

### **Decision 1 of 3: NES**

Pursuant to Regulation 11(1) of the Resource Management (National Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, consent is **GRANTED** as a **Non-Complying Activity** to Greenstone Land Developments Limited (GLDL) to undertake soil disturbance and a change in use, on Lot 3 DP 519212, (RT: 815156) at 252 Clifton Road, Te Awanga on that part of the site shown to be in the area of and around, a woolshed and stock yards;

and

### **Decision 2 of 3: Subdivision**

Pursuant to Rule SLD17 Hastings District Plan (Now made part Operative as of the 11<sup>th</sup> of March 2020) and pursuant to Sections 87B, 104, and 104D of the Resource Management Act 1991, consent for a **Non-Complying Activity** Subdivision with infringements to Performance Standards-30.1.7S3 iv.b (Open Space Buffer) and 30.1.7S3 viii, (hazard report from a Coastal Engineer), is **GRANTED** to Greenstone Land Developments Limited (GLDL) to:

- a) Create 45 residential Lots, one Lot to vest as road and three Lots to vest as Open Space (Local Purpose Reserve), leaving one balance lot (lot 101), together with
- b) Earthworks and structures for stormwater management purposes, road and pedestrian access, residential platforms and access establishment; and
- c) undergrounding of utility services, provision of landscaping and wastewater treatment; and
- d) a real estate advertising sign on the road frontage,

on Lot 3 DP 519212, (RT: 815156) at 252 Clifton Road, Te Awanga, and also as far as it is applicable, to:

- Parts of Lots 6, 11 and 17 Deeds 646, and Lot 1 DP 24920 BLK V Clive SD (RT: HBV3/755).
- LOTS 1 and 2 DP 24898 BLK V CLIVE SD (RT HBV3/731)
- Lots 4, 5 & 9 DP519212. (RT HBP3/1325)

### **Decision 3 of 3: Land Use**

Pursuant to Sections 87B, 104, 104B, and 104D of the Resource Management Act 1991, consent for a **Non-Complying Activity** is **GRANTED** to Greenstone Land Developments Limited (GLDL) for the following activities and in respect of, Lot 3 DP 519212, (RT: 815156) at 252 Clifton Road, Te Awanga, and as far as it is applicable, to parts of Lots 6, 11 and 17 Deeds Plan 646, and Lot 1 DP 24920 BLK V Clive SD (RT: HBV3/755), Lots 1 and 2 DP 24898 as contained in (RT: HBV3/731), and Lots 4 & 5 DP519212: (RT HBP3/1325)

- 1 **Rule OSZ15 - Non Complying Activity** for Lots 21, 22, 35, 36, 41-45 to have Residential buildings and residential use of Open Space Zoned land.
- 2 **Rule OSZ13- Restricted Discretionary Activity-** a Permitted Activity not meeting 13.1.6A Yards 5m.
- 3 **Rule ADS5-Restricted Discretionary Activity** – a 4.16m<sup>2</sup> real estate sign that includes marketing information and exceeds the 1.5m<sup>2</sup> maximum area.
- 4 **Rule HTR22 - Restricted Discretionary Activity-** an activity not meeting Performance standards-

**11.2.5G** Waiver to permit boundary retaining walls and associated fences to be constructed within the side yards when standard requires that Buildings shall be located a minimum of 1 metre from any side or rear boundary being for lots 1, 3, 4, 21, 22, 35, 36 and 41-45.

**11.2.5H(b)(i)(ii)** Partial Waiver of the Special Building Setbacks of 30m and 27.5m being for lots 1-21; and

**11.2.5M(i)** DRIVEWAYS AND HARDSTAND AREAS- Partial Waiver of the crossing widths being greater than 2.8m for Lots 1, 11-13, 42/43 and 44/45.

- 5 Other matters specified for which consent is granted **pursuant to section 87B of the RMA**, because of non compliance with:

- (i) the Te Awanga Downs Urban Development Area Structure Plan:
- (ii) Appendix 15A Structure Plan (fig 2)- Purpose Standards and Outcomes -including:  
2. Performance Standards TADSP-S3 Reverse Sensitivity Buffers (Habitable Building Setbacks), for-

**Lots 1-12** –The 30m buffer is reduced to 20m comprising the 6m wide vineyard access and a 14m buffer within the lots;

**Lot 12** – The 27.5m yard setback in the residential sections (on its southern side) is reduced to only 15m within the lot.

**Lots 12-21** - the 30 metres or 27.5 metres setback on the southern boundaries is reduced to 20m within the Lots for habitable residential buildings.

- (iii) Appendix 15A(i) Structure Plan Components & Design Criteria non compliances in relation to the Entrance road's location (namely its inclusion of parking), and exceeding roading dimensions for the Spine Road and the minor roads, and the maximum vehicle crossing widths for lots 1, 11-12, 42, 43 and 44, 45.
- (iv) Wastewater treatment facility in the Plains Production Zone

**Subject to the Following Conditions:**

**General:**

1. That the Land Transfer Plan to give effect to this subdivision consent shall be consistent with the approved scheme plans prepared by **Zorn Surveying Ltd**, "GLDL SP Stage 1 P1-4 V3 and GLDL SP Stage 1 P0ALL V3, all dated 18/05/20 and the easement plan and Schedule (all contained in HDC Ref: **104671#0114**), unless altered by the conditions below. A copy of the approved plans are attached to this decision.
2. Pursuant to section 243 of the of the Resource Management Act 1991 the proposed easements (and additional easements for any services that cross one lot to service another) shall be included in a memorandum as part of the Land Transfer Plan CSD, and shall be granted or reserved and, all such easements shall, to the satisfaction of the Environmental Consents Manager, Hastings District Council (or Nominee), cover the entire physical alignment of that service and shall provide all the necessary legal entitlements for the on-going operation and maintenance of that service. Easement widths shall be in accordance with the Engineering Code of Practice unless an alternative has been approved by the Development Engineer. The consent holder shall meet all costs relating to the creation of easements.
3. That any water, sewer, or stormwater assets located on private land within the subdivision that have been accepted by the 3 Waters Manager (or nominee), Hastings District Council for vesting in council, shall be secured by easements in gross in favour of the Hastings

District Council, and dimensioned in accordance with 2.3.6.2 of the Engineering Code of Practice 2011.

4. That the development proceeds in accordance with the plans and information submitted in the application, (unless altered by the following conditions), including:
- The Stormwater Modelling catchment analysis by e2 Environmental Consulting Engineers, (HDC Ref: 104671#0075),
  - The Preliminary Geotechnical Report prepared by RDCL (HDC Ref: 104671#0009),
  - The Landscape Assessment prepared by Hudson Associates (HDC Ref: 104671#0058).
  - Plans by Greenstone Land Developments dated 18 May, noted as version L, unless otherwise stated (ref HPRM 104671#013).

