

## **CONDITIONS: SUBDIVISION CONSENT SUB-D (STAGE 4)**

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**

“AEP” means Annual Exceedance Probability;

“Applicant” means CPM 2019 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, to be owned by the Incorporated Society and each having an easement allowing access and use in favour of each owner using that COAL;

“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 and commercial lots and Communal Lots) from time to time, to whom this consent will apply on an ongoing basis;

“Council” means the Auckland Council and for the purpose of compliance with the conditions of consent means the Council’s monitoring officer unless otherwise specified.

“EPA” means Council Engineering Plan Approval;

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

“Incorporated Society” means the incorporated society established pursuant to Condition 11 of this consent;

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

“LINZ” means Land Information New Zealand;

“MMP” means Maintenance Management Plan;

“RMA” means the Resource Management Act 1991;

“Site” means the land subject to the subdivision described in this consent;

“SOMP” means Stormwater Operation and Maintenance Plan; and

“SVR” means Site Validation Report.

Advice Notes:

- (a) *The purpose of the distinction between “Applicant” and “Consent Holder” is to ensure that the responsibility for the construction of the development lies with the developer and not the Incorporated Society. The definitions are not intended to preclude CPM 2019 Ltd from assigning this consent to another developer, nor impliedly displace the operation of ss.3A and 134 of the RMA.*
- (b) *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 41.*
- (c) *Any reference to number of days within this decision refers to working days as defined in s.2 of the RMA.*

**GENERAL CONDITIONS**

1. The proposed subdivision consisting of:
  - (a) Up to 46 residential lots with 1 allocated car park each within COALs (such car parks being individual allotments subject to an amalgamation condition with residential lots);
  - (b) 7 additional car parks within the COALs to be allocated on the final title plan;
  - (c) 4 Communal Lots (private parks) to be held by the Incorporated Society (Lots 407, 409, 410 and 411); and
  - (d) 2 COALs to be held by the Incorporated Society (Lots 505 and 506);

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:

- (i) *This consent has been granted on the basis of all the documents and information provided by the Applicant, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
- (ii) *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.*
- (iii) *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.*

- (iv) *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.*
- (v) *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 an 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 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.

## **ENGINEERING PLAN APPROVALS**

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

- 5. The Applicant must include engineering design plans and supporting calculations at the EPA stage confirming that:
  - (a) peak flow attenuation for the 1% AEP storm event to predevelopment levels will be achieved; and

- (b) retention (volume reduction) of a minimum of 5mm runoff depth for all impervious areas will be achieved; and
- (c) detention (temporary storage) with a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 95<sup>th</sup> percentile, 24-hour rainfall event minus the retention volume for all impervious areas will be achieved
- (d) Public water, stormwater and wastewater networks are designed and positioned to ensure that there will be no build-overs on any residential lots other than where prior written permission is given by the relevant asset owner (i.e., Auckland Council / Watercare / Healthy Waters as appropriate) in which case evidence of that approval shall be provided to the Council.

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

### **Survey Plan Approval**

6. The Applicant must submit a survey plan in accordance with the approved resource consent subdivision plan(s) Ref CIVIX 460-478 West Coast Road, 317-347 Glengarry Road, Glen Eden, Dwgs 1060-1068 dated 19/07/2021. 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 including:
  - (a) That Lots 407, 409, 410 and 411 are to be held as COALs, with easements in favour of individual lots to protect their access, services, and other relevant rights;
  - (b) That Lots 505 and 506 are to be held by the Incorporated Society as parks and recreational areas;
  - (c) That Lots 407, 409, 410, 411, 505 and 506 are to be transferred to the Incorporated Society upon issue of a Record of Title and must be held by the Incorporated Society in perpetuity.
  - (d) Whether any service provider is to own assets within the COALs 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 gas);
  - (e) Whether dwelling owners are to own assets within the Communal Lots (including drains and private car parks within the COALs) and identify any necessary easements in favour of those owners; and
  - (f) That Lots 1005, 1006 and 1007 are to be held together until subdivided in accordance with SUB-E.

