

## **CONDITIONS: LAND USE CONSENT**

### **Definitions**

"Applicant" means Melia Development Limited and its successors, as the party which has applied for and has been granted this consent;

"AUP" means the Auckland Unitary plan (Operative in Part);

"COAL" means Commonly Owned Access lot;

"CMP" means Construction Management Plan;

"CNVMP" means Construction Noise and Vibration Management Plan

"Commencement of Construction" means commencement of any construction works for the project. For the avoidance of doubt, it excludes site investigations, fencing, and any activities that do not need resource consent and/or are permitted activities;

"Communal Facilities" means and includes:

- (i) the communal storage, waste management for residential purposes and bike storage facilities
- (ii) COALs;
- (iii) any other land or property within the Site vested in the Incorporated Society from time to time and including any common facilities within the Site intended or able to be used for amenity or recreation purposes.

"Consent Holder" means the Applicant and its successors in title to land comprising the Site (such successors including, by way of example, the individual owners of residential, commercial and communal lots) from time to time, to whom this consent will apply on an ongoing basis;

"COPTTM" means Code of Practice for Temporary Traffic Management;

"Council" means the Auckland Council;

"CTMP" means Construction Traffic Management Plan;

"ESCMP" means Erosion and Sediment Control Management Plan; "FTA"

means the Covid-19 Recovery (Fast-track Consenting) Act 2020;

"GD01" means the Council's Guidance Document 001 '*Stormwater Management Devices in the Auckland Region*'

"GD05" means the Council's Guidance Document 005 '*Erosion and Sediment Control Guide for land Disturbing Activities in the Auckland Region*'

"Incorporated Society" means the incorporated society described in Condition 13 of Consent SUB-A;

"LMP" means Landscaping Maintenance Plan;

"Monitoring Team Leader" means the Council's senior monitoring officer for the relevant area; or other person nominated by the Council;

"MMP" means Maintenance Management Plan;

"MUGA" means Multi-Use Games Area;

"RMA" means the Resource Management Act 1991;

“Site” means the land subject to the Integrated Residential Development described in this consent;

“SMP” means Stormwater Management Plan;

“SOMP” means Stormwater Operation and Maintenance Plan;

“TDM” means Traffic Design Manual; and

“WMP” means Waste Management Plan.

## **GENERAL CONDITION**

1. The proposed residential development to construct an Integrated Residential Development incorporating up to 59 residential units, carparking areas, waste management facilities, parks and communal open space including a MUGA, a community hall, an outdoor barbeque area and all associated infrastructure must be carried out in general accordance with the plans and all information submitted with the application, as detailed in **Schedule A** to these conditions.

In the event of any conflict between the documents listed in Schedule A and the condition of this consent, the consent conditions will prevail.

## **GENERAL INTERPRETATION AND APPLICATION OF CONDITIONS**

2. To the extent that these conditions require an action to be taken by an Applicant or a successor as Consent Holder, it is generally intended for them to apply on a staged basis, consistent with SUB-A to SUB-C (Stages 1 - 3 respectively). Where the term "relevant" is used, it is expressly intended to relate to work of a specific stage.
3. Where compliance with a Code of Practice is referred to, it includes any dispensation granted pursuant to the Code, but otherwise means that Code of Practice in effect at the date of this consent.

### **Prior to commencement of Construction**

4. Prior to the commencement of Construction on the site under this consent, the Applicant must hold an approved resource consent(s) authorising works under Chapter E11 and Chapter E12 (and any related Chapters) and any related Rules which align and are consistent with the form and nature of the development authorised pursuant to this consent.

### **Monitoring**

5. The Applicant must pay the Council an initial consent compliance monitoring charge of \$1,020.00 (inclusive of GST), and the Consent Holder must pay any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

### **Commencement date**

6. This consent shall commence in accordance with cl.37(9) of Schedule 6 of the FTA.

### **Lapse date**

7. Under cls.37(7) and (8) of Schedule 6 of the FTA, this consent will lapse two years from the date of commencement unless:
  - (a) The consent is given effect to; or
  - (b) The Council extends the period after which consent lapses under s.125 of the RMA.

### **Management Plan Certification Process**

8. Conditions 9 to 16 apply to the following Management Plans:

"CMP"	<i>Construction Management Plan</i>
"CNVMP"	<i>Construction Noise and Vibration Management Plan</i>
"CTMP"	<i>Construction Traffic Management Plan</i>
"ESCMP"	<i>Erosion and Sediment Control Management Plan</i>
"SMP"	<i>Stormwater Management Plan</i>

9. All Management Plans must be submitted to the Council's Monitoring Team Leader for certification in writing with such certification only to be granted where Council's Monitoring Team Leader is satisfied that the relevant Management Plan accords with the requirements of this consent.
10. Management Plans must be submitted at least twenty (20) working days prior to Commencement of Construction unless otherwise specified in the conditions. The Applicant must ensure that any changes to draft Management Plans are clearly identified.
11. Management Plans may be submitted in parts or in stages to address particular activities or to reflect a staged implementation of the Project, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part or stage unless otherwise specified in the conditions. Management Plans submitted shall clearly show the linkage with plans for adjacent stages and interrelated activities.
12. Whereas consultation on a Management Plan is required by a condition of these consents including a change to a Management Plan contemplated by Condition 13 the Applicant must provide the following to the Council's Monitoring Team Leader when submitting the Management Plan for certification:
  - (a) A summary of consultation during preparation of the Management Plan;
  - (b) Any feedback on the proposed text of the Management Plan from the party or parties that the condition requires consultation with; and
  - (c) A response to that feedback indicating the matters that were not incorporated into the text of the Management Plan submitted for certification and the reasons why.
13. Should the Council's Monitoring Team leader refuse to certify a Management Plan, or a part or stage of a Management Plan, in accordance with Condition 9 above, the Applicant must submit a revised Management Plan for certification as soon as practicable. If the refusal to certify is in relation to a revised plan, then the existing certified plan will continue to apply until a revised plan has been certified.
14. Any certified Management Plan may be amended if necessary, to reflect any changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Monitoring Team Leader for confirmation in writing prior to implementation of the change, unless the Monitoring Team leader determines in his or her discretion that those amendments once implemented would result in a materially different outcome to that described in the original plan.
15. Any changes to a certified Management Plan involving a materially different outcome under Condition 13 must be submitted to the Monitoring Team Leader

to certify that they comply with the applicable requirements of these conditions. Any material change must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of this consent. Where a Management Plan was prepared in consultation with affected parties, any material changes to that Plan must be prepared in consultation with those same parties.

16. All works shall be carried out in accordance with the certified Management Plans. No works or activities covered by an individual Management Plan shall commence until written certification of that Management Plan, unless otherwise approved in writing by the Monitoring Team Leader.

## **DESIGN**

### **Architectural Design Plans**

17. In order to achieve the design outcomes required by this consent:
  - (a) Prior to the approval of a Building Consent relating to any buildings, a final set of architectural drawings must be submitted to the Council for written certification by the Monitoring Team Leader. This condition applies to all residential and non-residential buildings including Communal Facilities that are buildings.
  - (b) The information to be submitted under Condition 17(a) must include the following:
    - (i) Details of the building's façade treatment / architectural features including the façade treatment and detailing in general accordance with the details denoted on Paterson Cullen Archaus Architectural Plans referenced at Condition 1, and the Architectural Design Statement dated October 2021; and
    - (ii) A materials schedule including the palette of materials, colour schemes (including colour swatches); and
    - (iii) Details of external / rooftop services / plant and visual / acoustic screening elements; and
    - (iv) design of the bicycle storage sheds and details of the internal fit out in accordance with Auckland Transport's Transport Design Manual – Cycle Infrastructure
  - (c) The finalised set of drawings shall ensure that the buildings' proposed architectural treatment and finished appearance is in general accordance with the plans and information referenced at Condition 1.
  - (d) All works shall then be carried out in accordance with the details certified by the Council, to the satisfaction of the Monitoring Team Leader.

### **Lighting Design Plans**

18. Prior to the approval of a Building Consent relating to any building, the Applicant must provide a Lighting and Design Plan and Certification / Specifications prepared by a suitably qualified person to the Monitoring Team Leader for written certification, confirming that:
  - (a) The lighting design is in accordance with 'Crime Prevention Through Environmental Design' principles and will contribute to amenity and safety for residents, visitors and immediately adjoining sites; and

The objective of this condition is to ensure that adequate lighting is provided to frequently used areas within the proposed development for the safety of users.

The Lighting Plan must include:

- (b) Lighting for all areas of the development including, but not limited to, the shared driveways, recreational and other Communal Facilities building entrances, building frontages, car and bike parking facilities, communal waste storage facilities and footpaths.
- (c) Proposed locations, lux levels and designs/types of lighting (i.e. manufacturer's specifications once a lighting style has been determined), support structures required to control timing, level of lighting, and measures to minimise light spill, glare, and loss of night-time viewing.
- (d) Demonstration of compliance with the AS/NZS 1158 P requirements and clearly specify what 'P Category' the lighting design will achieve. The selection criteria for the chosen lighting category should also be presented (i.e., pedestrian/cycle activity, risk of crime etc.).
- (e) Demonstration of the vertical illuminance by means of lux contours or a similar method to assess light spill on neighbouring properties where relevant.
- (f) Demonstration of compliance with the relevant standards in E24.6.1 Lighting of the AUP.
- (g) An executive summary of the above information in plain English that outlines the relevant requirements to their application and their response to them.

### **Landscape Design Plans**

19. Prior to the approval of a Building Consent relating to any building, the Applicant must provide to the Monitoring Team Leader for certification a finalised set of detailed soft and hard landscape design drawings and supporting written documentation prepared by a landscape architect or suitably qualified person. The submitted information must be in general accordance with the landscape concept plans Ref L105 – L112, prepared by SOLA Ltd, dated 7 October 2021. The landscape design drawings, specifications and maintenance requirements shall, at a minimum, include the following matters:

- (a) The location of all areas to be planted.
- (b) A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting, and estimated height / canopy spread at maturity. The plant schedule must ensure that:
- (c) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements.
- (d) Plans denoting the design of retaining walls, fences, steps and ramps and all recreational and community areas including:
  - (i) The final location, height, materiality and treatment of all retaining walls, both within private lots and communal parking spaces.