#### **Staging**

5. That a quantity of fill material (approx. 3,000m<sup>3</sup> of top soil and other soils up to 2m high) may be imported from other development sites owned or managed by the Applicant, and stockpiled within the Deferred Residential Zone area, (as shown in HPRM 104671#0113 and described in 104671#0111 and 0564) prior to submitting the Engineering Design Plans which is required by these Consent Conditions, provided that the following Conditions are met–
- a) the material has been subject to a Detailed Site Investigation (DSI), undertaken by a suitably qualified and experienced practitioner (SQEP), which shows that the soil meets the residential (10% produce) threshold requirements of the NESCS for Assessing and Managing Contaminants in Soil to Protect Human Health, and certification of this by a suitably qualified and experienced practitioner (SQEP) has been provided to and accepted by the Council prior to importation onto site.
  - b) The stockpile shall have erosion and sediment controls established around the perimeter so that soil is retained in the stockpile, and the soil shall be kept damp until stabilised and grassed (or coved with a protective surface) so that the soil is not windblown and does not cause a dust nuisance to adjoining residents.

#### **CONSENT NOTICES:**

##### **Residential Development boundary set-backs – Lots 1 to 21 inclusive**

6. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the record of title for Lots 1 to 21 hereon to secure the performance of the following condition. The notice shall be registered at the consent holders expense and read as follows:

*'No habitable building/s shall be established within the yard setbacks (identified as a 30m reverse sensitivity buffer area – TADSP-S3 Te Awanga Downs Structure Plan) unless it is at least the following minimum distance from the applicable site boundary for the following sites;*

**Lots 1 to 12, being 14m from the boundary with proposed Lot 104 DP (INSERT).**



**Lot 12**, being 15m from the boundary with Lot 1 DP 24898, as contained in RT: HBV3/731.

**Lots 13 to 21**, being 20m from the boundary with Lot 1 DP 24898, as contained in RT: HBV3/731.

*Note: This restriction does not apply to non-habitable buildings and accessory buildings such as garages, garden sheds, swimming pools etc.*

House Development – Lots 1 to 45 hereon

7. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the record of title for Lots 1 to 45 hereon to secure the performance of the following conditions. The Notice shall be registered at the subdivider's/consent holders expense and shall read as follows:

- *The building platform(s) shall be maintained with a minimum ground level of RL15.15m (being the minimum ground level established above the 100 year coastal inundation level (HBRC 2016), provided that where any steep batter faces are formed to abut road frontages and Lot 104 (DP **INSERT**), a maximum 3m setback from the boundary is excluded from the minimum 15.15RL fill depth requirement.*

- *Any habitable building shall have a minimum floor level of RL 15.4, (Hawkes Bay Local Authority Datum), being a level set by considering the greater of 1% AEP coastal inundation level (year 2120) and/or the Haggerty Drain flood level for a 1% AEP (Climate change adjusted) flood water level.*

*Explanation: The minimum floor level is based on a 2016 Tonkin & Taylor Ltd Report Tongoio Coastal Hazards Strategy 2120 Coastal Hazard Assessment (ref 20514.005.CHA.v8) prepared for Hawke's Bay Councils (HBRC, NCC, and HDC).*

Boundary treatment as part of Residential Development – Lots 1 to 12 hereon

8. That prior to section 224c, a residential-styled solid fence not less than 1.5m height above the ground level of the common boundary with Lot 104, shall be erected;

The fence shall comprise materials with a low reflectivity (less than 40% Light Reflective Value) and be painted with recessive ("earthy") colours so as to be less prominent in the rural *landscape*. NB colours from the A and B range of colours from British Standard 5252 are deemed an acceptable means of compliance;  
the fence shall be maintained, so as to retain its original built appearance, (and not include adornments,) on an ongoing basis.

This condition was requested by the Consent Holder in accordance with the principle in *Augier v Secretary of State for the Environment* (1978) and the consent holder agrees to be bound by it.

Boundary treatment as part of the use of Lot 104 as access to a vineyard

9. Prior to issue of s224c the Applicant shall:



- plant trees and shrubs (which are capable of reaching 3m within 10 years and will provide a shelterbelt/screening and security function) between the edge of the driveway within Lot 104 and the residential boundary fence, on lots 1-12.
- install irrigation to water the said shelterbelt/screen planting and include the provision of dust control sprinklers to dampen the driveway within Lot 104.
- create a small topsoil bund (not exceeding 500mm height), along the approximately 135m length of the common Lot 104 / Lot 11 Deeds Plan 646 boundary (Clearview Winery's undeveloped land abutting the existing drive).
- provide a copy of agreement to the plan for the planted bund signed by the owner/s of Lot 11 Deeds Plan 646.

This condition was requested by the consent holder in accordance with the principle in *Augier v Secretary of State for the Environment* (1978) and the consent holder agrees to be bound by it.

10. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the record of title **for Lot 104** to secure the maintenance of boundary treatment relating to the common boundary with Lots 1-12. The notice shall be registered at the subdivider's/consent holders expense and shall read as follows:

*The owner of Lot 104 shall:*

*Maintain the planting (which provides a shelterbelt/screen planting function) along the boundary adjoining Lots 1 – 12 DP (Insert number) at a height between 2m and 3m high.*

*Maintain irrigation to water the shelterbelt/screen planting and maintain the provision of dust control sprinklers to dampen the driveway within Lot 104.*

*Note: Maintained means the ongoing replacement of any dangerous, dead or dying matter, the replacement of any plants that are lost or are otherwise defective and the general preservation of the landscaping to a healthy standard.*

Specific Geotechnical Requirements - Lots 3,4, 21, 22, 35, 36 and 41-45 hereon

11. Pursuant to Section 221 of the Resource Management Act 1991, a Consent Notice shall be registered against the record of title for **Lots 3, 4, 21, 22, 35, 36 and 41-45** hereon to secure the performance of any ongoing restrictions or requirements set out in the Completion Report required by Condition 41.

Fencing restriction - Lots 3, 4, 21, 22, 35, 36 and 41-45 hereon

12. Pursuant to Section 221 of the Resource Management Act 1991, a Consent Notice shall be registered (at the subdividers expense) against the record of title of title for **Lots 3, 4, 21, 22, 35, 36 and 41-45** and shall read as follows;

*If a fence is built on or within 5 metres of the boundary with the adjoining Open Space Zone or Lot 105 it shall be either a 1.2m high picket fence, in accordance with Figure 8.1 NZS4404:2004, or a 1.2m-1.8m high open style steel pool fence, galvanised and powder coated, or an alternative design agreed to by the Environmental Consents Manager, Hastings District Council. All elements of the fence facing the Open Space Zone shall be within the A and B range of colours from British Standard 5252 or alternative colour agreed to by the Environmental Consents Manager (or nominee), Hastings District Council.*

*Note: Fence heights adjoining open space areas and Lot 105 may be measured from the top of a retaining wall built on/adjoining the boundary.*

Fencing Restriction – Front Boundaries of Lots 1 – 45

13. Pursuant to Section 221 of the Resource Management Act 1991, a Consent Notice shall be registered (at the subdividers expense) against the record of title of title for **Lots 1-45** and shall read as follows:

*Front boundary fences are limited to 0.5m in height within 3m of the front boundary. Fences can have a maximum height of up to 1.5m where they are located between 3m – 5m from the front boundary. The maximum height of any fence located more than 5m from the front boundary is 1.8m, unless the consent notice requirements for fences on boundaries with open space zones are applicable.*

Reverse Sensitivity - Lots 1 to 21 hereon

14. That pursuant to Section 221 of the Resource Management Act 1991 a Consent Notice shall be registered against the record of title for **Lots 1 to 21** hereon. The notice shall be registered at the subdivider's expense and shall read as follows:

*This property is located in a productive rural area where agricultural management practices such as agrichemical spraying, use of farm machinery, the operation of bird scarers and other similar activities may occur. In particular land adjacent to the property boundary, which may comprise a "headland" area, (being described as having a 7.5m to 10m width) will be used by mechanical devices or in the case of Lot 104 as vehicle access into Lot 1 DP 24898.*

*Where land use activities in the surrounding area are carried out in accordance with the relevant Local Authority requirements, the property owner, or their successor in title shall not:*

- Bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of that land; or*
- Make nor lodge; nor*
- Be party to; nor*
- 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 the operations of any rural activity on surrounding land, including without limitation any action to require the surrounding landowners/occupiers to modify the rural activities carried out on their land.*

Vehicle Crossings and road berms - Lots 1 to 45 hereon

15. That pursuant to Section 221 of the Resource Management Act 1991 a Consent Notice shall be registered against the record of title for **Lots 1 to 45**, to provide advice to house designers about a vehicle crossing's relationship with the stormwater road swale and with any crossing on an adjoining Lot, where a crossing has not been formed as part of the Subdivision Consent. The Notice shall state;

*Vehicle Crossings*

- Vehicle crossings shall be formed to follow the grade of the berm so as to maintain the integrity and functioning of the swale drainage;*
- There shall only be one vehicle crossing per site;*

- The formation of the crossing shall minimise earthworks, avoid disturbing any identified ground soakage area within the site and the berm, (including any road swale) and with the exception of Lots 10 to 13, be separated by at least 5m from any crossing on an adjoining Lot unless an alternative location has been approved by the Transportation Compliance Engineer;
- **Other than for Lots 11-13, and for the ROW sites 42/43 and 44/45**, the crossing's width shall not exceed 2.8m, excluding splays at the road carriageway edge which are required to accommodate turning vehicles;
- The surface of the crossing is to be recessive in colour and comprise chip seal, asphalt, exposed-aggregate or oxide concrete; and be formed in accordance with the requirements of the District Plan - Section 26.1 Transport and Parking and the Te Awanga Downs Structure Plan.
- Site owners shall show this detail at the Building Consent stage.
- In order to maintain the integrity of road berms and associated swales, section owners shall not make physical alteration to the ground surface, such as earthworks or placing structures (including culverts) or landscape features, including planting within the roadside berms

#### Upper Catchment -Stormwater Detention Area and Diversion Drain Restrictions

16. That pursuant to Section 108(2)(d) of the RMA a Land Covenant shall be registered against the record of titles for **Lots 4 & 5 DP 519212**. The Covenant shall be registered at the subdivider's expense and shall read as follows:

*Part of the land within Lots 4 and 5 DP 519212 is relied on for stormwater management purposes in support of residential development across the Te Awanga Downs New Development Area. A stormwater catchment and hydraulic analysis confirms that in a 1% AEP event stormwater retention will occur over Lots 4 and 5 DP 519212 to a depth up to RL 17.0 (Hawkes Bay Local Authority Datum 1972). As the stormwater storage capacity must be maintained for the benefit of the down-stream residential development the owner of Lots 4 and 5 shall comply with the restrictions/obligations set out below.*

*NB The extents of the stormwater retention area easement areas ZB – ZE, and U, V, Z DP (Insert number) are detailed in Council Records 104671#0081.*

- 1) *Within the identified stormwater retention area, on Lots 4 and 5 DP 519212 the land will be affected and restricted as follows:*
  - (a) *will be inundated with stormwater from land upstream of the Te Awanga Downs stormwater flow control structure.*
  - (b) *typical primary landuse productions activities shall not be restricted, apart from the matters listed in (c), (d) and (e).*
  - (c) *no filling or earthworks shall occur, no buildings or structures shall be constructed and no other activity shall occur, that may:*
    - i) *alter flowpaths beyond the inundation area:*
    - ii) *reduce the inundation area's storage capacity; (Note: farm fencing, water tanks, pipes and water troughs are permitted):*
    - iii) *interfere with or adversely affect the integrity of the authorised stormwater structures on the adjoining OS7 land, Lot 102 DP (insert).*
  - (d) *There shall be no maize or sweetcorn cropping, permanent or temporary.*
  - (e) *Other forms of stock feed cropping and human consumption cropping is permitted (where plants grown do not exceed 1m in height).*
  - (f) *Viticulture or horticulture is permitted with no plant height restriction.*



- 2) *With the exclusion of the matters listed in 1(c) – 1(e) above, nothing herein shall prevent or restrict the undertaking of, or continued operation of, normal farm practices, including tree felling, maintenance of tracks, fences, etc,*
17. That pursuant to Section 108(2)(d) a Land Covenant shall be registered against the record of title for lot 9 DP 519212. The notice shall be registered at the subdivider's expense and shall read as follows:
- *Land Use on the area affected by the upper catchment stormwater system (easement areas ZB – ZE, and U, V, Z shown on DP – **insert number**), adjacent to the public reserve described as Lot 102 DP (insert number), and land supporting the low bund, culvert and drain, within easement areas ZA and ZF on DP (insert number) shall be restricted to stock grazing purposes only.*
  - *The constructed land form (low bund) and drainage within easement areas ZB and ZF on DP (insert number) shall not be physically altered or modified or obstructed (by earthworks, structure, plantings or any other means), and the drainage function shall be maintained at all times.*

*The landowner shall undertake certain maintenance or clearance to secure the drainage function should the Council so require and if not undertaken with a specified timeframe or to a specified standard, Council will undertake that work and the expense of the work shall be borne by (or passed on to) the landowner."*

### Reserves

18. That Lots 100, 102, 104 and 105 shall be vested in Hastings District Council as 'local purpose reserve' (recreation and drainage).

### Landscaping

19. That landscaping of the perimeter bunds within Lot 100, shall be undertaken in accordance with the Landscape Assessment prepared by John Hudson Associates (HDC Ref: 10467#0058), and with an additional outcome being features such as plant types, barriers, location of paths, are installed/used to prevent or at least deter physical access along the bund where that might enable the public to gain unobstructed views into the adjacent residential properties.
- Implementation of the landscaping shall be to the satisfaction of, and the completion time set by, the Parks and Property Services Manager, Hastings District Council, but in any event must be completed prior to construction of any houses on lots 1 – 45.
  - Implementation of landscaping shall be in a manner that does not impact on the constructed integrity of the bund as a stopbank / stormwater retention facility
  - Implementation of the landscaping shall also include provision of a footbridge in the OS7 area, as shown on the Application plans at the end of the cul-de-sac, to the satisfaction of the Parks and Property Services Manager, Hastings District Council, which shall be completed and operational prior to issue of s224c.

20. That the provision of Street trees within the spine Road (referred to as Road 1 in the Engineering plans) are to have an informal character (irregular layout, mixed species but with a predominance of pohutukawa), with their siting ensuring safe sightlines and their growth accommodating underground services, and the plans for this planting shall be to the satisfaction of the Parks and Property Services Manager, Hastings District Council.
21. Prior to issue of s224c the Applicant shall submit a Road Frontage Landscape plan for the ground surface treatment of the Clifton Road/entrance Road boundaries of Lot 1, which shall demonstrate construction materials and planting, taking into account the opportunity for the Applicant to present an attractive "gateway" into the subdivision, so as that a high level of visual amenity can be achieved. The Road Frontage Landscape plan shall be submitted to Parks and Property Services Manager, Hastings District Council for approval.

