

## **Recommended Conditions of Consent (DISTRICT CONSENTS) – v1 (4/07/2022)**

Black = original text

Red underlined and/or strikethrough – HCC amendments agreed

Green underlined – amendments which respond to HCC requested changes and/or variants to HCC amendments

Blue underlined – other amendments to respond to comments

**Blue highlight** – notes to the Panel

### **GENERAL CONDITIONS – APPLICABLE TO ALL RESOURCE CONSENTS**

#### **General**

1. The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number FTC000059 as listed in Attachment 1 and officially received by the Environmental Protection Authority on **XXX**, and subject to the following conditions.
2. The consent holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this consent and ensure compliance with those conditions ~~and shall be produced without unreasonable delay upon request from a servant or agent of the Hamilton City Council or Waikato District Council.~~
3. A copy of this resource consent shall be kept onsite at all times that the works authorised by this resource consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Hamilton City Council and Waikato District Council.

#### **Fees and Charges**

4. The consent holder shall pay the Hamilton City Council and Waikato District Council any administrative charge fixed in accordance with section 36 of the Resource Management Act (1991), or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act (1991).

#### **Pre-Start Requirements**

5. The consent holder shall appoint a representative(s) prior to commencement of any works authorised by this resource consent, who shall be the Hamilton City Council's and Waikato District Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the Hamilton City Council and Waikato District Council of the representative's name and how they can be contacted prior to this consent being exercised. Should that person(s) change during the term of this resource consent, the consent holder shall immediately inform the Hamilton City Council and Waikato District Council and shall also give written notice of the new representatives name and how they can be contacted.
6. Prior to the commencement of activities authorised by this consent on the site, the consent holder must hold a pre-start meeting that:
  - (a) is scheduled not less than five working days before the anticipated commencement of works;

- (b) includes representation from:
  - i. Hamilton City Council and Waikato District Council compliance monitoring officer[s] and engineers;
  - ii. the site representative, the contractor, and any other party representing the consent holder, including the applicant's archaeologist who will introduce and explain the purpose of the Accidental Discovery Protocol.
  - iii. Representatives from the Project Tanga Whenua Working Group ~~project TWAG~~ (if they can attend on the pre-start meeting date).

### **Construction Management Plan**

7. The Consent Holder must provide the Hamilton City Council's Planning Guidance Manager (or nominee) and Waikato District Councils Monitoring Department with a Construction Management Plan (CMP), for certification at least ~~10~~ 20 working days prior to the proposed commencement of activities authorised by this consent. The objective of the CMP is to outline the approach to be taken for the managing construction works to ensure that impacts that may arise from the works have been appropriately identified, managed and minimised. As a minimum, the CMP shall include:
- (a) Details of the site manager, including 24-hour contact details (telephone, email, and postal address);
  - (b) The proposed start date of the works authorised by this resource consent;
  - (c) A schedule of construction activities;
  - (d) The commencement date and expected duration of the major cut and fill operations;
  - (e) The location of a large notice board on the site visible from a public place that clearly identifies the name, telephone number, email, and address for service of the site manager;
  - (f) Measures to maintain the site in a tidy condition in terms of the storage and disposal of rubbish, unloading and storage of building materials and similar construction activities;
  - (g) Measures to stockpile unearthed tree stumps/logs, preferably away from public roads and reserves, and their disposal;
  - (h) Proposed hours of work on the site (noting the working hours authorised by this consent);
  - (i) Procedures for ensuring that the owners and/or occupiers in the immediate vicinity of the construction area are given prior notice of the commencement of construction activities and are informed about the expected duration of works and potential effects of the works (e.g. noise associated with construction activities) and are kept informed of progress including responding to queries and complaints;
  - (j) Temporary protection measures that will be installed to ensure that there shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves, or other public assets as a result of the earthworks and construction activities;
  - (k) Any other details of the intended works programme

8. The consent holder shall implement the certified CMP ~~shall be implemented~~ for the duration of the entire works period. CMPs may be submitted for individual or multiple stages of Construction Works.
9. Any changes to the CMP shall be made in accordance with the methodology and approved procedures in that plan shall be confirmed in writing by the Consent Holder following consultation with the Hamilton City Council's Planning Guidance Manager and Waikato District Councils Monitoring Department (before implementation). No change shall have effect until certified by Hamilton City Council's Planning Guidance Manager (or nominee).