- (ii) Where bicycles are to be stored in side yards, locked gates must be provided and fencing at least 1.6m in height to ensure these spaces are secure.
  - (iii) Final location, height and materiality of an electric gate to be installed at the Melia Place entrance to the development.
- (e) Annotated cross-sections and/or design details with key dimensions to illustrate that adequate widths and depths are provided for planter boxes / garden beds.
- (f) Annotated hard landscape and parks furniture plans including:
- (i) The selection of paving and surface treatments/materials and their related specifications;
  - (ii) Proposed signage including that used to indicate the private ownership of those Communal Facilities within the Site intended or able to be used for recreation or amenity purposes;
  - (iii) The location and plans and specifications of the design/type of all seating, refuse bins, lighting, fences, walls/retaining walls, play equipment and other structural landscape design elements; and which in respect of retaining walls and fences specifically demonstrate that:
    - (a) Any retaining walls, regardless of their overall height and which are visible from the public realm (existing and proposed roads and communal shared spaces) shall be constructed from a high quality material/finish; and
    - (b) Where retaining walls are provided along external boundaries, the combined wall and fence height shall not exceed 2m.
20. The Applicant is to consult with Ngāti Manuhiri, Ngaati Whanaunga and Te Kawerau ā Maki in finalising both the landscape management plan and landscaping concepts including the utilisation of native species where possible.

*Advice note: The Applicant will consult with the iwi authorities on matters including opportunities for restoration and enhancement, restoration and revegetation initiatives, and using the nature-based playground to provide linkages to the cultural history of the area including signage explaining significance of chosen plant species in the playground and restoration plans.*

## **CONSTRUCTION**

### **Construction Management Plan**

21. The Applicant must prepare a CMP which, in order to comply with the requirements in Conditions 9 – 16, must give effect to the objectives in Condition 22 and comply with the requirements in Condition 22 to 35.
22. The objectives of the CMP are to ensure that the construction works remain within the limits and standards approved under the consent and set out the management procedures and construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities.
23. The CMP must be consistent with the ESCMP and CTMP as required by LUC60386828

24. The CMP must provide details of the responsibilities, reporting frameworks, coordination and management required for effective site management. The CMP shall provide information on the following matters:
- (a) Construction quality assurance; and
  - (b) Construction works programming including:
    - (i) An outline construction programme; and
    - (ii) Confirmation of the proposed staging and sequence of construction; and
    - (iii) Site management; and
    - (iv) Consultation and communications; and
    - (v) For each stage of construction, details on the erosion and sediment control measures to be used with reference to the measures confirmed for the wider site in the ESCMP in LUC60386828 and any variations thereto.
  - (c) Recommendations received from iwi authorities including Ngaati Whanaunga, Ngāti Manuhiri and Te Kawerau ā Maki including:
    - (i) A requirement that refuelling and servicing of machines is undertaken away from the coast and not on site;
    - (ii) A requirement that all chemicals, fuels, equipment and building materials should be stored in designated areas which can contain spills and prevent environmental harm, away from watercourses and drainage lines;
    - (iii) A requirement that areas clearly indicate which activities can take place including (but not limited to) mixing of cement, stockpiling of materials;
    - (iv) Spill kits are to be available during construction;
    - (v) Water storage and removal must be provided for during and after construction, and all waste must be disposed of to an authorized waste facility, with all temporary structures, materials, waste and facilities used for construction activities removed upon completion of the project;
    - (vi) How roads will be kept wet during dry and windy conditions to manage dust;
    - (vii) How the area will be rehabilitated after construction;
    - (viii) A requirement that the CMP identify environmental risks and mitigation.

### **CMP Quality Assurance**

25. This part of the CMP requires the establishment of management frameworks, systems and procedures to ensure quality management of all on-site construction activities and compliance with the conditions of this consent. This section must provide details on the following:
- (a) Contact details on the contractor's site supervisor or project manager and the Applicant's Project Liaison Person (phone, postal address, and email address);
  - (b) Confirmation of the construction methodology, including for both permanent and temporary structures;
  - (c) Location of construction site infrastructure including site offices/amenities, contractors' yard access, equipment unloading and storage areas, and security;

- (d) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid remedy or mitigate any potential adverse effects;
- (e) Procedures for ensuring that residents, businesses, network utility operators and road users in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction and are informed about the expected duration and effects of the work;
- (f) Procedures for responding to, recording and reporting complaints about construction activities, including the provision of contact details for persons responsible for managing complaints;
- (g) Means of providing for the health and safety of the general public;
- (h) Procedures for controlling sediment run-off, dust, and the removal of soil, debris, demolition and construction materials (if any) from public roads or places adjacent to the work site/s;
- (i) Contingency plans in case of unexpected sediment discharges during works;
- (j) Proposed temporary or permanent fencing or other structures along the boundary of the construction areas with adjacent sites in order to delineate site boundaries, maintain site security, prevent unauthorised access, ensure the safe and practical operation of adjacent sites, and to avoid intrusion of construction works beyond the construction area;

- (k) Measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up;
- (l) Procedures for incident management, monitoring and reporting including review and corrective and preventative action;
- (m) Site clean-up following completion of works, including removal of construction materials, temporary structures;
- (n) Maintenance of plant in a good state of repair so as not to produce excessive fumes or leakage of contaminants when parked or in operation;
- (o) Measures to monitor and minimise discharges of dust so that any offensive or objectionable effects are immediately identified and are mitigated; and
- (p) Measures to protect and maintain the functioning of existing network utilities and infrastructure that traverses the site.

### **Construction Works Programme**

- 26. This part of the CMP is to ensure that the Applicant has prepared a construction works programme that will enable construction in a manner that is timely, adequately co-ordinated and minimises the adverse effects of construction activities on the surrounding area. This section must, among other matters, provide details of the programme for the construction works throughout all stages of the development process.

### **Site Management**

- 27. This part of the CMP is to ensure that procedures are in place to ensure that the site is managed safely and in a tidy condition throughout the entire construction process. This section must provide details on the following:
  - (a) The provision of any site office, parking for workers' vehicles and workers' conveniences (e.g., portaloos);
  - (b) The location of construction machinery access and storage during the period of site works;
  - (c) The procedures for controlling sediment run off and the removal of any debris and construction materials from the surrounding environment, and
  - (d) The provision of any artificial lighting that may be associated with construction works and the effects of any such lighting.

### **Implementation**

- 28. Construction activity must not commence until the CMP is certified by the Monitoring Team Leader and all measures identified in the CMP as needing to be put in place prior to the start of works are in place.
- 29. All personnel working on the site must be made aware of the requirements contained in the CMP. A copy of the certified CMP must be held on the project site(s) at all times while any activity associated with construction is occurring. The certified CMP must be implemented and maintained throughout the entire period of the works.

30. The Applicant must notify the Monitoring Team Leader in writing of the proposed date of Commencement of Construction at least twenty (20) working days prior to the proposed start date.
31. Within fifteen (15) working days prior to Commencement of Construction, the Applicant must arrange a pre-start meeting that:
  - (a) Is located on the subject site; and
  - (b) Is scheduled not less than five (5) working days before the anticipated Commencement of Construction; and
  - (c) Includes Council representatives and representatives of Auckland Transport, Watercare Services Limited and any relevant network utility operators; and
  - (d) Includes representation from the contractors who will undertake the works.

*Advice Note:*

*The Applicant is also encouraged to invite representatives of Ngaati Whanaunga, Ngāti Manuhiri and Te Kawerau ā Maki to the above meeting and the project archaeologist. The Applicant is encouraged to permit the representatives of Ngaati Whanaunga, Ngāti Manuhiri and Te Kawerau ā Maki to perform a karakia at this meeting.*

32. The pre-start meeting shall discuss the works methodology generally (including contaminants, water and wastewater services, including the Accidental Discovery Protocol) and shall ensure all relevant parties are aware of and are familiar with the conditions of the resource consents.
33. The following information shall be made available at the pre-start meeting:
  - (a) Timeframes for key stages of the works authorised under this consent; and
  - (b) Resource consent conditions; and
  - (c) Any ESCMPs that are available; and
  - (d) The CTMP and CNVMP.
34. In the case that any of the invited parties, other than the representative of the Applicant, do not attend this meeting, the Applicant will have been deemed to have complied with this condition, provided ten (10) working days is given to the parties listed above.
35. The Consent Holder must notify the Monitoring Team Leader in writing of the date of completion within ten (10) working days of the completion of the last activity relating to works in any CMP.

**Construction Noise and Vibration Management Plan**

36. A final CNVMP must be prepared by a suitably qualified person in accordance with the requirements in Conditions 9 - 16. The CNVMP must confirm compliance with the relevant AUP permitted activity noise and vibration standards. At a minimum, the CNVMP shall address the measures in Annex E of NZS 6803:1999 "Acoustics - Construction Noise". The certified CNVMP must be implemented throughout the construction phase of the Project. The CNVMP include:
  - (a) The roles and responsibilities of the personnel in the contractor team

- with regard to managing and monitoring noise and vibration effects;
- (b) Specific hours of operations set out in Condition 37;
- (c) Construction machinery and equipment to be used and their predicted operating noise levels;
- (d) Identification of construction activities that have a reasonable likelihood of creating adverse noise and vibration effects if un-mitigated and the location of these in the construction site areas;
- (e) The timing of construction activities that have a reasonable likelihood of creating an adverse noise and vibration effect if un-mitigated;
- (f) The proximity of neighbouring noise and vibration sensitive areas;
- (g) The process of community liaison and consultation;
- (h) Induction and training procedures for construction personnel;
- (i) Methods and measures to mitigate adverse noise and vibration effects including, but not limited to, structural mitigation such as barriers and enclosures, the scheduling of high noise and vibration construction, use of low noise and vibration machinery, temporary relocation of affected receivers or any other measures agreed to by the contractor and the affected receiver;
- (j) The proposed methods and frequency for monitoring construction noise and vibration to be undertaken by a suitably qualified person for the duration of construction works, including:
  - (i) the predicted noise and vibration levels based on the final methodology and construction activities;
  - (ii) confirm which, if any, buildings are to be subject to a pre and post building condition survey;
  - (iii) identifying appropriate monitoring locations for receivers of construction noise and vibration;
  - (iv) procedures to respond to complaints received on construction noise and vibration, including methods to monitor and identify noise and vibration sources;
  - (v) procedures for monitoring construction noise and vibration and reporting to the Monitoring Team Leader;
  - (vi) procedures for how remedial works will be undertaken should they be required as a result of the building condition surveys; and
- (vii) procedures and timing of reviews of the CNVMP.

### **Noise during construction**

37. All noisy activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include, but is not limited to, any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc) (quieter activities and internal works may be undertaken outside of these hours) are limited as follows:

- (a) Such activities may only be carried out between the hours of:

- (i) 7:00am and 6:00pm, Monday to Friday; and
  - (ii) 9.30am and 1.00pm Saturday; and
  - (b) must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed).
38. Noise from construction activities must be measured and assessed in accordance with NZS 6803:1999 and comply with the limits in Table E25.6.27.1 of the AUP when measured 1m from the facade of any building that contains an activity sensitive to noise and that is occupied during the works.
39. The CNVMP approved in accordance with Condition 36 must be implemented throughout the duration of the construction activity.