The road frontages shall be landscaped and planted in accordance with an Approved Road Frontage Landscape Plan prior to issue of s224c, unless a later date is agreed to by the Parks and Property Services Manager.

### **Signage**

22. The proposed real estate advertising sign on the road frontage of proposed Lot 1 shall be in accordance with the application (HDC Ref: 103067#0005), and shall be removed within 30 days of the date that Sale and Purchase Agreements are concluded for all lots.

### **EARTHWORKS**

#### **NES Contaminated Soils**

23. Prior to any earthworks on the site a Detailed Site Investigation (DSI) that meets the requirements of the NESCS for Assessing and Managing Contaminants in Soil to Protect Human Health shall be undertaken by a suitably qualified and experienced practitioner (SQEP) and shall be provided to the Council prior to commencement of soils disturbance on the site.
24. Testing and reporting shall be undertaken in accordance with MFE 2011 Contaminated Land Management Guidelines No.5 Site Investigation and Analysis of Soil. The assessment report(s) shall be provided to the Council for certification and shall contain details of how any land will be either remediated to comply with the relevant Soil Contamination Standard limits for its end use/purpose, or how the removal of any contaminated earth offsite to a suitably authorised facility will be managed.
25. Upon completion of earthworks a Site Validation Report (SVR) shall be prepared by the suitably qualified and experienced professional and submitted to Council detailing the remediation work undertaken, any soil removed from the site, and confirming how the site complies with the relevant standards contained within the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The SVR shall be prepared in accordance with CLMG No.1: Reporting on Contaminated Sites in New Zealand.
26. To avoid doubt, the validation process will require testing to be undertaken by a SQEP in accordance with MFE 2011 Contaminated Land Management Guidelines No.5 Site Investigation and Analysis of Soil.

General Earthworks:

27. The applicant shall submit to Council a final design, detailing the earthworks to be carried out, overland flow paths and proposed finished ground levels within the subdivision, for approval by the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee), prior to construction. This earthworks plan shall not include any changes in the existing ground level of the external boundaries that affect overland low paths, and shall detail construction and compaction standards for any stormwater retention bunds to be constructed.
28. That as part of the earthworks no filling shall take place that will obstruct overland flow from higher ground/upstream.
29. The construction of permanent earth bunds, retaining walls/or temporary stabilising works, building platforms, creation of roads, RsOW and driveways and the placement and compaction of fill material shall be supervised and certified by a suitably qualified engineering professional .  
***Note There are completion reporting and certification requirements for all earthworks***

30. The applicant shall submit a sediment control plan by an appropriately qualified person to Council, for approval by the Development Engineer, Planning and Regulatory Services Hastings District Council (or nominee), prior to the commencement of any work on the site. The plan shall detail how sediment and erosion controls will be carried out at the site in accordance with current engineering best practice. A statement shall be included with the plan stating the author's qualifications and experience in this area.
31. That all earthworks operations shall be so conducted as to comply with the provisions of New Zealand Standard NZS 6803: 1999 Acoustics – Construction Noise
32. Noise levels will be measured in accordance with the New Zealand Standards NZS 6803: 1999 Acoustics – Construction Noise.
33. That earthworks shall be limited to the hours of 7.00 am - 5.00 pm Monday – Friday, and 8.00 am – 5.00 pm Saturday.
34. That all areas of earthworks shall be re-grassed with a minimum cover of 90% for road berms and 75% for residential sites, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee).

***Please ensure that those managing works have due consideration of this condition and manage works so that there is sufficient time to allow grass to grow before 224c is sought. This will include having regard to any seasonal limitations and water requirements.***

35. That there shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus into any watercourse or stormwater drain.
36. That while the earthworks are being undertaken and prior to re-vegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is deposited outside the property boundaries.



37. That the applicant shall install sediment and erosion controls in accordance with the approved plan prior to the commencement of the earthworks and that these controls shall be maintained throughout the period of the works, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee).
38. That a registered and professionally qualified engineer shall certify that the sedimentation works have been designed and constructed in accordance with the approved design.
39. That the applicant's contractor shall confirm in writing that only 'clean fill' shall be imported onsite (ie no rubbish, no stumps, no concrete, bricks any no other substance containing; combustible, putrescible, degradable or leachable components, hazardous substances, products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, medical and veterinary waste, asbestos or radioactive substances or liquid waste).

***Please note that imported 'clean fill' shall also comply with the relevant standards in the NES for Assessing and Managing Contaminants in Soils to Protect Human Health. Any imported fill that exceeds background levels for the site will require a discharge consent from the Hawkes bay Regional Council.***

40. That the location and dimensions and depth of any area of fill shall be identified on an As Built plan of the subdivision and provided to the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee). The final earthworks plan shall confirm the new overland flow paths, and shall confirm that there are no changes to ground levels at neighbouring boundaries that affect overland flow paths.
41. Upon completion of the earthworks including the land filling and drain retaining works the Applicant shall submit to Council a Completion Report with a plan, prepared by the Project's Geotechnical Engineer, that
- pays particular regard to any liquefaction risk, and
  - addresses finished site conditions and bearing capacity of the soils,
  - confirms the stability and suitability of the land for **residential building** development and in particular any foundation design requirements necessary to address stability, liquefaction, and any setbacks from batter slopes and retaining walls;
  - Includes a form 6 (Appendix 62 District Plan) Statement of Professional Opinion;
  - confirms the stability and suitability of the land for public reserve land adjacent to the Lots, and in particular the stormwater drain on proposed Lots 100, 102 and 105;
  - confirms the location, dimensions and depth of any area of fill and clearly notes the location of Certified engineered fill and non certified fill on an As Built plan (datum XXX) and
  - confirms the long term stability and suitability of the constructed **bunds** (stopbanks) in the OS2 area, for stormwater retention..
  - confirms the suitability of all bunds for the intended purpose of stormwater control and retention of stormwater. This certification shall include all existing bunds that are being retained for this purpose.
42. Any recommendations (of an on-going nature) included in the required geotechnical completion report (or Statements of Professional Opinion) shall be included in a consent notice pursuant to section 221 for the relevant Lots.

#### Final Ground Levels

43. A suitably qualified and experienced surveying professional shall provide confirmation that:
- the final ground levels of all building platforms are at least RL15.1 metres (HB Local Authority Datum).
  - the height of the top of the stormwater retention bunds located in the OS2 and OS7 areas are in accordance with the approved engineering design plans.

#### Retaining Walls

44. All boundary retaining walls (supporting private land) and associated foundations shall be located within the private properties/lots and shall be shown on As Built plans, clearly labelling the walls privately owned, and must be independent of any in drain structures. No private retaining walls are allowed to encroach into land to vest in Council.