### **Memorandum of Easements**

7. The right(s)-of-way and easements denoted on CIVIX 460-478 West Coast Road, 317-347 Glengarry Road, Glen Eden, "Table of Easements" Plan Reference 1068 dated 19/07/2021 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 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 stormwater management plan (obligation to collect and retain stormwater that has drained from another dwellings roof area);
  - (c) Underground Services for electricity, telecommunications, computer media (and gas if applicable) easements for public or private services that pass through adjacent lots;
  - (d) Right-of-way and services easements (including easements over COALs); and
  - (e) Party wall support easements; and
  - (f) Easements in gross in favour of the Council for the purpose of accommodating any stormwater overland flow paths.

### **Amalgamation conditions**

8. Pursuant to s.220, all Communal Lots and COALs created in this stage must be transferred to and held by the Incorporated Society and held by the Incorporated Society in perpetuity.
9. The survey plan must identify each car park lot to be amalgamated with the respective residential unit. Every residential unit must have one car park, except that Lots 229, 230, 231 and 232 are exempt from the requirements of this condition. Each car park allocated must not, without the consent of the Council, be transferred, leased, or otherwise disposed of.

### **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 residents' incorporated society (Incorporated Society) to own, manage and maintain the Communal Lots, COALs and all associated communal infrastructure, including the upkeep or replacement of pavement surfaces and markings and associated signage of all car parks within the COALs (provided that the Applicant must carry out the initial marking of car parks). In respect of the Incorporated Society (on an ongoing basis):
- (a) Owners must become members of the Incorporated Society, and transfer that membership when they sell, with a covenant or similar mechanism on individual titles to record these obligations.
  - (b) The Incorporated Society will be responsible for 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 11(g) below.
  - (c) The Applicant must transfer to and vest in the Incorporated Society those assets that the Incorporated Society is to own in order to meet its obligations under this consent.
  - (d) If the Incorporated Society fails to comply with its obligations and/or becomes insolvent, then Council may enforce these obligations against owners at the direct cost of owners.
  - (e) If the Incorporated Society becomes insolvent and/or unable to manage its assets and/or assets/obligations are disclaimed, then these will divest to owners (as tenants in common in shares), with owners then directly responsible for maintenance responsibilities.
  - (f) The rules of the Incorporated Society must require asset management plans to be adopted and implemented stating how its assets will be managed (including the operation, maintenance, repair, renewal as well as short and long-term funding of such activities and the engagement of contractors to undertake such work as is appropriate).
  - (g) Such asset management plans must be prepared by and at the cost of the Applicant, and must address the following assets:
    - (i) footpath and landscaped areas (including planting and weed management);

- (ii) COALs and Communal Lots (including maintenance and repair of privately owned car parks and communal waste enclosures);
  - (iii) lighting and signage;
  - (iv) recreational areas, infrastructure, bike rack buildings including the allocation of bike parks, the communal storage facility;
  - (v) stormwater infrastructure;
  - (vi) waste management; and
  - (vii) any other infrastructure or assets which the Incorporated Society will own or manage pursuant to this consent.
- (h) Keep all assets, infrastructure and facilities it owns and is responsible for in good working order.
- (i) The 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.

Advice Notes:

- (i) *It is not intended that there be a separate Incorporated Society established for each individual stage of the development and if an Incorporated Society has been established under another stage of the development then the Incorporated Society which has been previously established shall be the only Society and shall be responsible for any obligations in this consent which fall to the Incorporated Society and the Applicant.*
- (i) *The requirements in Condition 11(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 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.*

**Earthworks – contaminated land**

12. 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 consent holder must provide a site validation report from a suitably qualified

person confirming that the site has been remediated in accordance with the requirements of BUN60368786 or any subsequent variations issued to that consent. The site validation report 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.

*Advice Note:*

*BUN60368786 requires the provision of an SVR confirming that the site has been remediated in accordance with the conditions of that consent. Any certification previously provided under that consent or any subsequent variations issued may also be used to satisfy the requirements of this condition.*

**Protection of assets**

- 13. 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 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.