**Vibration during construction**

40. Vibration from construction activities must comply with:
- (a) the limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration - Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure not on the same site; and
  - (b) the limits in the Table below in buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building:

Receiver	Period	Peak particle velocity limit
Occupied activity sensitive to noise	Night time 10pm to 7am	0.3mm/s
	Day time 7am to 10pm	2mm/s
Other occupied buildings	At all times	2mm/s

**Construction Traffic Management Plan**

41. Prior to the Commencement of Construction the Applicant must prepare a CTMP in accordance with Conditions 9 -16.
42. The CTMP must additionally be prepared in accordance with the Council's requirements for construction traffic management plans (as applicable) and the New Zealand Transport Authority's COPTTM and must address the surrounding environment including public transport, pedestrian and bicycle traffic and the control of the movement of construction vehicles to and from the site. The CTMP must include the following information:
- (a) Control procedures for trucks unloading and loading, particularly the hours of operation and when restrictions on hours of delivery may be necessary to maintain access, network function or safety;
  - (b) The likely types of trucks and vehicles (i.e., that will be used to deliver machinery/materials to the site, to remove soil etc);

- (c) The number of vehicle movements to and from the site per day, the frequency of the movements and how long vehicles will be on site;
- (d) The routes that trucks and heavy vehicles will take;
- (e) Methods to avoid unnecessary truck waiting and queueing within any road(s);
- (f) Wheel cleaning (soil removal) prior to egressing the site;
- (g) Identification of parking for worker/contractor/subcontractor vehicles to maintain the availability of public on-street parking as far as practical;
- (h) Pedestrian/cyclist movements and pedestrian control/safety;
- (i) Equipment to be used for traffic control;
- (j) Details of all signage (to comply with COPTTM);
- (k) On-street parking controls and liaison with Auckland Transport, with availability of public parking being maintained as far as practicable without affecting the construction activity;
- (l) Impact on street lighting;
- (m) Liaison with emergency services; and
- (n) How to keep paths and roadway clean and uncluttered.

### **Geotechnical**

43. The construction of building foundations, retaining structures and all associated earthworks must be supervised by a suitably qualified person. In supervising the works, the suitably qualified person shall ensure that they are constructed and otherwise completed in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development) and Section 2 (Earthworks and Geotechnical Requirements Version 1.6) of the Auckland Council Code of Practice for Land Development and Subdivision and the following reports:
- (a) Geotechnical Investigation Report dated 15 October 2021 prepared by Geostudio Ltd

### **Services**

44. Roading, water supply, wastewater, stormwater, power and telecommunication services must be provided in accordance with the plans referred to in Condition 1.

#### Advice Note:

*The specific conditions relating to the design and implementation of these networks are primarily set out in Consents SUB-A – C; however operational conditions relating to effects from land use are contained in this consent.*

### **Construction works – accidental discovery protocol**

45. If, at any time during construction works, sensitive materials (kōiwi/human remains, an archaeology site, a Māori cultural artefact, a protected New Zealand object, contamination or a lava cave greater than 1m in diameter) are

discovered, then the protocol set out in standards E11.6.1 and E12.6.1 of the AUP must be followed. In summary these are:

- (a) All works must cease in the immediate vicinity (at least 20m from the site of the discovery) and the area of the discovery must be secured including a buffer to ensure all sensitive material remains undisturbed.
- (b) The Applicant must immediately advise the Council, Heritage New Zealand Pouhere Taonga and the Police (if human remains are found) and arrange a site inspection with these parties.
- (c) If the discovery contains kōiwi, archaeology or artefacts of Māori origin, representatives from Ngāti Manuhiri, Ngaati Whanaunga, Te Kawerau ā Maki and other groups with mana whenua interests in the area are to be provided information on the nature and location of the discovery.

*Advice Note: If any archaeological features are uncovered on the site, works should cease and the Council and Heritage New Zealand Pouhere Taonga (09 307 9920) should be notified immediately. The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence in relation to history of New Zealand. Archaeological features may include old whaling stations, shipwrecks, shell middens, hāngī or oven pit depressions, defensive ditches, artefacts, or kōiwi tangata (human skeletal remains), etc. For guidance and advice on managing the discovery of archaeological features, including details on how to contact iwi groups with mana whenua interest in the area, please contact the Team Leader, Cultural Heritage Implementation on 09 301 0101.*

46. The Applicant must not recommence construction works until the steps set out in the above-mentioned standards have been followed and re- commencement of works approved by the Council.

#### **PRIOR TO OCCUPATION**

47. Occupation of the dwellings on the residential lots must not occur unless the Incorporated Society required by Consent SUB-A has been established pursuant to the Incorporated Societies Act 1908

*Advice Note:*

*The purpose of this condition and Condition 48 is to ensure that the Incorporated Society which owns and operates common lots and infrastructure as well as consent notices relating to the whole development is established before any occupation of the dwellings or commercial buildings.*

#### **Land use covenants**

48. Prior to occupation of the relevant dwellings, the Applicant must enter into a s.108 RMA covenant in favour of the Council regarding the on-going obligations contained in Condition 49. The Applicant must contact the Council to initiate the preparation of the covenant. A copy of the updated Record of Title showing that the covenant has been registered must be provided to the Council prior to occupation or use.
49. Unless the Council's Monitoring Team Leader confirms in writing that the following matters have been satisfactorily addressed through conditions governing Consent Notices in SUB-A to SUB-C, the covenant must:

- (a) address the requirements of Condition 17 (architectural design);
- (b) address the requirements of Conditions 18 - 19 (lighting and landscaping);
- (c) address the requirements of Conditions 54-61 (stormwater);
- (d) address the requirements of Conditions 62-64 (waste management);
- (e) be drafted by the Council's nominated solicitor at the Applicant's cost; and
- (f) be registered against the Records of Title to the affected land by the Applicant at their cost; and
- (g) require the Consent Holder to:
  - (i) be responsible for all legal fees, disbursements and other expenses incurred by the Council in connection with the covenant, and procure its solicitor to give an undertaking to the Council for payment of the same; and
  - (ii) indemnify the Council for costs, fees, disbursements and other expenses incurred by the Council as a direct or indirect result of the Council being a party to this covenant.

Advice Note:

*The purpose of this condition is to ensure that ongoing conditions are registered against the land and bind successors in title, but do not duplicate matters otherwise addressed by way of consent notices.*

**POST CONSTRUCTION WORKS**

50. **Landscape Plans - Implementation**

51. The Applicant must implement the relevant landscape design which has been approved by the Monitoring Team Leader under Condition 19 prior to the occupation of any dwelling within a stage to which the landscape design relates and maintain the planting for a period of not less than two (2) years.

52. Prior to the issue of a building consent for a residential building, a suitable Landscape Management Plan (LMP) for the Communal Facilities and associated areas, including, but not limited to, the hard and soft landscaping, lighting within COALs proposed open space, play spaces, MUGA, communal parking areas, furniture, BBQ area, bike racks, and rubbish bins, must be prepared by a suitably-qualified person contracted for preparation of the LMP by and at the cost of the Applicant, to the satisfaction of the Monitoring Team Leader. The LMP must detail provisions for the ongoing upkeep and management of these spaces including the cyclical maintenance regime required to ensure the quality of the spaces are retained for the lifetime of the development, including matters such as, graffiti removal, replacement of damaged / stolen elements. The LMP must also include details of landscape maintenance over a minimum five (5) year period including:

- (a) Irrigation design and maintenance; and
- (b) Weed and pest control programmes; and
- (c) Plant replacement for any poorly performing, damaged or dead plants; and
- (d) Maintenance methodology and frequency and any contractor

responsibilities and warranties.

*Advice Note: The Applicant should provide any Weed and Pest Control programme prepared as part of the LMP to iwi authorities including Ngaati Whanaunga, Ngāti Manuhiri and Te Kawerau ā Maki for their review and for consultation before implementing this programme.*

53. In accordance with the LMP, the Consent Holder (which in respect of Communal Facilities, will be the Incorporated Society upon those Communal Facilities being transferred to the Incorporated Society) must thereafter retain and maintain:
- (a) Landscaping of the Community Facilities (including planting, pavement and street furniture) in perpetuity in accordance with the maintenance plan which has been approved under Condition 19, or any amendment to that plan approved in writing by the Monitoring Team Leader.
  - (b) Lighting within the common areas in perpetuity in accordance with the plan which has been approved under Condition 19, or any amendment to that plan approved in writing by the Monitoring Team Leader.

#### **Stormwater Operation and Maintenance Plan – Stormwater Management System**

54. The Applicant must submit a SOMP to the Council's Monitoring Team Leader, for review and (if approved) certification 20 days prior to the prestart meeting required by this consent. The SOMP must set out the details of the location and nature of the stormwater management system, and how the stormwater management system is to be operated and maintained on an ongoing basis to ensure that adverse environmental effects are minimised. In particular, the SOMP must include:
- (a) details of who will hold responsibility for long-term maintenance of the stormwater management system and the legally effective organisational structure with responsibility for such maintenance, repair, and remediation on an ongoing basis;
  - (b) a programme for regular maintenance and inspection of the stormwater management system;
  - (c) a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
  - (d) a programme for post storm inspection and maintenance;
  - (e) a programme for inspection and maintenance of the outfall;
  - (f) details of how these programmes and maintenance will be funded and implemented on an ongoing basis;
  - (g) details of how any failure to comply with these maintenance and other obligations by the legal entity, and how any failure of the stormwater management system, will be addressed;
  - (h) to the extent the stormwater management system will be within COALs or other areas owned by the Incorporated Society referred to in Condition 1 of Consent SUB-A-C details of legal arrangements with the Incorporated Society for access for maintenance;
  - (i) general inspection checklists for all aspects of the stormwater management system, including visual checks of the area downstream of the overland flowpath discharge points; and
  - (j) details of the proposed obligations in relation to receiving, detaining and

re-using stormwater from other dwellings in accordance with the plan and calculations prepared pursuant to Condition 18 and the legal arrangements that will support these obligations.

Advice Note:

*The specific legal structure for the stormwater management system is not yet known. In the absence of a suitable legal structure being approved by the Council as provided for in Condition 59, it is anticipated that the Incorporated Society described in Condition 13 of Consent SUB-A will own, manage, and maintain the stormwater management system on an ongoing basis.*

**Amendments to the Stormwater Operation and Maintenance Plan**

55. Any amendments or alterations to the SOMP must be submitted to, and certified by, the Monitoring Team Leader, in writing prior to implementation. The SOMP shall be updated and submitted to the Monitoring Team Leader for certified, upon request.

**Maintenance contract**

56. A written maintenance contract for the on-going maintenance of the device(s) specified in the SOMP must be entered into with an appropriate stormwater management system operator, prior to the operation of the proprietary stormwater management device(s). This written maintenance contract must be in place and maintained for the duration of the system (including by having renewals or replacement contracts where necessary). A copy of any proposed maintenance contract is to be provided to the Monitoring Team Leader at least ten (10) days prior to signing (in order for the Monitoring Team Leader to have the opportunity to raise any concerns with the contract). A signed copy of the contract required must be forwarded to the Monitoring Team Leader, twenty (20) days prior to the pre-construction meeting required by this consent.