*Note: Building Act requirements where a retaining wall is located on private land and continues over several residential lots – in this case Lots 41-45, may impact on how this type of wall is constructed and what easements are created for the wall. Clarification on the Building Act requirements should be sought at an early stage*

### **GENERAL ENGINEERING**

45. That Lots 1 to 45 shall:
- a) be provided with a connection to the power supply network and suitable evidence of this shall be submitted to the Environmental Consents Manager, Hastings District Council, prior to Section 224 Certification,
  - b) be provided with a connection to the reticulated water supply in accordance with the approved engineering design
  - c) be provided with a connection to the reticulated waste water system in accordance with the approved engineering design
  - d) be provided with a connection to the roadside swales in accordance with the approved engineering design.

#### Engineering Design:

46. Prior to construction, the applicant shall submit:
- a) for approval a detailed design for water supply, wastewater and stormwater services demonstrating how the proposed development is to be serviced, and
  - b) two hard copies and one electronic version (PDF) of complete engineering plans (including engineering calculations and specifications) to the Development Engineer', and
  - c) copies of all resource consents issued by HBRC in relation to the proposed development.
47. The detailed design must include construction drawings and calculations in support of the design and be accompanied with a Form 4: Appendix 62 of the Hastings District Plan signed by a suitably qualified and experienced Chartered Civil Engineer who will act as the consent holder's representative for the duration of the development.

48. The detailed engineering plans submitted for engineering approval shall generally follow the approved resource consent engineering plans version 'L' and shall detail all works associated with the Consent, and shall be in accordance with Hastings District Council-Engineering Code of Practice (2011), unless an alternative design has been approved or is approved elsewhere in the resource consent engineering plans for the following (but not limited to);
- a) Stormwater Reticulation (Section 4)
  - b) Wastewater Reticulation (Section 5)
  - c) Water Reticulation (Section 6)
  - d) The location of all other Service Providers assets and infrastructure
  - e) Earthworks and Erosion Sediment Control Plan
  - f) Construction Management Plan (CMP) (including sequencing of works)
  - g) Construction methodology
  - h) Rights of way and easements
  - i) Detailed design of all roads to be vested in Council including intersections, parking, vehicle crossings, pedestrian crossings.
  - j) Detailed design of all street lighting, street furniture and other structures/facilities on the roads to be vested to Council (including traffic calming devices, tree pits, swales, safety measurements, marking layouts and street signs etc.)
  - k) Detailed Landscape Planting Plans for all street planting and landscaping on the proposed roads and reserves.
  - l) A plant maintenance programme shall be provided and kept in place until the planting is confirmed as established.
  - m) Design and details of all structures (bridges, bunds, retaining walls, paths, cycleways, fencing etc.) in parks, reserves or adjacent to the reserve(s).

**Advice Note:**

Roading design shall reflect the coastal character i.e. no kerb and channel (other than a concrete edge strip) so as to avoid hard edges and have wide grassed berms with shallow drainage swales, have carriageway widths in accordance with the structure plan, include curvatures to minimise the length of straight aligned carriageways and speed reduction measures such as chicanes that provide for tree planting, in accordance with the Te Awanga Downs structure plan.

49. All drawings submitted for Engineering plan approval shall clearly identify all land, roads, assets, services, reserves, drains etc. as being either public or private.

Stormwater:

50. As part of this engineering design approval process, the subdivision storm water design and calculations shall be in accordance with the design approved and conditions imposed under any HBRC Discharge Consent(s) issued for this development.
51. The detailed design shall identify all stormwater mitigation measures proposed including any individual onsite solutions, any mitigation and/or detention areas with evidence to show the level of mitigation achieved.
52. Plans shall identify overland flowpaths including depth and direction of flow.
53. Engineering plans for the Haggerty Drain modifications shall be same as the engineering plans approved by HBRC



54. The applicant shall submit their Maintenance Plan (approved by HBRC) including the provision for machinery access to Haggerty Drain and any associated overland flow paths and detention areas that will require routine maintenance.
55. All proposed stormwater devices and structures, including retaining walls shall be designed and constructed in accordance with the current Engineering Code of Practice – Section 4: Stormwater and Schedule D.

Water Supply:

56. The detailed plans submitted for engineering approval shall include a principal supply main connecting in Clifton Road and terminating in Gordon Road, Te Awanga.
57. All mains must be located within public land where practicable and confirmed by prior agreement with the Drinking Water Manager as to final alignment.
58. Calculations (based on information provided by the Drinking Water Manager) will be submitted to demonstrate that the water supply complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.
59. Plans shall show the location of connections to individual Lots and shall include an Acuflo 900s toby and manifold and an Elster or Sensus Class C water meter with data logging capability.

Wastewater:

60. The wastewater system shall be transferred to the HDC. The details of the transfer and final acceptance of the wastewater system shall be set out in an agreement between the developer and the Council signed by both parties prior to engineering approval. The draft agreement must be included with the detailed design and documentation provided for engineering approval..
61. The wastewater treatment plant and disposal field design shall comply with all consents issued by HBRC and must be accompanied by supplier statements and guarantees of performance in accordance with the discharge quality standards which shall then be confirmed by monitoring.
62. Details of the proposed individual onsite wastewater treatment and pump components must accompany the detailed design to establish minimum onsite requirements for households and be submitted at the time of a Building Consent Application. This requires a detailed operations and maintenance manual of the wastewater system.
63. A detailed operations and maintenance manual of the wastewater system (primary, secondary and disposal) shall be provided as part of the wastewater system handover process

Construction:

64. Works, other than the stock piling of soil (refer condition 5), shall not commence until engineering design plans and a sediment control plan have been approved by Councils Development Engineer (or nominee).

65. Rights of way and associated vehicle crossings for Lots 42 and 43 and Lots 44 and 45, and vehicle crossings for Lots 11 and 12, shall be constructed, with stormwater control, and an access width and formed movement lane that is in accordance with Hastings District Council- Engineering Code of Practice (2011), the District Plan and the conditions of this consent.
66. The vehicle crossing for Lot 1 shall be constructed a minimum of 15m from Clifton Road.
67. That prior to final surfacing of any vehicle crossing the preparatory works shall be presented to Hastings District Council for approval.
68. The applicant shall implement (in full) all aspects of the Council approved engineering design and sediment control plan, to the satisfaction of the Development Engineer, Hastings District Council (or nominee).
69. Only those contractors pre-approved by Council shall undertake works within the legal road reserve.
70. That the applicant shall construct the water, sewer and storm water services (including separate connections to the individual lots for water and sewer) using an appropriately skilled contractor, in accordance with the approved design.
71. That the applicant shall demonstrate, to the satisfaction of the Development Engineer, Planning and Regulatory Services, (or nominee) prior to commencement of construction, that the contractor's skills are appropriate by submitting a completed skills matrix for the contractor's personnel to be engaged on the work. (Note: sample skills matrix sheets from the Council's construction contracts manual are available from Council on request).
72. That all fire hydrants shall be installed on the water main in accordance with the Hastings District Council's Engineering Code of Practice (2011).

Completion:

73. Certification and as built by a suitably qualified and experienced professional shall be provided to the satisfaction of the Environmental Consents Manager Planning and Regulatory Services (or nominee) confirming that each residential lot has connections to the following drainage:
  - a) A sewer connection.
  - b) A storm water connection or swale discharge located no less than 1m from any vehicle crossing.
  - c) An individual water supply connection to the water main.