#### **Construction Noise and Vibration Management Plan**

10. A Construction Noise and Vibration Management Plan (CNVMP) shall be provided to Hamilton City Council's Planning Guidance Manager (or nominee) and Waikato District Councils Monitoring Department for ~~approval~~ certification at least ~~10~~ 20 working days prior to the date construction work (including earthworks) is commenced on site. The plan shall be prepared by a suitably qualified and experienced person in construction noise and vibration and shall confirm and include the following-
  - (a) The applicable construction noise and vibration limits;
  - (b) Identification of likely affected properties (off-site);
  - (c) Predicted noise and vibration levels at the locations of the likely affected properties;
  - (d) General methods to mitigate and manage construction noise and vibration to comply with the applicable noise limits;
  - (e) Identification of any construction activities that may require specific mitigation measures to comply with the applicable noise and vibration limits;
  - (f) Provision for sound level monitoring of construction activities that may exceed the stated noise limits;
  - (g) Contact details of the person in charge of construction works;
  - (h) A complaint management procedure
11. The consent holder shall implement the certified CVNMP for the duration of the construction activities and keep an updated copy at the construction site. CVNMPs may be submitted for individual or multiple stages of Construction Works.

~~All construction works shall be carried out in accordance with the approved Construction Noise and Vibration Management Plan.~~

12. Any changes to the CVNMP shall be made in accordance with the methodology and approved procedures in that plan shall be confirmed in writing by the Consent Holder following consultation with the Hamilton City Council's Planning Guidance Manager and Waikato District Councils Monitoring Department (before implementation). No change shall have effect until certified by Hamilton City Council's Planning Guidance Manager (or nominee).

#### **Construction Traffic Management Plan**

13. A Construction Traffic Management Plan (CTMP) shall be provided to Hamilton City Council's Planning Guidance Manager (or nominee) and Waikato District Councils Monitoring Department for ~~approval~~ certification at least ~~10~~ 20 working days prior to the

date construction work (including earthworks) is commenced on site. The CTMP shall address the mitigation of construction-related traffic ~~issues effects~~ at the site and the surrounding environment, and in particular address the following matters:

- (a) Hours of operation;
- (b) Vehicle parking requirements for site staff, contractors, and sub-contractors
- (c) Ingress and egress to and from the site for vehicles and construction machinery during the works period, with left-in and left-out only access to Te Kowhai Road (SH39) for all vehicles and construction machinery;
- (d) Details of any construction access to Burbush Road (and ensuring this remains separate to the shared path to Burbush road, once this is constructed);
- (e) How deliveries would be made to the site, including when vehicles would be able to use the roadway to load or unload (if at all), the location of loading activities, and how heavy or over dimension vehicles would be brought to and removed from the site;
- (f) Numbers and timing of truck movements throughout the day and their proposed routes, including measures to avoid the use of Exelby Road;
- (g) Wheel washing;
- (h) ~~Maintenance~~ Maintaining of vehicular access to all adjacent properties throughout construction;
- (i) Signage (this should include signage warning the public of vehicle movements);
- (j) ~~Ensuring access to neighbouring properties is not compromised; and~~
- (k) ~~Any other general issues that are applicable as listed within the standard CTMP list.~~

14. The ~~certified~~ CTMP shall be prepared in accordance with The New Zealand Transport ~~Authority~~ Agency – Waka Kotahi ~~'s~~  ("Waka Kotahi") Code of Practice for Temporary Traffic Management, and shall be complied with at all times throughout construction.

15. Any changes to the CTMP shall be made in accordance with the methodology and approved procedures in that plan shall be confirmed in writing by the Consent Holder following consultation with the Hamilton City Council's Planning Guidance Manager and Waikato District Councils Monitoring Department (before implementation).