**Overland flow paths to be provided**

57. The SOMP must include measures to provide for and manage stormwater flows in excess of the capacity of the primary drainage systems via overland flow paths. These must be maintained to allow surplus stormwater from critical storms (up to the 100-year ARI event) to discharge with the minimum of nuisance and damage. Overland flow paths must be kept free of all obstructions.

**Maintenance report - stormwater management system**

58. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, must be retained. A maintenance report must be provided to the Monitoring Team Leader on request.

**Contents of maintenance report**

59. The maintenance report must include the following information:
- (a) details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
  - (b) details of any maintenance undertaken; and
  - (c) details of any inspections completed.

**Modifications approval**

60. In the event that any modifications to the stormwater management system are required, the following information must be provided:
- (a) plans and drawings outlining the details of the modifications; and
  - (b) supporting information that details how the proposal does not affect the capacity or performance of the stormwater management system; and
  - (c) supporting documentation that confirms that the maintenance contract has been amended to deal with those modifications.
61. All information must be submitted to, and certified by the Monitoring Team Leader, prior to implementation.

### **Waste Management Plan**

62. Prior to the approval of a Building Consent for the construction of any residential or community building, within a particular stage (identified in SUB-A to SUB-C), the Applicant must submit a finalised WMP for written certification by the Monitoring Team Leader. The purpose of the WMP is to outline the methodology for refuse and recycling storage and disposal from the development, including proposed days and frequency of collection, ensure that the servicing requirements of the overall site are adequately provided for without causing odour or visual nuisance internally or to the public.
63. The WMP must then be implemented by the Incorporated Society at all times to the satisfaction of the Monitoring Team Leader with any amendments to that plan to be certified in writing by the Monitoring Team Leader.
64. Each designated communal waste enclosure must be provided with a wash-down tap and a convenient drainage point by the Applicant.

### **Site Access**

65. Post occupation of the site, vehicle access from the Melia Place vehicle crossing will be restricted to entry only. Appropriate signage will be installed on site to advise drivers of this arrangement. This signage will comply with relevant bylaws or an exemption shall be sought.

## SCHEDULE A TO CONDITION 1

### Explanation to Schedule A

Schedule A below represents a combined reference set of all relevant reports, correspondence, plans and annexures encompassing the Landuse Consent and the staged Subdivision Consents. The left hand columns identify the relevant information against which each consent is to be implemented. The interpretation of columns is as follows:

"L" means Land Use Consent

"S1" means Subdivision Consent – Stage 1 (SUB-A)

"S2" means Subdivision Consent – Stage 2 (SUB-B)

"S3" means Subdivision Consent – Stage 3 (SUB-C)

Consent				Document	Author	Rev	Dated
L	S1	S2	S3	Applicant's cover letter to the EPA	Berry Simons Environmental Law		22/10/2021
L	S1	S2	S3	Application form	Berry Simons Environmental Law		22/10/2021
L	S1	S2	S3	Assessment of Environmental Effects	Civix Ltd	1	22/10/2021
L	S1	S2	S3	Topographical Site Survey	Civix Ltd		19/10/2021
L	S1	S2	S3	Iwi consultation schedule	Various		Various
L	S1	S2	S3	Iwi correspondence	Various		Various
L				Kaitiaki Report	Manuhiri Kaitiaki Charitable Trust		12/07/2021
L				Deed of Settlement	Ngāti Manuhiri		
L				Cultural Impact Assessment	Ngāti Whanaunga		Aug 2021
L				Deed of Settlement	Te Kawerau ā Maki		
L	S1	S2	S3	Geotechnical investigation report	Geostudio Ltd	C	15/10/2021
L				Leisure Assessment	Visitor Solutions		12/10/2021
L	S1	S2	S3	Infrastructure Report	Civix Ltd		10/03/2022
L	S1	S2	S3	Stormwater Management Plan	Civix Ltd		07/04/2022

L	S1	S2	S3	Flood Modelling Methodology	Civix Ltd		13/04/2022
L	S1			Integrated Transport Assessment	Commute		18/10/2021
L				Letters to landowners and occupiers	Civix Ltd		1/10/2021 8/10/2021
L				Consultation with Hibiscus and Bays Local Board	Civix Ltd		
L				Urban Design report	Jason Evans, ET Urban Design		15/10/2021
L	S1	S2	S3	Ecological Report	Bioresearches Ltd	1.3	16/10/2021
L				Economic Impact Assessment	Urban Economics		9/06/2021 and 19/10/2021
L	S1	S2	S3	Archaeological Appraisal	Clough & Associates		Sep 2021
L				Landscape and Visual Assessment Report	Greenwood and Associates		26/04/2022
L				Arboricultural Report	Tree3 Limited		2/09/2021
L				Arboricultural Report Addendum	Tree3 Limited		26/04/2022
L				Acoustic Assessment	SLR	1.0	Jul 2021
L	S1	S2	S3	Greenhouse Gas Emissions Assessment	ASG		Sep 2021
L				Social Impact Assessment	Dialogue		Oct 2021
L				Breeze Construction letter of support	Breeze Construction		19/04/2021
L	S1	S2	S3	Auckland Council – subdivision decision SUB60372117			21/05/2021
L	S1	S2	S3	Landuse resource consent application - earthworks - LUC60386828	Civix Ltd		
L	S1	S2	S3	Architecture Design Statement	Paterson Cullen Archaus Architects		Oct 2021

L				Landscape Design Package 20 Melia Place, Stanmore Bay - pages L101 - L104	SOLA	Rev 8	April 2022
L	S1	S2	S3	Letter: Compliance with the Order in Council	Berry Simons Environmental Law		22/10/2021
L				Letter: Integrated Residential Development in the Single House Zone	Berry Simons Environmental Law		

### Infrastructure Plans

Consent				Report Title	Title and Reference	Author	Rev	Dated
L	S1			20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Scheme Plan Stage 1 - Drawings 1060 - 1066	Civix Ltd	For Resource Consent	19/11/21
L		S2		20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Scheme Plan Stage 2 - Drawings 1070-1073	Civix Ltd	For Resource Consent	19/11/21
L			S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Scheme Plan Stage 3 - Drawings 1080 - 1082	Civix Ltd	For Resource Consent	19/11/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Easement Tables - Drawings 1090-1092	Civix Ltd	For Resource Consent	18/11/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Cut Fill Plans - Drawings 1100 - 1108	Civix Ltd	For Resource Consent	10/12/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Earthworks Sections - Drawings 1130 - 1131	Civix Ltd	For Resource Consent	10/12/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Retaining Wall Sections - Drawings 1150 - 1156	Civix Ltd	For Resource Consent	10/12/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Erosion and Sediment Control Plan - Drawing 1180 - 1181	Civix Ltd	For Resource Consent	10/12/21

L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Sediment Pond Details and Standard Details - Drawings 1185 - 1193	Civix Ltd	For Resource Consent	24/08/21 - 18/11/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Accessway and Manoeuvring Plan - Drawings 1200 - 1208	Civix Ltd	For Resource Consent	09/02/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Driveway Sections Drawings - 1230 - 1232	Civix Ltd	For Resource Consent	6/10/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Roading Details - Drawing 1250	Civix Ltd	For Resource Consent	3/09/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Roading Standard Details - Drawing 1290	Civix Ltd	For Resource Consent	18/11/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Tuflow Model Layout - Drawings 1340 - 1344	Civix Ltd	For Resource Consent	07/10/21
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Stormwater Servicing Plans - Drawings 1400 - 1408	Civix Ltd	For Resource Consent	13/04/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Stormwater Longsections - 1430 - 1439	Civix Ltd	For Resource Consent	13/04/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Stormwater Infrastructure Assessment - Drawing 1450	Civix Ltd	For Resource Consent	13/04/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Stormwater Capacity Tables - Drawing 1451-1452	Civix Ltd	For Resource Consent	13/04/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Stormwater Standard Details - Drawings 1490 - 1493	Civix Ltd	For Resource Consent	09/03/22

L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Wastewater Plans - Drawings 1600 - 1607	Civix Ltd	For Resource Consent	13/04/22

L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Wastewater Longsections - Drawings 1630 - 1635	Civix Ltd	For Resource Consent	13/04/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Wastewater Infrastructure Assessment - Drawing 1650	Civix Ltd	For Resource Consent	13/04/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Wastewater Capacity Tables - Drawings 1651 - 1653	Civix Ltd	For Resource Consent	13/04/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Wastewater Standard Details - Drawings 1690 - 1693	Civix Ltd	For Resource Consent	09/03/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Water Supply and Utilities Plan - 1700 - 1708	Civix Ltd	For Resource Consent	13/04/22
L	S1	S2	S3	20 Melia Place, Stanmore Bay - Infrastructure Report 10/03/22	Water Supply Standard Details - 1790 - 1792	Civix Ltd	For Resource Consent	09/03/22

### Architecture Plans

Consent				Report Title	Title and Reference	Author	Rev	Dated
L	S1	S2	S3	Melia Development Limited	Cover - Drawing RC00.00	PCA Architects	B	

L	S1	S2	S3	Melia Development Limited	Site Schedules and Town Planning Controls - Drawing RC00.01	PCA Architects	B	05.04.22
L	S1	S2	S3	Melia Development Limited	Site Schedules - Drawing RC00.02 - RC00.03	PCA Architects	B	05.04.22
L	S1	S2	S3	Melia Development Limited	3D Perspectives - RC01.01	PCA Architects	B	05.04.22
L	S1	S2	S3	Melia Development Limited	3D Perspectives - RC01.02 - RC01.04	PCA Architects	A	10.03.22
L	S1	S2	S3	Melia Development Limited	3D Perspectives - RC01.05	PCA Architects	B	05.04.22
L	S1	S2	S3	Melia Development Limited	Site Context Plan - RC02.00	PCA Architects	B	05.04.22
L	S1	S2	S3	Melia Development Limited	Site Context Plan- Comparison- RC02.00a	PCA Architects	B	05.04.22
L	S1	S2	S3	Melia Development Limited	Site Plan As Existing - Drawing RC02.01	PCA Architects	A	8.10.21

L	S1	S2	S3	Melia Development Limited	Site Plan - Overall Development - Drawing RC02.02	PCA Architects	D	05.04.22
L	S1	S2	S3	Melia Development Limited	Site Plan - Overall Roof Plan - Drawing RC02.03	PCA Architects	C	05.04.22
L	S1	S2	S3	Melia Development Limited	Site Plan - Overall Development Typologies - Drawing RC02.04	PCA Architects	C	05.04.22
L	S1		S3	Melia Development Limited	Enlarged Site Plan - Zone 1 @ Levels 00 - Drawing RC02.05	PCA Architects	C	05.04.22
L	S1		S3	Melia Development Limited	Enlarged Site Plan - Zone 1 @ Levels 01 - Drawing RC02.06	PCA Architects	C	05.04.22
L		S2		Melia Development Limited	Enlarged Site Plan - Zone 2 @ Levels 00 - Drawing RC02.07	PCA Architects	A	8.10.21