*Advice Note:*

*For New service connection application guidance refer to:  
<https://www.hastingsdc.govt.nz/index.php/services/water/water-service-connections/>  
All works on existing public wastewater, stormwater and watermain shall be carried out by approved contractors at the consent holder's expense.*

74. Certification and an as built plan shall be provided by a suitably qualified professional with the s.224(c) application confirming the construction and drainage for the rights of way serving Lots 42 – 45 are in accordance with the Hastings District Council- Engineering Code of Practice (2011) and the District Plan.

75. The water services, shall be tested in accordance with the Hastings District Council Engineering Code of Practice 2011 in the presence of a Council Officer. Items covered by this include, but are not limited to, inspections of all pipework prior to backfill; pressure and leak testing of all water pipes; pipe disinfection and perusal of Lab test results of the Chlorine residual; final inspection after all development works.
76. The contractor(s) shall issue a "Construction review" producer statement for the services constructed and the applicant shall supply this statement to Council.
77. As built drawings (with height datum and benchmark specified) and details for 3 Waters, Roding, overland flow paths, retaining walls, bunds, street lighting, street and reserve landscaping, and earthworks, in accordance with the Engineering Code of Practice shall be provided. A suitably qualified professional shall confirm that the final ground levels of all building platforms are at least RL15.15 metres (HB Local Authority Datum)
78. An Engineering Completion Certificate certifying that the works have been constructed in accordance with the approved Engineering Plans shall be provided in support of the section 224(c) application.
79. That the applicant shall submit a Statement of Professional Opinion - Form 5 "Certification of Construction and Completion of Engineering Works for Subdivision" (Appendix 62 of the Proposed Hastings District Plan) from a suitably qualified Engineer, to the Development Engineer, Hastings District Council, on the completion of the engineering works.
80. That closed circuit television (CCTV) inspection records (DVD format), in accordance with Council's CCTV technical specification, shall be submitted to Council for all sewer mains, and all storm water mains and sump leads. A CCTV inspection report in accordance with the NZ Pipe Inspection Manual May 2006 shall be submitted and dye shall be used to check the grade of the pipe. The CCTV records shall clearly show the condition of all the pipes and chambers.
81. Any private services located under public roads/roads to vest will require a licence to occupy or similar legal agreement, and a signed copy of this shall be provided prior to section 224 certification.

#### Damage

82. That any damage caused to Council's Roding Assets as a result of the applicants engineering works shall be rectified at the Developers sole expense as agreed with the Development Engineer (Consents)

#### Monitoring

83. That a monitoring deposit of \$200 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions (excluding engineering conditions) in accordance with Council's schedule of charges.

In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.



Existing Buildings

84. All existing buildings shall be removed prior to the 224c being sought.  
Note: - It is the developer's responsibility to ensure that any asbestos (if it exists) in the existing buildings is dealt with in accordance with the associated legislation.

Amalgamation

85. Pursuant to Section 220(1)(b)(ii) of the Resource Management Act 1991:

- a. Lot 104 hereon is to be transferred to the owner/s of Lots 1 and 2 DP 24898 (RT HBV3/731) and one record of title be issued to include both parcels; and
- b. Lot 101 and Lot 110 are to be held in the same Record of the Title.

Linz Request Reference TBC

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**Advice Notes**

1. At the time of applying for Certification under Sections 223 and 224(c) of the Resource Management Act 1991, fees shall be payable under Council's Schedule of Resource Management Fees and Charges: <http://www.hastingsdc.govt.nz/resource-management-fees>

In respect of any charges under the Resource Management Act 1991, charges shown above shall be applicable to any additional charge payable in terms of Section 36(3) of the Act, where the actual and reasonable costs incurred exceed the standard charge paid.

2. In terms of the above Conditions, all engineering plans must be submitted to Council's Planning & Regulatory Services Department, with a cover letter clearly stating the resource consent number and which condition/s the plans relates to.
3. If it is intended to make any changes to the easements, staging or scheme plan approved by the Council as part of this resource consent, a new approval may be required. If you have any doubts as to whether or not a new application will be required, please contact one of Council's Environmental Consent Planners.
4. Please note that this consent only relates to District Plan requirements. Building Consent must be obtained before any building or drainage work commences. This work can include the construction of stormwater, sewer and/or water services. Please contact the duty Building Officer on 871 5000 who will be able to assist you in this regard.
5. In exceptional circumstances, Council will consider bonds for residential vehicle crossings only. Any other bonds or 'letters of undertaking' will not be accepted by Council. Those persons project managing a development will need to ensure all conditions (including any

required regrassing and sediment control plans) are meet before Section 224c applications are submitted to Council.

6. The street trees selected are to be determined in consultation with Councils Parks Officer (Bart Leslie) and include the following elements and methods in accordance with best horticultural/arboriculture practice:
  - Trees shall be grown in PB95 planter bags or larger.
  - Trees shall be well rooted to fill the bag.
  - Trees shall have a bare trunk to a minimum height of 1.2 metres from the top of the bag.
  - Trees shall be well branched from the 1.2 metre height with a central leader (where appropriate to the species).
  - Trees shall be a minimum of 3 metres in height (where applicable to the species chosen).
  - Trees shall be free of pests, diseases and weeds.
  - Trees shall have a minimum trunk diameter of 30mm at a height of 1.2m.
  - Branches with 'included bark' shall be removed.
  - All pruning shall be carried out following National Target Pruning standards.
  - Trees shall be watered thoroughly before planting.
  - Mulched base shall be to the satisfaction of Councils Parks Officer: Bart Leslie
  - Planter boxers shall be to the satisfaction of Councils Parks Officer: Bart Leslie
  - Trees shall be staked and tied to the satisfaction of Councils Parks Officer: Bart Leslie.
  - As-built plans detailing location, species and irrigation shall be submitted to Council.
7. To avoid doubt, except as otherwise allowed by this resource consent, all landuses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawke's Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.
8. The Engineering Code of Practice drawings can be viewed online at: <http://www.hastingsdc.govt.nz/files/all/documents/engineering-cop/engineering-code-of-practice-technical-drawings-july2011.pdf>
9. Under Section 125 of the Resource Management Act 1991 a resource consent will lapse if not given effect to within 5 years of the date the consent was granted, unless an extension is authorised under Section 125(1A)(b).
10. This approval does not override any existing; private easements, land covenants or other interests on the Record of Title. The owners should seek independent legal advice on such matters and how they might impact on the development.

**With the Reasons for this Decision Being:**

1. The affected persons have given a written approval.
2. The adverse effects of this proposal are minor, in terms of reverse sensitivity, character, stormwater, access and traffic, cultural matters, construction and natural hazards.
3. The proposal is consistent with the Objectives, Policies for the HAUMOANA - TE AWANGA RESIDENTIAL ZONE, and other provisions, including assessment criteria for temporary advertising devices, earthworks, subdivision within the Te Awanga Downs Urban

RMA20190372

Development Area that does not comply with the performance standards in 30.1.7S.2 and building within the setback yards, of the Hastings District Plan.