**During Works (District)**

16. All construction work on the site shall be designed and conducted to ensure that construction noise from the site at approximately 1 metre from the most exposed façade of any building used for residential purposes shall received at any other site in a residential zone does not exceed the noise limits in the following table. In the event that any sound level measurements are recorded they shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics Construction Noise.

Time period	Monday to Friday		Saturdays		Sundays and Public Holidays	
	Leq (dBA)	Lmax (dBA)	Leq (dBA)	Lmax (dBA)	Leq (dBA)	Lmax (dBA)
06:30am to 07:30am	55	75	45	75	45	75

07:30am to 06:00pm	70	85	70	85	55	85
06:00pm to 08:00pm	65	80	45	75	45	75
08:00pm to 06:30am	45	75				

Advisory Note: The lower (shaded) noise limits mean that some construction work may not be able to take place during the corresponding time frames, which includes all times on Sundays and public holidays.

17. Construction vibration received by any building on any other site shall comply with the criteria in the following table. In the event that any vibration levels are recorded they shall be measured and assessed in accordance with the German standard DIN 4150-3:1999 Structural vibration – Part 3: Effects of vibration on structures.

Type of Structure	Short Term Vibration				Long Term vibration
	PPV at the foundation at a frequency of			PPV at the horizontal plan of the highest floor (mm/s)	PPV at the horizontal plan of the highest floor (mm/s)
	1-10 Hz (mm/s)	1-50 Hz (mm/s)	50-100 Hz (mm/s)		
Commercial / Industrial	20	20-40	40-50	40	10
Residential/School	5	5-15	15-20	15	5
Historic or sensitive structures	3	3-8	8-10	8	2.5

### Copies of Information submitted under the Waikato Regional Consents

18. The following Management Plans and Plans, which are required to be prepared under the consents obtained for regional works (and as required to be submitted to the Waikato Regional Council), shall be submitted to Hamilton City Council's Planning Guidance Manager [\(or nominee\)](#) and Waikato District Councils Monitoring Department (where relevant) for comment [prior to certification by the Waikato Regional Council](#):
- (a) Erosion and Sediment Control Plan (ESCP)
  - (b) Stream Realignment and Enhancement Plan (SREP) for the stream realignment and naturalisation of artificial farm drains shown
  - (c) Fish Management Plan (FMP)
  - (d) Planting Plan for the sub-catchment wetlands
  - (e) Operations, Monitoring and Maintenance Plan (OMMP) for the stormwater network

## **LAND USE CONSENT EARTHWORKS**

### **Lapse of Consent**

19. In accordance with clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast Track Consenting) Act 2020, this consent shall lapse two years after the date it is granted unless the consent is given effect to.

### **Pre-Start Conditions**

#### Erosion and Sediment Control

20. At least 10 working days prior to the commencement of earthworks within any part of the site, the consent holder shall provide the Hamilton City Council's Planning Guidance Manager (or nominee) and Waikato District Councils Monitoring Department with a finalised Erosion and Sediment Control Plan (ESCP) in general accordance with the draft ESCP prepared by BBO and plans dated April 2022 (referenced in Appendix 1). The objective of the ESCP shall be to minimise sediment discharge from the site to the extent practicable over the earthworks period.
21. The ESCP shall be approved in writing by the Hamilton City Council's Planning Guidance Manager (or nominee) and Waikato District Councils Monitoring Department acting in a technical certification capacity prior to any works authorised by this consent commencing and the consent holder shall undertake all earthworks authorised by this consent in accordance with the approved ESCP.
22. Any changes proposed to the ESCP shall be confirmed in writing by the consent holder and approved in writing by the Waikato Regional Council and Hamilton City Council's Planning Guidance Manager (or nominee) acting in a technical certification capacity, prior to the implementation of any changes proposed. ~~Any such changes shall be made available to the Hamilton City Council's Planning Guidance Manager before implementation.~~
23. The consent holder shall ensure that a copy of the approved ESCP, including any approved amendments, is kept onsite and this copy is updated within 5 working days of any amendments being approved.
24. Prior to bulk earthworks commencing on any area, the consent holder shall submit to the Hamilton City Council's Planning Guidance Manager (or nominee) and Waikato District Councils Monitoring Department a certificate signed by an appropriately qualified and experienced engineer to certify that the erosion and sediment controls have been constructed in accordance with the approved erosion and sediment control plans and in accordance with the document titled "*Erosion and Sediment Control Guidelines for Soil Disturbing Activities January 2009*". Certified controls shall include any sediment retention pond, decanting earth bunds, silt fences and diversion channels/bunds. The certification for these measures shall be supplied within five working days of completion of construction of those measures.