**Vehicle accessways, parking and COALs**

- 14. Prior to the issue of a certificate under s.224(c), the Applicant must design and construct vehicle accessways and COALs in accordance with the relevant approved reports and plans set out in Condition 1 and in accordance with the Council's Code of Practice for City Infrastructure and Land Development.
- 15. 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.
- 16. 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, COALs and common access ways require a Common Access Way Plan Approval prior to construction.*
- (b) *Please contact Auckland Council to obtain the current engineering requirements for the construction of the type of vehicle accessway proposed.*

**New vehicle crossings**

17. The Applicant must construct the new vehicle crossings 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. 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.*
18. Prior to the issue of a s.224(c) certificate, all redundant vehicle 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.
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 Te Kawerau ā Maki in preparing such names. The names must be as approved by the Council. In the context of this condition, all three laneways may have the same name if preferred by the Applicant.

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 six (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 Auckland 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 both the private and communal bicycle storage facilities to service Stage 4, in general accordance with the plan entitled 'Selo Development, Glen Eden for resource consent' drawing numbered 00-15 Rev A prepared by BDG Architects dated 21/07/2021 and in accordance with Auckland Transport's Transport Design Manual – Cycle Infrastructure.
21. A report from a suitably qualified person must be provided to the Council confirming that each bicycle storage facility has been provided with sufficient power outlets to accommodate the recharging of e-bikes.

### **Uncompleted works bonds**

22. Prior to the issue of a certificate under s.224(c) and in accordance with s.108(2)(b) of the RMA, an uncompleted works bond (at the Council's discretion) may be entered into where any landscape works required by the conditions of this consent have not been completed in accordance with the approved plans. The bond amount shall be 1.5 x the contracted rate of any outstanding works and must be agreed with the Council (in consultation with the Council's Parks Planning Team Leader) prior to lodging the bond. The liability of the Applicant shall not be limited to the amount of the bond.

### **Maintenance bonds**

23. Prior to the issue of a certificate under s.224(c) and in accordance with s.108(2)(b) of the RMA, the Applicant must provide the Council with a refundable bond in respect of the maintenance of the landscaping works required by the conditions of this consent. The maintenance bond will be held for a period of two years from the issue of a practical completion certificate. The amount of the bond shall be 1.5 x the contracted rate for maintenance and must be agreed with the Council (in consultation with the Council's Parks Planning Team Leader). The liability of the Applicant shall not be limited to the amount of the bond.

## **Wastewater**

24. The Applicant must install wastewater reticulation (including required local network upgrades) in general 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.
25. 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 requires Building Consent.*
- (c) *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*

## **Water**

26. The Applicant must install a water supply main (including local network upgrades), service pipes and bulk water-meter banks to serve the development in general 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.
27. 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**

28. The Applicant must install a public stormwater system in general accordance with the Infrastructure Report and in accordance with the Auckland Council Code of Practice for Land Development and Subdivision.
29. 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.
30. The Applicant must design, install and maintain private on-site stormwater management devices in general accordance with the relevant infrastructure plans referenced in Condition 1.

### **Electricity supply**

31. Prior to the issue of a certificate under s.224(c) 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.
32. 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**

33. Prior to the issue of a certificate under s.224(c) the Applicant must install a reticulated underground telecommunications system to service the residential and commercial use lots created by this subdivision and ensure sufficient capacity to service the full extent of development enabled by the associated Land Use Consent.
34. 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.

### **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 BUN60368786 or any subsequent variations issued to that consent and which denotes ongoing restrictions and recommendations for the development of the lots.

#### Advice Note:

*BUN60368786 requires the provision of a geotechnical completion report confirming that the site has been constructed in accordance with the conditions of that consent and that the works have been supervised by a suitably qualified person. The certification required under that consent or any subsequent variations issued may also be used to satisfy the requirements of this condition.*

### **Surveyor's certificates**

36. The Applicant must provide to the Council "as built" plans prepared by a suitably qualified person 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 Council. 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.