**Recommended by:**

**Brian Rickard  
SENIOR ENVIRONMENTAL PLANNER (CONSENTS)**

**Decision issued under Delegated  
Authority by:**



**Murray Arnold  
ENVIRONMENTAL CONSENTS MANAGER  
PLANNING AND REGULATORY SERVICES**

**Date:**

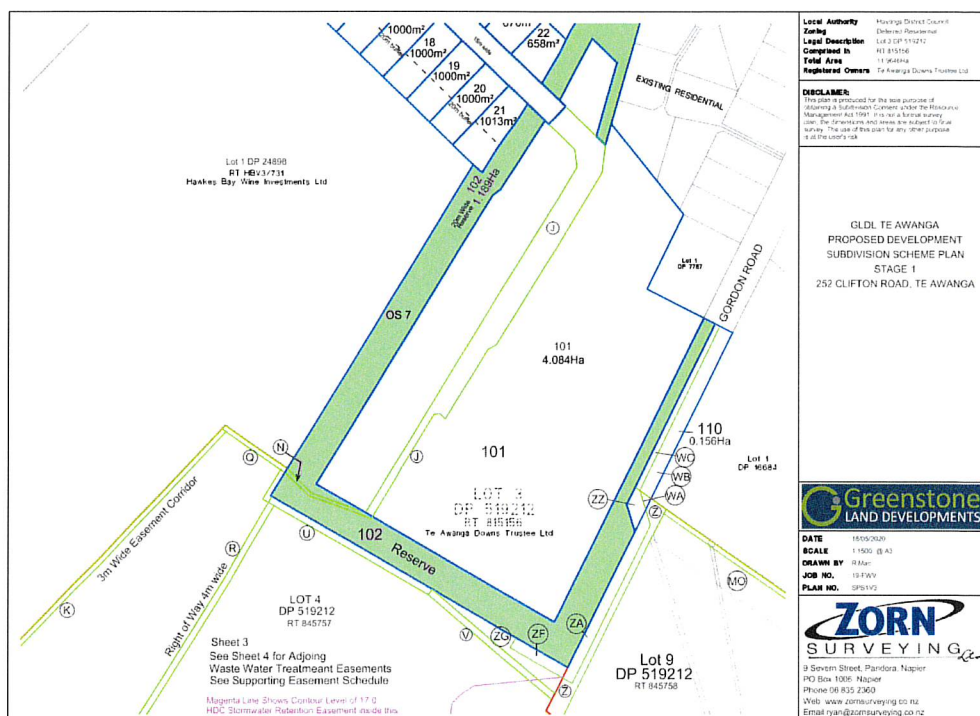
**28 August 2020**

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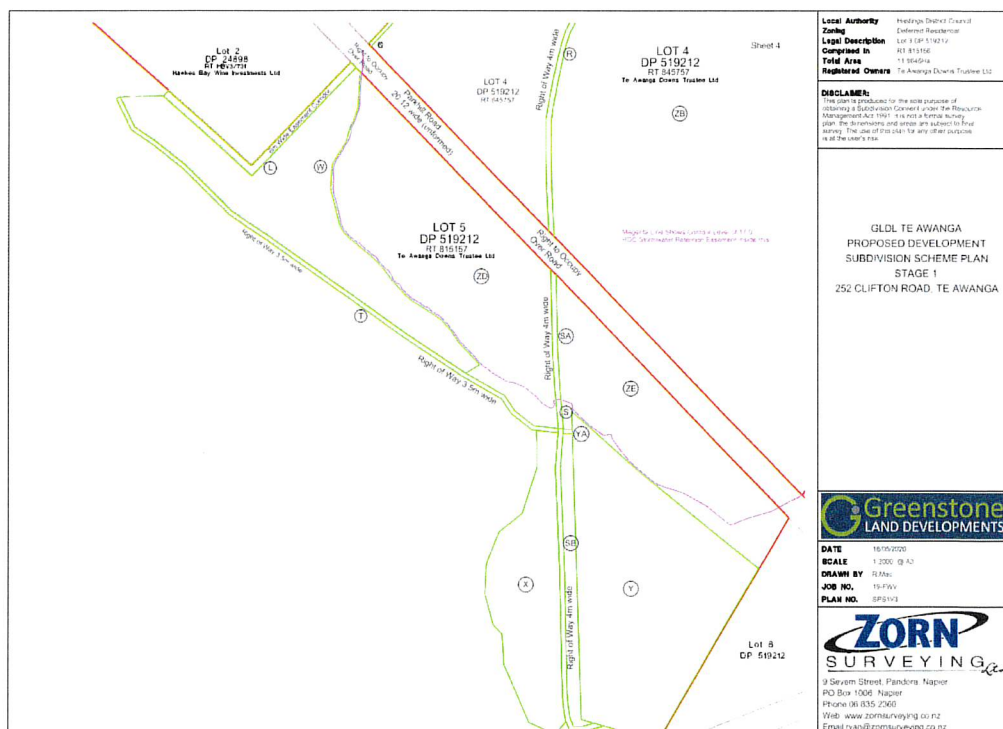
**Approved Scheme Plan: HDC Record 104671#0114  
RMA2019372**