Information supplied if applicable shall include:

- (a) Contributing catchment area; and
- (b) Retention volume of structure; and
- (c) Shape and dimensions of structure; and
- (d) Position of inlets/outlets; and

- (e) Stabilisation of the structure; and
- (f) Compliance with the Waikato Regional Council document titled "*Erosion and Sediment Control Guidelines for Soil Disturbing Activities January 2009*" (Technical Report No. 2009/02); and
- (g) Compliance with any relevant conditions of this consent.

### **Contaminated Land**

- 25. A Remedial Action Plan (RAP) is to be developed by a Suitably Qualified and Experienced Practitioner (SQEP) for the 'pieces of land' identified in the HD Geo Detailed Site Investigation Report (Detailed Site Investigation, Rotokauri SHA Stages 1 and 5. HD Geo, October 2021), as relevant to each stage of works. The RAP must include the agreed remedial and management works that have been deemed most appropriate to mitigate the risk posed by the contaminants. A copy of the RAP is to be provided to Hamilton City Council's Planning Guidance Manager (or nominee) 10 ~~works-working~~ days prior to any remedial works being undertaken on the site for acceptance.
- 26. Any changes proposed to the RAP shall be confirmed in writing by the consent holder, and approved in writing by the Hamilton City Council's Planning Guidance Manager (or nominee) acting in a technical certification capacity, prior to the implementation of any changes proposed.
- 27. A Contaminated Site Management Plan (CSMP) is to be prepared by a SQEP. A copy of the SCMP is to be provided to Hamilton City Council's Planning Guidance Manager (or nominee) 10 ~~works-working~~ days prior to any remedial works being undertaken on the site for acceptance. The content is to serve as a framework for managing soil disturbance on the site by identifying human health related hazards and recommending mitigation methods relevant to actual site conditions. The Plans actions, procedures and controls are to restrict and prevent exposure and avoid human health implications on-site and from off-site discharges. The Plan is to include contingency measures for any previously unidentified contamination being discovered, and an acceptable method for works completion reporting.

### **During Construction**

#### Existing Overland Flow Paths

- 28. Earthworks shall not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership.

#### Erosion and Sediment Control

- 29. The consent holder shall ensure that all sediment laden run-off from the site is treated by sediment retention structures. These structures are to be fully operational before bulk earthworks commence and shall be maintained to perform at least at 80% of their full operational capacity.
- 30. The consent holder shall ensure that all clean water run-off from stabilised surfaces including catchment areas above and around the site shall be diverted away from the earthworks area via a stabilised diversion system.
- 31. The consent holder shall ensure that all runoff diversion systems are designed and installed to convey flows from contributing catchment areas up to the 20% AEP rainfall event plus 300mm of freeboard without overtopping and shall also ensure that these systems incorporate adequate protection against erosion where required.

32. The consent holder shall ensure that all erosion and sediment controls are inspected and in good working order prior to, and immediately after rain events. The consent holder shall further ensure that all erosion and sediment controls are maintained such that optimal sediment capture efficiency is achieved at all times.
33. The consent holder shall construct a stabilised construction entrance at the site entrance point and shall manage all traffic leaving the site to prevent the tracking of sediment onto the public road surface.
34. In the event that any persistent sediment tracking effects are identified, the consent holder shall install an appropriate wheel wash facility to prevent any ongoing effects.
35. The erosion and sediment controls specified in the Erosion and Sediment Control Plan, shall not be disestablished without the prior written approval of the Waikato Regional Council, acting in a technical certification capacity.