L		S2		Melia Development Limited	Enlarged Site Plan – Zone 2 @ Levels 01 – Drawing RC02.08	PCA Architects	A	8.10.21
L	S1	S2	S3	Melia Development Limited	Site Plan – Building Coverage – Drawing RC02.10	PCA Architects	C	05.04.22
L	S1	S2	S3	Melia Development Limited	Site Plan – Impervious Area – Drawing RC02.11	PCA Architects	C	05.04.22
L	S1	S2	S3	Melia Development Limited	Site Plan – Landscape Area – Drawing RC02.12	PCA Architects	C	05.04.22
L	S1		S3	Melia Development Limited	Site Sections – AA, BB, CC – Drawing RC03.01	PCA Architects	A	8.10.21
L	S1	S2	S3	Melia Development Limited	Site Sections – DD, EE, FF, GG, HH, II – Drawing RC03.02	PCA Architects	B	05.04.22
L	S1	S2	S3	Melia Development Limited	Site Sections – JJ, KK, LL, MM, NN, OO – Drawing RC03.03	PCA Architects	B	05.04.22
L	S1		S3	Melia Development Limited	Site Sections – PP, QQ, RR – Drawing RC03.04	PCA Architects	B	05.04.22
L	S1		S3	Melia Development Limited	Site sections 1, 2, 3 – Drawing RC03.05	PCA Architects	A	10.03.22
L	S1		S3	Melia Development Limited	Site Sections 4, 5 – Drawing RC03.06	PCA Architects	B	10.03.22

L	S1			Melia Development Limited	Multi-use Space – Floor Plans – Drawing RC04.00	PCA Architects	B	05.04.22
L		S2		Melia Development Limited	Block A – Floor Plans – Drawing RC04.01	PCA Architects	B	08.12.21
L		S2		Melia Development Limited	Block BCDE – Floor Plans – Drawing RC04.02	PCA Architects	B	08.12.21
L		S2		Melia Development Limited	Block FGH – Floor Plans – Drawing RC04.03	PCA Architects	B	08.12.21

L			S3	Melia Development Limited	Block IJ – Floor Plans – Drawing RC04.04	PCA Architects	B	08.12.21
L	S1			Melia Development Limited	Block K – Floor Plans – Drawing RC04.05	PCA Architects	B	05.04.22
L	S1			Melia Development Limited	Block OP – Floor Plans – Drawing RC04.06	PCA Architects	A	8.10.21
L	S1		S3	Melia Development Limited	Block LMR – Floor Plans – Drawing RC04.07	PCA Architects	A	8.10.21
L	S1			Melia Development Limited	Block N – Floor Plans – Drawing RC04.08	PCA Architects	A	8.10.21
L			S3	Melia Development Limited	Block QS – Floor Plans – Drawing RC04.09	PCA Architects	A	8.10.21
L			S3	Melia Development Limited	Block T – Floor Plans – Drawing RC04.10	PCA Architects	A	8.10.21
L			S3	Melia Development Limited	Block U – Floor Plans – Drawing RC04.11	PCA Architects	A	8.10.21
L	S1			Melia Development Limited	Multi-use Space – Elevations – Drawing RC05.00	PCA Architects	B	05.04.22
L		S2		Melia Development Limited	Block A – Elevations – Drawing RC05.01	PCA Architects	A	8.10.21
L		S2		Melia Development Limited	Block BCDE – Elevations – Drawing RC05.02	PCA Architects	A	8.10.21

L		S2		Melia Development Limited	Block FGH – Elevations – Drawing RC05.03	PCA Architects	D	19.04.22
L			S3	Melia Development Limited	Block IJ – Elevations – Drawing RC05.04	PCA Architects	C	19.04.22
L	S1			Melia Development Limited	Block K – Elevations – Drawing RC05.05	PCA Architects	B	05.04.22
L	S1			Melia Development Limited	Block K – Elevations 2 – Drawing RC05.05a	PCA Architects	A	05.04.22

L	S1			Melia Development Limited	Block OP – Elevations – Drawing RC05.06	PCA Architects	A	8.10.21
L	S1		S3	Melia Development Limited	Block LMR – Elevations – Drawing RC05.07	PCA Architects	B	05.04.22
L	S1			Melia Development Limited	Block N – Elevations – Drawing RC05.08	PCA Architects	A	8.10.21
L			S3	Melia Development Limited	Block QS – Elevations – RC05.09	PCA Architects	A	8.10.21
L			S3	Melia Development Limited	Block T – Elevations – RC05.10	PCA Architects	A	8.10.21
L			S3	Melia Development Limited	Block U – Elevations – Drawing RC05.11	PCA Architects	A	8.10.21
L		S2	S3	Melia Development Limited	Area Plans – Blocks A, B, C, D, E, F, G, H, I, J – Drawing RC06.00	PCA Architects	A	8.10.21
L	S1			Melia Development Limited	Area Plans – Blocks K, O, P – Drawing RC06.01	PCA Architects	B	05.04.22
L	S1		S3	Melia Development Limited	Area Plans – Blocks L, M, N, Q, R, S – Drawing RC06.02	PCA Architects	A	8.10.21
L			S3	Melia Development Limited	Area Plans – Blocks T, U – Drawing RC06.03	PCA Architects	A	8.10.21
L	S1	S2	S3	Melia Development Limited	Proposed Scheme Solar Shading Study – Spring Equinox – Drawing RC07.00	PCA Architects	A	8.10.21
L	S1	S2	S3	Melia Development Limited	Proposed Scheme Solar Shading Study – Spring Equinox – RC07.01	PCA Architects	A	8.10.21

## Landscape Plans

Consent				Report Title	Title and Reference	Author	Rev	Dated
L	S1	S2	S3	Landscape Design Package 20 Melia Place, Stanmore Bay	Master Landscape Concept - Drawing L105	SOLA	Rev 8	11.02.22
L		S2		Landscape Design Package 20 Melia Place, Stanmore Bay	Landscape Concept Sector 1 - Drawing L106	SOLA	Rev 8	April 2022
L	S1		S3	Landscape Design Package 20 Melia Place, Stanmore Bay	Landscape Concept Sector 2A - Drawing L107	SOLA	Rev 8	11.02.22
L	S1		S3	Landscape Design Package 20 Melia Place, Stanmore Bay	Landscape Concept Sector 2B - Drawing L108	SOLA	Rev 8	11.02.22
L		S2		Landscape Design Package 20 Melia Place, Stanmore Bay	Planting Plan Sector 1 - Drawing L109	SOLA	Rev 8	April 2022
L	S1		S3	Landscape Design Package 20 Melia Place, Stanmore Bay	Planting Plan Sector 2A/2B - Drawing L110	SOLA	Rev 8	11.02.22
L	S1	S2	S3	Landscape Design Package 20 Melia Place, Stanmore Bay	Native enhancement planting plan - Drawing L111	SOLA	Rev 8	11.02.22
L	S1	S2	S3	Landscape Design Package 20 Melia Place, Stanmore Bay	Planting strategy - Drawing L112	SOLA	Rev 8	11.02.22
L	S1	S2	S3	Landscape Design Package 20 Melia Place, Stanmore Bay	Fencing and Retaining Wall Location Plan - Drawing L113	SOLA	Rev 8	11.02.22

## **CONDITIONS: SUBDIVISION CONSENT SUB-A (STAGE 1)**

Under cl.35(3) Schedule 6 of the FTA and ss.108, 108AA and 220 of the RMA, this consent is subject to the following conditions:

### **Definitions**

"Applicant" means Melia Development limited and its successors, as the party which has applied for and has been granted this consent;

"CAR" means Corridor Access Request;

"COAL" means Commonly Owned Access lot;

"Communal Lot" means a lot held by the Incorporated Society for shared use, and includes a COAL;

"Consent Holder" means the Applicant and its successors in title to land comprising the Site (such successors including, by way of example, the individual owners of residential, commercial and communal lots) from time to time, to whom this consent will apply on an ongoing basis;

"Council" means the Auckland Council;

"EPA" means Council Engineering Plan Approval;

"FTA" means the Covid-19 Recovery (Fast-track Consenting) Act 2020;

"Incorporated Society" means the incorporated society described in Condition 13 of this consent;

"Infrastructure Report" includes any updates to that report in accordance with the conditions of this consent and approved by the Council;

"ITA" means the Integrated Transportation Assessment;

"LINZ" means Land Information New Zealand";

"Monitoring Team Leader" means the Council's senior monitoring officer for the relevant area; or other person nominated by the Council;

"MMP" means Maintenance Management Plan;

In addition, when the term "in perpetuity" is used in relation to obligations of the Incorporated Society, it is recognised that these obligations may vest in owners pursuant to Condition 42.

### **GENERAL CONDITIONS**

1. The proposed subdivision consisting of
  - (a) Up to 22 residential lots with 37 allocated car park each within the JOAL (such car parks being individual allotments subject to an amalgamation condition with residential lots) (lots 21-34);
  - (b) 1 jointly owned access lot (JOAL) to be held by the Incorporated Society, comprising accessways, community facilities and reserve area (Lot 100);
  - (c) 2 "super lots" being:
    - (i) Lot 1000 for Stage 2; and

- (ii) Lots 1001 and 1002 for Stage 3;

must be carried out in general accordance with the plans and all information submitted with the application, as detailed in **Schedule A** to these conditions.

In the event of any conflict between the documents listed in Schedule A and the conditions of this consent, the consent conditions will prevail.

Advice note:

- (a) *This consent has been granted on the basis of all the documents and information provided by the Applicant, demonstrating that new lot(s) can be appropriately serviced (infrastructure and access).*
- (b) *Details and specifications for the provision of infrastructure (e.g., public/private drainage, location, and types of connections) and access (including drainage of accessways, construction standards etc) are subject to a separate EPA and/or Building Consent approval process.*
- (c) *Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g., detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision consent )under s.127 of the RMA) or a new consent.*
- (d) *Similarly, should the detailed design stage demonstrate that additional reasons for consent are triggered (e.g., after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
- (e) *It is the responsibility of the Applicant to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this consent.*

**Monitoring**

2. The Applicant must pay the Council and initial consent compliance monitoring charge of \$1,020.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

**Commencement date**

3. This consent shall commence in accordance with cl.37(9) of Schedule 6 of the FTA.

**Lapse date**

4. Under cls.37(7) and (8) of Schedule 6 of the FTA, this consent will lapse in two years from the date of commencement unless:
- (a) The consent is given effect to; or
- (b) The Council extends the period after which the consent lapses under s.125(2) of the RMA.