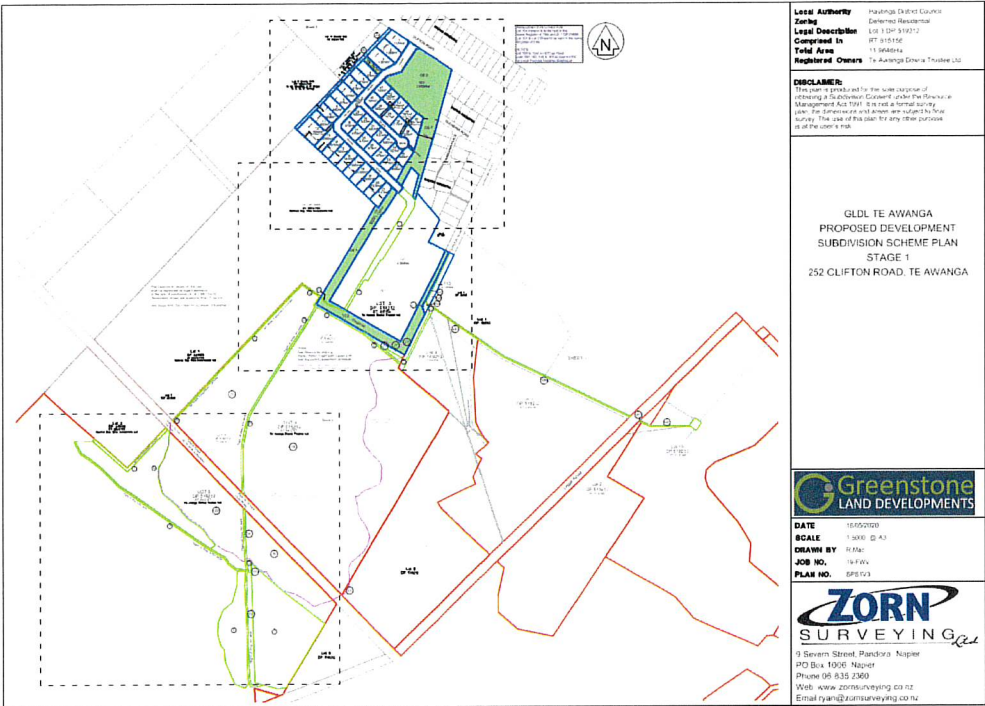




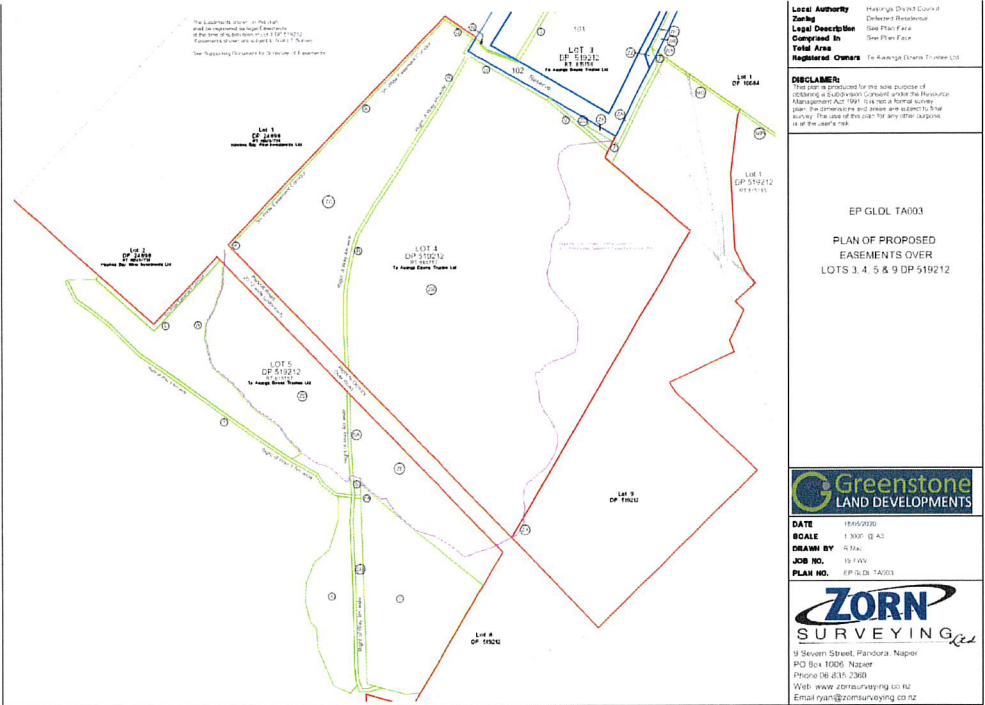
(from GLDL SP STAGE P3 V3)



(from GLDL SP STAGE P4 V3)



(from GLDL SP STAGE POALL V3)



(from GLDL Easement Plan 003)



<b>LOCAL AUTHORITY</b>	HASTINGS DISTRICT COUNCIL
<b>PLAN NUMBER</b>	SP Stage 1
<b>JOB REFERENCE</b>	19-FWV
<b>DATASET DESCRIPTION</b>	LOTS 1 – 45 & 100-105, 110 BEING A PROPOSED SUBDIVISION & EASEMENTS OVER LOTS 4, 5 & 9 DP 519212

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT (Burdened Land)	DOMINANT TENEMENT (Benefited Land)
RIGHT OF WAY; RIGHT TO CONVEY WATER; RIGHT TO DRAIN WATER; RIGHT TO DRAIN SEWAGE; RIGHT TO CONVEY ELECTRICITY; RIGHT TO CONVEY TELECOMMUNICATIONS; RIGHT TO CONVEY GAS	E	Lot 42 Hereon	Lot 43 Hereon
	F	Lot 43 Hereon	Lot 42 Hereon
	G	Lot 44 Hereon	Lot 45 Hereon
	H	Lot 45 Hereon	Lot 44 Hereon

Existing Easement Marked K on DP 519212 created by T 637235.2 is to be extinguished.  
Existing Easement Marked C on DP 519212 created by E1 11035255.3 is to be relinquished.

Part of Easements Marked A, O B & M on DP 519212 created by E1 11035255.3 & E1 11035255.4 are to be relinquished, and replaced with W A, W B & W C on Lot 110.

Existing Easement Marked O on DP 519212 created by E1 11035255.4 is to be relinquished. Lines moved to Area W C on Lot 110.

Existing Easement marked P on DP 519212 created by E1 11035255.4 is to be relinquished.



<b>SCHEDULE OF PROPOSED EASEMENTS IN GROSS</b>			
<b>PURPOSE</b>	<b>SHOWN</b>	<b>SERVIENT TENEMENT (Burdened Land)</b>	<b>Grantee</b>
RIGHT TO CONVEY ELECTRICITY & TELECOMMUNICATIONS	J	Lot 101 Hereon	Unison Networks Ltd
	N	Lot 102 Hereon	
	L	Lot 5 DP 519212	
RIGHT TO CONVEY WATER	J	Lot 101 Hereon	Hastings District Council
	K & Q	Lot 4 DP 519212	
	MO & Z	Lot 9 DP 519212	
	WA & ZZ	Lot 110 Hereon	
	MP	Lot 1 DP 519212	
	MQ	Lot 10 DP 519212	
RIGHT TO DRAIN SEWAGE	MR	Lot 2 DP 519212	Residents Incorporated Society
	J	Lot 101 Hereon	
	K & Q	Lot 4 DP 519212	
	T, SB, YA & L, W, X & Y	Lot 5 DP 519212	
RIGHT OF WAY	N	Lot 102 Hereon	Residents Incorporated Society
	Z	Lot 9 DP 519212	
	R, U & V	Lot 4 DP 519212	
	L, S, SA, SB, & T	Lot 5 DP 519212	
RIGHT OF WAY	WB, WA	Lot 110 Hereon	Hastings District Council. Hawkes Bay Regional Council
	Z	Lot 9 DP 519212	
	R, U & V	Lot 4 DP 519212	
	S, SA, SB & T	Lot 5 DP 519212	
STORMWATER DETENTION	U, V, R, K, Q, ZC ZG, ZF & ZB	Lot 4 DP 519212	





STORMWATER DETENTION	ZD, ZE & SA	Lot 5 DP 519212	Hastings District Council. Hawkes Bay Regional Council
STORMWATER DETENTION	ZX	Lot 9 DP 519212	Hastings District Council. Hawkes Bay Regional Council
RIGHT TO DRAIN WATER	ZA, ZX	Lot 9 DP 519212	Hastings District Council.
	ZF, U, V, R, K, Q, ZC, ZG & ZB	Lot 4 DP 519212	
	ZD, ZE & SA	Lot 5 DP 519212	
	ZA	Lot 9 DP 519212	Hawkes Bay Regional Council
	ZF	Lot 4 DP 519212	
RIGHT OF WAY	MM & MN	Lot 104 Hereon	Hastings District Council
RIGHT TO DRAIN WATER	MN	Lot 101 Hereon	

SCHEDULE OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT (Burdened Land)	DOMINANT TENEMENT (Benefited Land)
RIGHT TO DRAIN WATER;	U, V, R, K, Q, ZC, ZG, ZF & ZB	Lot 4 DP 519212	Lot 101 Hereon
	ZD, ZE & SA	Lot 5 DP 519212	
	ZX, Z & ZA	Lot 9 DP 519212	
RIGHT OF WAY	WC, WB, WA, ZZ	Lot 110 Hereon	Lots 1, 2, 4 - 10 DP 519212
Right to Convey Electricity Right to Convey Telecommunications & Electronic Data	WC & ZZ	Lot 110 Hereon	