Advice Note:

*Private services within COALs do not need surveyor's certificates where there is an easement provided over the whole COAL.*

**Consent Notices**

**Subdivision in accordance with an approved land-use resource consent**

37. The subdivision of the lots specified in the Civix Subdivision Plan 1052 dated 19 July 2021 must be undertaken in accordance with the Nola Estate Land Use Consent and Council consent BUN60368786 (and any variations thereto). To ensure that this condition is complied with on a continuing basis, the following text must be registered as a consent notice on the Record(s) of Title to be issued for the lots specified in the Civix Subdivision Plan 1052 dated 19 July 2021:

*“Approved Development*

*This Lot has been created in accordance with approved Nola Estate Land Use Consent dated 1 October 2021 and Council consent BUN60368786 (and any variations thereto). All development on this lot must be in accordance with the approved Nola Estate Land Use Consent and Council consent BUN60368786 (and any variations thereto), including all applicable conditions.*

*Should these consents lapse prior to being given effect to, then a new land use resource consent will be required, unless the proposed use and development of the lot is otherwise able to be undertaken as a permitted activity.”*

**Stormwater management and Incorporated Society**

38. The Applicant must cause to be registered against the Record of Titles for all residential lots and COALs 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 approved 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.*

### **Allocation of bicycle parks**

39. The Applicant must cause to have registered against the Record of Titles for all residential lots and Communal Lots a Consent Notice pursuant to s.221 of the RMA, recording the Incorporated Society's obligation to allocate bicycle parks in general accordance with the plan entitled 'Selo Development, Glen Eden for resource consent' drawing numbered 00-15 Rev A prepared by BDG Architects dated 21/07/2021 so that each dwelling has access to two bicycle parks (private or communal).

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

40. The Applicant must cause to have registered against the Record of Titles for all residential lots and Communal Lots, a Consent Notice pursuant to s.221 of the RMA, recording the following conditions 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) *COALs (including maintenance and repair of privately owned car parks (including pavement, marking and signage) and communal waste enclosures);*
- (c) *Lighting and signage;*
- (d) *Recreational areas, infrastructure, the communal storage facility, and bike racks;*
- (e) *Stormwater infrastructure; and*
- (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 car parks) and consents SUB-A to SUB-C and SUB-E."*

### **Incorporated Society ongoing obligations**

41. The Applicant must cause to have registered against the Record of Titles for all residential lots and Communal Lots, a Consent Notice pursuant to s.221 of the RMA, recording the following conditions to be complied with on 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 Member's/Owners proportion as at the date of winding up and may be enforced by Council against individual owners.”*

#### **Specimen tree management – Glengarry Road**

42. The Applicant must cause to have registered against the Record of Title for Lots 205-207, a Consent Notice pursuant to s.221 of the RMA recording the following condition to be complied with on an ongoing basis:

*“The specimen tree planting proposed within each lot where it fronts Glengarry Road as identified on Landscape Concept Drawings 20-028-05 V03 dated 13/07/2021 must be maintained and shall not be removed without the written consent of the Council, except where such trees are (by reason of tree death, destruction, or damage) being replaced by equivalent trees.”*

#### **Specimen tree management – perimeter sites**

43. The Applicant must cause to have registered against the Record of Title for Lots 144 - 149, 209 - 232 and Lots 233 - 246, a Consent Notice pursuant to s.221 of the RMA recording the following condition to be complied with on an ongoing basis:

*“The specimen tree planting proposed within each lot where it shares a common boundary with Lot 41 DP19309, Lots 2-7 DP 181110, Lot 3 DP129103 and Lot 33 DP19309 and as identified on Landscape Concept Drawings 20-028-03 to 05 V03 dated 13/07/2021 must be maintained and shall not be removed without the written consent of the Council, except where such trees are (by reason of tree death, destruction, or damage) being replaced by equivalent trees.”*

#### **Staged development of lots**

44. The Applicant must cause to have registered against the Record of Titles for each of Lots 1002 - 1007 a Consent Notice pursuant to s.221 of the RMA recording the following condition to be complied with on an ongoing basis:

- (a) *Development of these lots has been approved by virtue of the associated Nola Estate Land Use Consent dated 1 October 2021. 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 to SUB-E being implemented and titles issued for the*

*relevant lots (Lots 1002 – 1007). 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**

45. 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 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 of Title.