## **SURVEY PLAN (S.223) APPROVAL**

### **Survey Plan Approval**

5. The Applicant must submit a survey plan in accordance with the approved resource consent subdivision plan(s) Ref CIVIX 20 Melia Place, Stanmore Bay, Dwgs 1060 – 1066 dated 14/10/2021. The survey plan must show all lots to vest or dedicate to the Council, all easements, any amalgamation conditions, and any areas subject to covenants necessary for this subdivision consent including:
  - (a) That Lot 100 is to be held as a JOAL in 22 undivided 1/59 shares by the owners of lots 21-42, 16 undivided 1/59 shares by the owners of lot 1000, 21 undivided 1/59 shares by the owners of 1001 & 1002 with easements in favour of individual lots to protect their access, services and other relevant rights;
  - (b) Whether any service provider is to own assets within the JOAL and identify any necessary easements in favour of the service provider to ensure that services have the necessary legal authority (services include water supply, wastewater, stormwater, power, telecommunications and computer media and gas);
  - (c) Whether dwelling owners are to own assets within the Joint Lots (including drains and private car parks within the JOAL) and identify any necessary easement in favour of those owners;

### **Memorandum of Easements**

6. The right(s) of way and easements denoted on CIVIX 20 Melia Place, Stanmore Bay, "Table of Easements" Plan Reference 1090 dated 14 October 2021 and any additional easements that are required by the conditions of this consent must be included in a memorandum of easements endorsed on the survey plan and must be created, granted, or reserved as necessary. The Applicant must meet the costs for the preparation, review and registration of the easement instruments on the relevant computer registers (Records of Title). Such easements must include:
  - (a) Drainage and water supply easements for private services that pass through adjacent lots to protect existing or proposed private drains and water supply mains;
  - (b) Drainage easements as required by the SMP (obligation to collect and retain stormwater that has drained from another dwellings roof area);
  - (c) Underground Services for electricity, telecommunications, computer media, gas (if applicable) easements for public or private services that pass through adjacent lots;
  - (d) Right-of-way and services easements (including easements over the JOAL);
  - (e) Party wall support easements; and
  - (f) Easements in gross in favour of the Council for the purpose of accommodating stormwater overland flow paths over the JOAL, residential, and parking lots, as shown in the Infrastructure Report by Civix, dated 21/10/2021.

### **Amalgamation conditions**

7. Parking lots 101-110, 121 & 125-137 will be held in their own individual record of title. Consent notices will be registered against these titles to bind them to other lots within the development with the final allocation being based on sales and purchase agreements.
8. That the jointly owned access lot (lot 100) be held in 22 undivided 1/59 shares by the owners of lots 21-42, 16 undivided 1/59 shares by the owners of lot 1000, 21 undivided 1/59 shares by the owners of 1001 & 1002 hereon and that individual records of title be issued in accordance therewith.

## **ENGINEERING PLAN APPROVALS**

### **Engineering Plan Approvals – stormwater and build overs**

9. The Applicant must include engineering design plans and supporting calculations at EPA stage confirming that:
  - (a) Peak flow attenuation for the 1% and 10% AEP storm event(s) to predevelopment levels will be achieved; and
  - (b) Hydrological mitigation in accordance with the Infrastructure Report dated 21/10/2021 for all impervious areas

## **S.224(C) CERTIFICATION**

10. The application for a certificate under s.224(c) of the RMA must be accompanied by certification from a suitably qualified person that the conditions of this subdivision consent have been complied with, and any conditions which have not been complied with are subject to the following:
  - (a) A consent notice to be issued in relation to any conditions of this consent to which s.221 applies; and
  - (b) A completion certificate has been issued in relation to any conditions to which s.222 applies.

### **Creation of the Incorporated Society**

11. Prior to the issue of a s.224(c) certificate, the Applicant must establish a resident's incorporated society (Incorporated Society) to manage, and maintain the JOAL and all associated communal infrastructure, including the upkeep or replacement of pavement surfaces and markings and associated signage of all carparks within the JOAL (provided that the Applicant must carry out the initial marking of car parks) and:
  - (a) Owners must become members of the Incorporated Society, and transfer membership when they sell, with a covenant or similar mechanism on individual titles to record these obligations.
  - (b) The Incorporated Society will be responsible for the maintenance of infrastructure, asset management plans, and similar matters, provided that the Applicant must procure asset management plans at the cost of the Applicant, as per Condition 35 below.
  - (c) The Applicant must ensure sufficient base funding for the Incorporated Society through an initial payment and/or levy on purchasers to ensure the Incorporated Society can meet its obligations under this condition for a minimum period of 12 months from the issue of a s.224(c) certificate.

- (d) If the Incorporated Society fails to comply with its obligations and/or becomes insolvent, then Council may enforce these obligations against owners at the direct cost of the owners.
- (e) If the Incorporated Society becomes insolvent and/or unable to manage its assets and/or assets/obligations are disclaimed, then these will divest to owners (as tenants in common in shares), with owners then directly responsible for maintenance responsibilities.
- (f) The rules of the Incorporated Society must require asset management plans to be adopted and implemented stating how its assets will be managed (including the operation, maintenance, repair, renewal as well as short and long-term funding of such activities and the engagement of contractors to undertake such work as is appropriate).
- (g) Such asset management plans must be prepared by and at the cost of the Applicant, and must address the following assets:
  - (i) Footpath and landscaped areas (including planting and weed management);
  - (ii) A requirement for maintenance and retention of large specimen trees and rear yard treatments;
  - (iii) The JOAL (including maintenance and repair of privately owned carpark and communal waste enclosures);
  - (iv) Lighting and signage;
  - (v) Recreational areas, infrastructure, bike rack buildings, including the allocation of bike parks;
  - (vi) Stormwater infrastructure;
  - (vii) Waste management; and
  - (viii) Any other infrastructure or assets which the Incorporated Society will own or manage pursuant to this consent.
- (h) Keep all assets, infrastructure and facilities it owns and is responsible for in good working order.
- (i) The Incorporated Society in its Constitution must include a clause imposing an annual levy on members of the Incorporated Society, the sum of which is to be determined by the Society annually, to fund ongoing maintenance of the JOAL and all communal infrastructure.

Advice notes:

- (i) *The requirement in Condition 13(f) and (g) may be bonded pursuant to s.222 of the RMA, provided that such management plans are provided within twelve (12) months of the s.224(c) certificate being issued. Management plans may be staged so as to only address the infrastructure currently held by or to be held following the relevant stage of the development.*
- (ii) *Structures for recreational and/or communal use such as play equipment and bike storage facilities may also require building consent and other certification for their construction and safety.*

**Protection of assets**

12. Unless specifically provided for by this consent approval, there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves, or other public asset as a result of the earthworks and construction activity. In the event that such damage does occur, the Council's Monitoring Team Leader must be notified within twenty-four (24) hours of its discovery. The costs of rectifying damage and restoring the asset to its original condition must be met by the Consent Holder.

#### **Vehicle accessways, parking and JOAL**

13. Prior to the issue of a certificate under s.224(c), the Applicant must design and construct the vehicle accessway and JOAL in accordance with the relevant approved reports and plans referenced in Condition 1 and in accordance with the Council's Code of Practice for City Infrastructure and Land Development.
14. The design must provide for stormwater catchpits and/or slot drains within the boundaries of the laneways (or elsewhere within the site, if appropriate). Where necessary the provision of kerbing or similar devices/barriers to prevent water flowing on to other properties must be provided.
15. The Applicant must lodge an application for an Engineering Right of Way application for the construction of the accessways with the Council. This may be included in the EPA application required for the installation of public assets, such as stormwater, wastewater and public roads. Certification from a suitably qualified person that the works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

#### Advice notes:

- (a) *Right of ways, the JOAL and common access ways require a Common Access Way Plan Approval prior to construction.*
- (b) *Please contact the Council to obtain the current engineering requirements for the construction of the type of vehicle accessway provided.*

#### **New vehicle crossing**

16. The Applicant must construct the new vehicle crossing in accordance with the Auckland Transport Code of Practice 2013. The crossings must maintain an at-grade (level) pedestrian footpath across the length of the crossing, using the same materials, kerbing, paving, patterns and finish as the existing footpath on each side of the crossing. This must be undertaken at the Consent Holder's expense and to the satisfaction of the Council.
17. Prior to the issue of a s.224(c) certificate, all redundant vehicles crossings must be removed and reinstated as kerbing and footpath to the requirements of the TDM, including a regrade of the footpath across the vehicle crossing to 2% cross-fall. This must be undertaken at the Applicant's expense and to the satisfaction of the Council.
18. Certification from a suitably qualified person that the works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

#### Advice notes:

- (a) *An approval letter and completion certificate from Auckland Transport is required to be submitted to the Council as a verification that Auckland Transport has completed approval and a final vehicle crossing inspection before this condition is considered fulfilled.*

- (b) *Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.*
  - (c) *A vehicle crossing approval permit is required to be obtained from Auckland Transport for these works.*
19. Prior to the issue of a certificate under s.224(c), the Applicant must provide and install road name signage in accordance with Council standards for private laneways and must consult with Ngāti Manuhiri, Te Kawerau ā Maki and Ngaati Whanaunga in preparing such names. The names must be approved by Council.

*Advice notes:*

- (a) *LINZ requires that private roads within common access lots or lot accesses comprising panhandle access strips and/or reciprocal rights of way easements that serve 6 or more lots are to be named. LINZ has indicated that a name for the road or private road should be in place before the survey plan of subdivision is approved by the Council under s.223 of the RMA and advises that if no name is in place, this could be problematic when titles are later requested.*
- (b) *The Applicant should obtain evidence of acceptance from LINZ that the proposed names are not duplicated within the Council area before submitting the names to the Council for reporting to the relevant Local Board for approval. In giving its approval, the Local Board will have regard to the relevance of the road names to the locality or determine that the names are otherwise appropriate.*

**Bicycle parking areas**

20. Prior to the issue of a certificate under s.224(c), the Applicant must construct and fit out the communal bicycle storage facility to service Stage 1, in general accordance with the plans entitled RC02.02 – RC02.06 prepared by Paterson Cullen Archaus dated 7 October 2021.

**Wastewater**

21. The Applicant must install wastewater reticulation (including required local network upgrades) in accordance with the Infrastructure Report and in accordance with Watercare Service Limited standards (refer Water and Wastewater Code of Practice for Land Development and Subdivision).
22. Certification that public wastewater works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

*Advice notes:*

- (a) *Acceptable forms of evidence include Code of Compliance Certificates.*
- (b) *Construction of private water systems require Building Consent.*
- (c) *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*

**Water**

23. The Applicant must install a water supply main (including local network upgrades), service pipes and bulk water meter to serve the development in accordance with the Infrastructure Report. The design of these assets is recommended to be in accordance with Water and Wastewater Code of Practice for Land Development and Subdivision – Chapter 6.

