No boundary fencing shall be permitted on lifestyle lots. Wire or electric perimeter zones can be installed where fencing is necessary to control domestic pets. Post and rail, post and wire, or mesh fencing may occur between the farm and the lifestyle lots/landscape enhancement zones but should be sufficient to keep stock from browsing over and under fencing.

Lighting and Utilities

- (o) All external lighting shall be hooded and cast down to avoid adverse night and nuisance lighting effects.
- (p) Lighting levels external to buildings (including attached to the external envelope of a building) must be for 'wayfinding' purposes only and shall not seek to uplift, emphasise, or illuminate outdoor spaces that will enable light spill. All security lighting must be on a timer basis and shall not be left on for sustained periods.
- (q) Lighting shall not be directed toward oncoming traffic.
- (i) 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 maximum building height.

Land Fragmentation Mitigation

- 60. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be issued by Council and registered against the certificate of title to be issued for Lot 11. The notice

shall be registered at the consent-holder's expense and shall read as follows:

- (a) That no lifestyle site can be subdivided from this site under Rule SUB-R5(1) of the Proposed Central Hawke's Bay District Plan within a period of 6 (six) years from the date that this record of title is issued.

Land Covenant

61. That pursuant to section 108(2)(d) of the Resource Management Act 1991 the following land covenant in gross shall be registered on the Records of Title for Pt Lot 1 and Lot 2 DP 4588 (RT HB K2/396), Lot 1 & 2 DP 25804 and Lot 3 DP 481291 (RT 675091), and Lot 2 DP 582622 and Pt Lot 3 DP 4588 (RT 1090915) at the applicant's expense, and shall be demonstrated to have been imposed, prior to the issue of RMA s224(c) certification:

- (a) That no lifestyle site can be subdivided from this site under Rule SUB-R5(1) of the Proposed Central Hawke's Bay District Plan for a period of at least 6 (six) years from the date this land covenant is registered on this record of title.

Advice Note: This condition has been volunteered by the applicant on an *Augier* basis.

Landscape Management Plan

62. No less than **Twenty (20) working days** prior to any earthworks or construction activities commencing on site, the consent holder must submit Landscape Management Plan (LMP) to the RCM. The purpose of the LMP is to mitigate the potential adverse landscape effects from built development and earthworks through re-vegetation measures within the site. The LMP is to be prepared by a suitably qualified and experienced landscape architect, and must include the following:

- (a) A plant species list comprising of New Zealand native plants that are appropriate to a Central Hawke's Bay coastal environment.
- (b) A planting plan for the whole property demonstrating planting areas, species mixes, plant spacing, and specifying minimum planting size.
- (c) The planting plan is to be consistent with the Landscape Concept Plan submitted as part of the application.
- (d) A maintenance and management plan for all planting, including pest plant and animal control.
- (e) Practical guidance for future landowners on how to successfully maintain each Landscape Enhancement zone across the site, either individually or collectively.
- (f) Landscape detailing plans, including fences, signage and accessway designs.
- (g) Any other information considered necessary to achieve a high quality landscape outcome.
- (h) All building platforms are to be constructed.
- (i) All planting within all Landscape Enhancement zones is to be undertaken by the applicant and the title owner.

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

- (i) The location, spatial allocation, dimensions and identification of all new landscape plantings.
- (ii) Details of all planting to be removed.

- (iii) A staged plan for the removal of exotic vegetation and the progressive revegetation of the site.
- (iv) 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.
- (v) 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.
- (vi) Details of any pathways through Lot 11 which would provide access to the beach
- (vii) 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.

63. No earthworks or construction activities shall commence on site until the RCM has certified in writing that the LMP meets the requirements of **Condition 62**.

64. The LMP may be amended by an amended plan, prepared by an appropriately qualified and experienced landscape architect, being submitted to the Council's RCM. The amended plan must otherwise comply with **Condition 62**.

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.

65. Should the RCM refuse to certify the LMP, the consent holder shall submit a revised LMP to the RCM for certification. The certification process shall follow the same procedure and requirements as outlined in **condition 58**.

Implementation of the LMP

66. Note: Condition to be confirmed upon receipt of further information by the applicant.

Conditions Met

67. 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.