#### Geotechnical

36. Earthworks are to be supervised by a suitably qualified professional engineer in accordance with NZS4431:1989. In supervising the works, the suitably qualified engineering professional shall ensure that they are constructed and completed in accordance with the approved earthworks plans and geotechnical investigation report and geotechnical earthworks design report submitted with the application.
37. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified.
38. Any retaining walls adjoining third party land shall not exceed 0.5m ~~1.5m~~ in height and shall be designed taking into consideration surcharge, slopes at the base of walls, adequate drainage to avoid seepage and concentrated stormwater to adjoining properties, and comply with the New Zealand Building Code.

#### Stockpiles

39. If the stockpile material contains silt or is erosion prone, the consent holder shall place topsoil overtop of the stockpile before stabilisation.
40. If a stockpile is to be stored for longer than 1 week, the consent holder shall seal, mulch and stabilise the stockpile to minimise potential erosion and sedimentation. Controls are to remain until stockpiles are removed or used on site.

#### Dust

41. The consent holder shall undertake dust management in general accordance with the Dust Management Plan appended to the finalised ~~ESCP draft~~ ESCP prepared by BBO and plans dated April 2022.
42. All earthworks activities carried out on site shall be conducted and managed in such a manner as to ensure that all dust and particulate emissions are kept to a practical minimum to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect. A dust nuisance will occur if:
  - (a) There is visible evidence of suspended solids in the air beyond the site boundary; and/or



- (b) There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure of a neighbouring site or water.
- 43. The consent holder shall ensure that, at all times, the soil moisture of exposed areas is maintained at sufficient levels, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.
- 44. The consent holder shall ensure that, outside of normal working hours, staff are available on-call at all times to operate the water application system for dust suppression.
- 45. If so required by the Hamilton City Council or Waikato District Council, the consent holder shall carry out immediate sealing of any problematic dust generating surfaces within the site using hydro-seed/hydro-mulch, polymer soil stabilisers or a similar dust control product to provide instant remediation of any areas to prevent any ongoing dust effects.

#### Machinery

- 46. All earthmoving machinery, pumps and generators shall be operated in a manner which ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any surface water such that any spillage can be contained and does not enter any surface water.
- 47. Prior to entering the site all machinery shall be appropriately cleaned and inspected to minimise any 'containment' and/or 'eradication' plant pest species being introduced to the site.

#### Contaminated Land

- 48. The relevant human health-related controls outlined in the CSMP must be implemented under supervision of the SQEP or suitable persons nominated by the SQEP for the duration of the soil disturbance works.
- 49. Any soil exceeding the applicable NESCS standard that is to be removed must be done under controlled conditions to a licensed waste facility or landfill for disposal in accordance with the requirements of the disposal site and the relevant authority. Receipts of transport and disposal must be included in either a Site Validation Report or Works Completion Report.

#### Archaeological/Cultural

- 50. The consent holder shall ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the following protocol shall be followed:
  - (a) All work within 20m of the discovery shall cease immediately. The contractor/works supervisor will shut down all equipment and activity.
  - (b) The 20m radius area shall be secured and the consent holder
  - (c) The Hamilton City Council, Waikato District Council, Heritage New Zealand and the project Tangata Whenua Working Group (where artefacts are of maori origin) shall be notified within 24 hours

- (d) The consent holder shall consult with the ~~project~~ Project Tangata Whenua Working Group what further actions are appropriate to safeguard the site of its contents.
51. Works may recommence on the written approval of the Hamilton City Council and Waikato District Council after considering:
- (a) The Project Tangata Whenua Working Group interests and values;
  - (b) Protocols agreed upon by the Project Tangata Whenua Working Group and the consent holder;
  - (c) The consent holders interests;
  - (d) Any Heritage NZ authorisations; and
  - (e) Any archaeological or scientific evidence.

Advice Note – The consent holder is reminded of the need to comply with the requirements of any Archaeological Authorities issued by Heritage New Zealand over the duration of the earthworks activities in accordance with the provisions of the Heritage NZ Pouhere Taonga Act.