24. Certification that public water works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

Advice notes:

- (a) *Acceptable forms of evidence include Code of Compliance Certificates.*
- (b) *Construction of private water systems requires Building Consent.*

**Stormwater**

25. The Applicant must install a public stormwater system in accordance with the Infrastructure Report and in accordance with the Auckland Council Code of Practice for Land Development and Subdivision.
26. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.
27. The Applicant must design, install, and maintain private on-site stormwater management devices in accordance with the relevant infrastructure plans referenced in Condition 1.

**Electricity supply**

28. Prior to the issue of a certificate under s.224(c) of the RMA the Applicant must install a reticulated underground electricity supply system to service all the lots created by this subdivision and ensure sufficient capacity to service the full extent of development enabled by the associated Land Use Consent.
29. The system must be installed in accordance with the requirements of the Auckland Code of Practice for Land Development and Subdivision and the relevant network utility operator. The Applicant must provide confirmation from the network utility operator that the system has been installed in accordance with their requirements.

**Telecommunications services**

30. Prior to the issue of a certificate under s.224(c) of the RMA the Applicant must install a reticulated underground telecommunications system to service the residential lots created by this subdivision and ensure sufficient capacity to service the full extent of development enabled by the associated Land Use Consent.
31. The system must be installed in accordance with the requirements of the Auckland Code of Practice for Land Development and Subdivision and the relevant network utility operator. The Applicant must provide confirmation from the network utility operator that the system has been installed in accordance with their requirements.

**Surveyor's certificates**

32. The Applicant must provide to the Council "as built" plans prepared by a Licensed Cadastral Surveyor at the time of the application for s.224(c) certification identifying the location of and certifying that all necessary services and accessways and driveways have been located in accordance with the positions on registered easements, or within legal boundaries, to the satisfaction of the Monitoring Team Leader. Where necessary, to ensure that private services are located within an easement (for example services within a narrow easement crossing another residential lot) such certification must also be provided for private services.

### **Consent Notices**

33. The Applicant must cause to be registered against the Record of Titles for all residential lots and the JOAL a Consent Notice pursuant to s.221 of the RMA,

recording that the following condition(s) are to be complied with on a continuing basis:

- (a) *"The Consent Holder (including residential lot owners from time to time) must maintain suitable stormwater attenuation for impermeable surfaces in accordance with the EPA plans, and must not do anything to compromise the stormwater management system for the development.*
- (b) *Residential lot owners must be and continue to be a member of the Incorporated Society for the duration of the ownership of their Lot (and transfer their membership of the Incorporated Society when they sell their lot). Residential lot owners must comply with the rules of the Incorporated Society."*

#### **Earthworks – contaminated land**

34. At the time of application for a certificate under s.224(c) of the RMA, pursuant to Regulation 10(3) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, the Applicant must provide a SVR from a suitably qualified person confirming that the site has been remediated in accordance with the requirements of LUC60386828 or any subsequent variations issued to that consent. The SVR must
- (a) Have been prepared by a suitably qualified person; and
  - (b) Include a statement that the conclusions in the report are certified by that suitably qualified person; and
  - (c) Be prepared and reported on in accordance with the relevant current edition of any guidelines prepared by the Ministry for the Environment relating to Contaminated Land Management.

#### **Geotechnical Completion report**

35. At the time of application for a certificate under s.224(c) of the RMA, the Applicant must provide a copy of the geotechnical completion report required by Condition 24 of LUC60386828 or any subsequent variations issued to that consent and which denotes any ongoing restrictions and recommendations for the development of the lots.

#### **Incorporated Society maintenance and repair obligations**

36. The Applicant must cause to have registered against the Record of Titles for all residential lots and the JOAL, a Consent Notice pursuant to s.221 of the RMA, recording the following condition to be complied with on an ongoing basis:

*"That the Incorporated Society must maintain management plans stating how its assets and obligations will be managed (including the operation, maintenance, repair, renewal as well as short and long-term funding of such activities and the engagement of contractors to undertake such work as is appropriate). The management plans must address the following assets and obligations, which the Incorporated Society must keep in good working order and clean and tidy as the case may be:*

- (a) *Footpaths and landscaped areas (including planting and weed management);*

- (b) *The JOAL (including maintenance and repair of privately owned carparks (including pavement, marking and signage) and communal waste enclosures);*
- (c) *Lighting;*
- (d) *Recreational areas, infrastructure, communal facilities and bike racks;*
- (e) *Stormwater infrastructure;*
- (f) *Waste management; and*
- (g) *Any other infrastructure or assets which the Incorporated Society is to own or manage pursuant to this consent (such as carparks) and consents SUB-B and SUB-C.*

### **Incorporated Society ongoing obligations**

37. The Applicant must cause to have registered against the Record of Titles for all residential lots, a Consent Notice pursuant to s.221 of the RMA, recording the following conditions to be complied with an ongoing basis:
- (a) *"That the Incorporated Society must not dispose of any assets unless it is doing so for the purpose of replacing them (e.g., they have reached the end of their useful life).*
  - (b) *In the event that the Incorporated Society is wound up, all assets and obligations owned by/vested in the Incorporated Society shall vest in the owners as tenants in common in shares equal to the Members/Owners proportion as at the date of winding up and may be enforced by the Council against individual owners."*

### **Staged development of lots**

38. The Applicant must cause to have registered against the Record of Titles for each of Lots 1000 – 1002 a Consent Notice pursuant to s.221 of the RMA, recording the following conditions to be complied with on an ongoing basis:
- (a) *"Development of these lots has been approved by virtue of the associated Land Use Consent. Subsequent development of these Lots must be in accordance with the conditions of this landuse consent unless the consent is varied or this Consent Notice is varied or cancelled.*
  - (b) *This consent notice shall expire upon the relevant subdivision consent Reference SUB-B and SUB-C being implemented and titles issued for the relevant Lots (Lots 1000 – 1002). The owner at the time may make an application to the Registrar-General of Land, pursuant to s.221(5) of the RMA to make an entry in the register and on any relevant instrument of title noting that the consent notice has expired, without having to vary or cancel the consent notice under s.127 of the RMA.*

### **Consent Notice Instrument**

39. The Consent Notice instruments will be prepared by Auckland Council's solicitors at the cost of the Applicant and will contain the terms and conditions the solicitors usually include in such documents. The Applicant's solicitor must contact the Council's Monitoring Team Leader to request the Consent Notice instruments to be prepared and registered. The following documentation must accompany the request:

- (a) A copy of the relevant consent condition; and
- (b) A copy of the current Record(s) of Title.

## **CONDITIONS: SUBDIVISION CONSENT SUB-B (STAGE 2)**

### **GENERAL CONDITIONS**

40. The proposed subdivision of Lot 1000 consisting of up to 16 residential lots with 1 allocated carpark each within the JOAL (such car parks being individual allotments subject to an amalgamation condition with residential lots) must be carried out in general accordance with the plans and all information submitted with the application, as detailed in Schedule A to these conditions.

In the event of any conflict between the documents listed in Schedule A and the conditions of this consent, the consent conditions will prevail.

#### Advice notes:

- (a) *This consent has been granted on the basis of all of the documents and information provided by the Applicant, demonstrating that new lot(s) can be appropriately serviced (infrastructure and access).*
- (b) *Details and specifications for the provision of infrastructure (e.g., public/private drainage, location and types of connections) and access (including drainage of accessways, construction standards etc) are subject to a separate EPA and/or Building Consent approval process.*
- (c) *Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g., detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision under s.127 of the RMA) or a new consent.*
- (d) *Similarly, should the detailed design stage demonstrate that additional reasons for consent are triggered (e.g., after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
- (e) *It is the responsibility of the Applicant to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this resource consent.*

### **Monitoring**

41. The Applicant must pay the Council and initial consent compliance monitoring charge of \$1,020.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

### **Commencement date**

42. This consent shall commence in accordance with clause 37(9) of Schedule 6 of the FTA.

### **Lapse date**

43. Under cls.37(7) and (8) of Schedule 6 of the FTA, this consent will lapse two years from the date of commencement unless:
- (a) The consent is given effect to; or
  - (b) The Council extends the period after which the consent lapses under s.125(2) of the RMA 1991.

### **SURVEY PLAN (S.223) APPROVAL**

#### **Survey Plan Approval**

44. The Applicant must submit a survey plan in accordance with the approved resource consent subdivision plan(s) Ref CIVIX 20 Melia Place, Stanmore Bay, Dwg 1070-1074 dated 14/10/2021. The survey plan must show all lots to vest or dedicate to Council, all easements, any amalgamation conditions, and any areas subject to covenants necessary for this subdivision consent.

#### **Memorandum of Easements**

45. The easements denoted on Ref CIVIX 20 Melia Place, Stanmore Bay "Table of Easements – Stage 2" Plan Reference 1091 dated 14/10/2021 and any additional easements that are required by the conditions of this consent must be included in a memorandum of easements endorsed on the survey plan and must be created, granted, or reserved as necessary. The Applicant must meet the costs for the preparation, review and registration of the easement instruments on the relevant computer registers (records of title). Such easements must include:
- (a) Party wall support easements.

#### **Amalgamation conditions**

46. The survey plan must identify each car park lot to be amalgamated with the respective residential unit. Each residential unit that does not already provide parking within its lot must be allocated at least one car park. Each car park allocated must not, without the consent of the Council, be transferred, leased, or otherwise disposed of.
47. The survey plan must identify that the JOAL is to be held 16 1/59th undivided shares by the owners of lots 1-16, and that individual records of title be issued accordingly.

### **ENGINEERING PLAN APPROVALS**

#### **Engineering Plan Approval – stormwater**

48. At EPA stage, the Applicant must include engineering design plans and supporting calculations confirming that:
- (a) Peak flow attenuation for the 1% and the 10% AEP storm event(s) to predevelopment levels will be achieved; and
  - (b) Provide hydrology mitigation in accordance with the AUP for all impervious areas as per the Infrastructure Report, dated 21/10/2021

### **S.224(C) CERTIFICATION**

49. The application for a certificate under s.224(c) of the RMA must be accompanied by certification from a suitably qualified person that the conditions of this subdivision consent have been complied with, and any conditions which have not been complied with are subject to the following:
- (a) A consent notice to be issued in relation to any conditions of this consent to which s.221 applies; and
  - (b) A completion certificate has been issued in relation to any conditions to which s.222 applies.

#### **Protection of assets**

50. Unless specifically provided for by this consent approval, there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks and construction activity. In the event that such damage does occur, the Council's Monitoring Team Leader will be notified within twenty-four (24) hours of its discovery. The costs of rectifying damage and restoring the asset to its original condition must be met by the Consent Holder

#### **Wastewater**

51. The Applicant must install wastewater reticulation (including required local network upgrades) in accordance with the Infrastructure Report and in accordance with Watercare Service Limited standards (refer Water and Wastewater Code of Practice for Land Development and Subdivision).
52. Certification that public wastewater works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

#### Advice notes:

- (a) *Acceptable forms of evidence include Code of Compliance Certificates.*
- (b) *Construction of private water systems require Building Consent.*
- (c) *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*

#### **Water**

53. The Applicant must install a water supply main (including local network upgrades), service pipes and bulk water meter to serve the development in accordance with the Infrastructure Report. The design of these assets is recommended to be in accordance with Water and Wastewater Code of Practice for Land Development and Subdivision – Chapter 6.
54. Certification that public water works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

#### Advice notes:

- (a) *Acceptable forms of evidence include Code of Compliance Certificates.*
- (b) *Construction of private water systems requires Building Consent.*

#### **Stormwater**

55. The Applicant must install a public stormwater system in accordance with the Infrastructure Report and in accordance with the Auckland Council Code of Practice for Land Development and Subdivision.
56. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.
57. The Applicant must design, install, and maintain private on-site stormwater management devices in accordance with the relevant infrastructure plans referenced in Condition 1.

#### **Electricity supply**

58. Prior to the issue of a certificate under s.224(c) of the RMA the Applicant must install a reticulated underground electricity supply system to service all the lots created by this subdivision and ensure sufficient capacity to service the full extent of development enabled by the associated Land Use Consent.
59. The system must be installed in accordance with the requirements of the Auckland Code of Practice for Land Development and Subdivision and the relevant network utility operator. The Applicant must provide confirmation from the network utility operator that the system has been installed in accordance with their requirements.

#### **Telecommunications services**

60. Prior to the issue of a certificate under s.224(c) of the RMA the Applicant must install a reticulated underground telecommunications system to service the residential lots created by this subdivision and ensure sufficient capacity to service the full extent of development enabled by the associated Land Use Consent.
61. The system must be installed in accordance with the requirements of the Auckland Code of Practice for Land Development and Subdivision and the relevant network utility operator. The Applicant must provide confirmation from the network utility operator that the system has been installed in accordance with their requirements.

#### **Consent Notices**

62. The Applicant must cause to be registered against the Record of Titles for all residential lots and the JOAL a Consent Notice pursuant to s.221 of the RMA, recording that the following condition(s) are to be complied with on a continuing basis:
  - (a) *"The Consent Holder (including residential lot owners from time to time) must maintain suitable stormwater attenuation for impermeable surfaces in accordance with the EPA plans, and must not do anything to compromise the stormwater management system for the development.*
  - (b) *Residential lot owners must be and continue to be a member of the Incorporated Society for the duration of the ownership of their Lot (and transfer their membership of the Incorporated Society when they sell their lot). Residential lot owners must comply with the rules of the Incorporated Society."*

#### **Consent Notice Instrument**

63. The Consent Notice instruments will be prepared by Auckland Council's solicitors at the cost of the Applicant and will contain the terms and conditions the

solicitors usually include in such documents. The Applicant's solicitor must contact the Council's Monitoring Team Leader to request the Consent Notice instruments to be prepared and registered. The following documentation must accompany the request:

- (a) A copy of the relevant consent condition; and
- (b) A copy of the current Record(s) of Title.

## **CONDITIONS: SUBDIVISION CONSENT SUB-C (STAGE 3)**

### **GENERAL CONDITIONS**

1. The proposed subdivision of Lots 1001 and 1002 consisting of up to 21 residential lots with 1 allocated carpark each within the JOAL (such car parks being individual allotments subject to an amalgamation condition with residential lots) must be carried out in general accordance with the plans and all information submitted with the application, as detailed in Schedule A to these conditions.

In the event of any conflict between the documents listed in Schedule A and the conditions of this consent, the consent conditions will prevail.

#### Advice notes:

- (a) *This consent has been granted on the basis of all of the documents and information provided by the Applicant, demonstrating that new lot(s) can be appropriately serviced (infrastructure and access).*
- (b) *Details and specifications for the provision of infrastructure (e.g., public/private drainage, location and types of connections) and access (including drainage of accessways, construction standards etc) are subject to a separate EPA and/or Building Consent approval process.*
- (c) *Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g., detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision under s.127 of the RMA) or a new consent.*
- (d) *Similarly, should the detailed design stage demonstrate that additional reasons for consent are triggered (e.g., after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
- (e) *It is the responsibility of the Applicant to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this resource consent.*

#### **Monitoring**

2. The Applicant must pay the Council and initial consent compliance monitoring charge of \$1,020.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

#### **Commencement date**

3. This consent shall commence in accordance with clause 37(9) of Schedule 6 of the FTA.

#### **Lapse date**

4. Under cls.37(7) and (8) of Schedule 6 of the FTA, this consent will lapse two years from the date of commencement unless:

- (a) The consent is given effect to; or
- (b) The Council extends the period after which the consent lapses under s.125(2) of the RMA 1991.

## **SURVEY PLAN (S.223) APPROVAL**

### **Survey Plan Approval**

- 5. The Applicant must submit a survey plan in accordance with the approved resource consent subdivision plan(s) Ref CIVIX 20 Melia Place, Stanmore Bay Dwg's 1080 – 1083 dated 14/10/2021. The survey plan must show all lots to vest or dedicate to Council, all easements, any amalgamation conditions, and any areas subject to covenants necessary for this subdivision consent.

### **Memorandum of Easements**

- 6. The easements denoted on CIVIX 20 Melia Place, Stanmore Bay "Table of Easements – Stage 3" Plan Reference 1092 dated 14/10/2021 and any additional easements that are required by the conditions of this consent must be included in a memorandum of easements endorsed on the survey plan and must be created, granted, or reserved as necessary. The Applicant must meet the costs for the preparation, review and registration of the easement instruments on the relevant computer registers (records of title). Such easements must include:
  - (a) Party wall support easements.

### **Amalgamation conditions**

- 7. The survey plan must identify each car park lot to be amalgamated with the respective residential unit. Each residential unit that does not already provide parking within its lot must be allocated at least one car park. Each car park allocated must not, without the consent of the Council, be transferred, leased, or otherwise disposed of.
- 8. The survey plan must identify that the JOAL is to be held 21 1/59 undivided shares by the owners of 17-20 & 43-59 hereon and that individual records of title be issued accordingly.

## **ENGINEERING PLAN APPROVALS**

### **Engineering Plan Approval – stormwater and buildovers**

- 9. At EPA stage, the Applicant must include engineering design plans and supporting calculations confirming that:
  - (a) Peak flow attenuation for the 1% and the 10% AEP storm event(s) to predevelopment levels will be achieved; and
  - (b) Provide hydrology mitigation in accordance with the AUP for all impervious areas

### **S.224(C) CERTIFICATION**

- 10. The application for a certificate under s.224(c) of the RMA must be accompanied by certification from a suitably qualified person that the conditions of this subdivision consent have been complied with, and any conditions which have not been complied with are subject to the following:

- (a) A consent notice to be issued in relation to any conditions of this consent to which s.221 applies; and
- (b) A completion certificate has been issued in relation to any conditions to which s.222 applies.

### **Protection of assets**

- 11. Unless specifically provided for by this consent approval, there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks and construction activity. In the event that such damage does occur, the Council's Monitoring Team Leader will be notified within twenty-four (24) hours of its discovery. The costs of rectifying damage and restoring the asset to its original condition must be met by the Consent Holder

### **Wastewater**

- 12. The Applicant must install wastewater reticulation (including required local network upgrades) in accordance with the Infrastructure Report and in accordance with Watercare Service Limited standards (refer Water and Wastewater Code of Practice for Land Development and Subdivision).
- 13. Certification that public wastewater works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

#### Advice notes:

- (a) *Acceptable forms of evidence include Code of Compliance Certificates.*
- (b) *Construction of private water systems require Building Consent.*
- (c) *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*

### **Water**

- 14. The Applicant must install a water supply main (including local network upgrades), service pipes and bulk water meter to serve the development in accordance with the Infrastructure Report. The design of these assets is recommended to be in accordance with Water and Wastewater Code of Practice for Land Development and Subdivision – Chapter 6.
- 15. Certification that public water works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

#### Advice notes:

- (a) *Acceptable forms of evidence include Code of Compliance Certificates.*
- (b) *Construction of private water systems requires Building Consent.*

### **Stormwater**

- 16. The Applicant must install a public stormwater system in accordance with the Infrastructure Report and in accordance with the Auckland Council Code of Practice for Land Development and Subdivision.
- 17. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

18. The Applicant must design, install, and maintain private on-site stormwater management devices in accordance with the relevant infrastructure plans referenced in Condition 1.

#### **Electricity supply**

19. Prior to the issue of a certificate under s.224(c) of the RMA the Applicant must install a reticulated underground electricity supply system to service all the lots created by this subdivision and ensure sufficient capacity to service the full extent of development enabled by the associated Land Use Consent.
20. The system must be installed in accordance with the requirements of the Auckland Code of Practice for Land Development and Subdivision and the relevant network utility operator. The Applicant must provide confirmation from the network utility operator that the system has been installed in accordance with their requirements.

#### **Telecommunications services**

21. Prior to the issue of a certificate under s.224(c) of the RMA the Applicant must install a reticulated underground telecommunications system to service the residential lots created by this subdivision and ensure sufficient capacity to service the full extent of development enabled by the associated Land Use Consent.
22. The system must be installed in accordance with the requirements of the Auckland Code of Practice for Land Development and Subdivision and the relevant network utility operator. The Applicant must provide confirmation from the network utility operator that the system has been installed in accordance with their requirements.

#### **Consent Notices**

23. The Applicant must cause to be registered against the Record of Titles for all residential lots and the JOAL a Consent Notice pursuant to s.221 of the RMA, recording that the following condition(s) are to be complied with on a continuing basis:
  - (a) *"The Consent Holder (including residential lot owners from time to time) must maintain suitable stormwater attenuation for impermeable surfaces in accordance with the EPA plans, and must not do anything to compromise the stormwater management system for the development.*
  - (b) *Residential lot owners must be and continue to be a member of the Incorporated Society for the duration of the ownership of their Lot (and transfer their membership of the Incorporated Society when they sell their lot). Residential lot owners must comply with the rules of the Incorporated Society."*

#### **Consent Notice Instrument**

24. The Consent Notice instruments will be prepared by Auckland Council's solicitors at the cost of the Applicant and will contain the terms and conditions the solicitors usually include in such documents. The Applicant's solicitor must contact the Council's Monitoring Team Leader to request the Consent Notice instruments to be prepared and registered. The following documentation must accompany the request:
  - (a) A copy of the relevant consent condition; and
  - (b) A copy of the current Record(s) of Title.