52. In the case where human remains have accidentally been discovered or are suspected to have been discovered the following is also required:
- (a) The 20m radius area shall be immediately secured by the contractor in a way which ensures human remains are not further disturbed. The consent holder or proponent shall be advised of the steps taken.
  - (b) The Police shall be notified of the suspected human remains as soon as practicably possible after the remains have been disturbed.
  - (c) The Hamilton City Council, Waikato District Council, Heritage New Zealand and the ~~project~~ Project Tangata Whenua Working Group shall be notified within 12 hours
  - (d) Excavation within 20m of the discovery shall not resume until the Police, Heritage New Zealand Pouhere Taonga and the relevant iwi have each given the necessary approvals for excavation to proceed.

### **Completion of Earthworks**

#### Stabilisation/Rehabilitation

53. The site shall be stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas (catchments) of the site. The consent holder shall monitor and maintain the site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any watercourse.
54. All areas of bare earth shall be re-vegetated or re-grassed as soon as practicably possible and within three calendar months following the completion of earthworks. If this cannot be achieved the area shall be temporarily covered by a surface suitable to protect against soil erosion until such time as re-vegetation or re-grassing can occur.

#### Completion Reports

55. A geotechnical completion report (GCR) in accordance with the requirements of the Regional Infrastructure Technical Specifications (RITS) shall be provided upon

completion of earthworks and is subject to further review by the Hamilton City Council's Planning Guidance Manager (or nominee) to ensure adherence to the earthworks specification and/or relevant NZ standards. The GCR is to cover the following (as a minimum):

- (a) That the works were undertaken in accordance with NZS4431:1989 Code of Practice for Earth Fill for Residential Subdivisions and the site-specific designs outlined in the Geotechnical Investigation Report; and
- (b) Recommendations for future lots, confirming detailed geotechnical design requirements, and including as-built records of earthworks, retaining structures, groundwater levels and drainage; and
- (c) Include a statement of professional opinion for the suitability of the site for residential development by a suitably qualified Chartered Professional Engineer (CPEng) or Professional Engineering Geologist (PEngGeol); and
- (d) Details of all earthworks and as-built plans including, the depth, extent of fill and drainage, subsoil drains and soil reinforcement. As-built plans shall be certified by a licensed Cadastral Surveyor; and
- (e) Specific requirements for future earthworks, building foundations, retaining walls and other works which may occur in each future lot; and
- (f) Any related matters identified in other conditions of this consent
- (g) Inclusion of the settlement analysis/monitoring during and post earthworks and the projected residual settlements taking into consideration the design life of assets to be vested to HCC and typical dwelling surcharges.

#### Contaminated Soils Completion Report

- 56. After completing remedial activities, site validation is to be undertaken to demonstrate the approved remediation targets have been achieved and that the pieces of land are now suitable for the intended use. A Site Validation Report (SVR) is to be provided to Hamilton City Council's Planning Guidance Manager (or nominee) and Waikato District Councils Monitoring Department for acceptance as soon as practicable after remedial validation is completed.
- 57. Works Completion reporting is to be provided within two months of soil disturbance works being completed to confirm that the methods outlined in the CSMP were enforced for the period of the soil disturbance works, and that the measures were successful in ensuring the potential risks were adequately managed.
- 58. Any remediation, validation or management work referred to in the previous conditions shall be prepared in accordance with Contaminated Land Management Guidelines No. 1 - Reporting on Contaminated Sites in New Zealand (Revised 2011) and shall be certified by a SQEP in land contamination.

## **SUBDIVISION (DISTRICT ONLY)**

### **Lapse Date**

59. In accordance with clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast Track Consenting) Act 2020 Stages 1A shall lapse two years after the date that this consent is granted unless:
- (a) A survey plan is submitted to council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
  - (b) An application under section 125 of the RMA is made to the council before the consent lapses to extend the period after which the consent lapses and the council grants an extension.
60. Stages 1B-1F shall lapse five years after the date that this consent is granted unless:
- (a) A survey plan is submitted to council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
  - (b) An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

### **Pre Development Conditions (All Stages)**

#### Engineering Works Plan Approvals

61. Prior to the commencement of any works (other than earthworks ~~and streamworks~~ authorised above) and prior to the lodgement of the survey plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall submit complete engineering plans (including plans, cross sections, long sections, and associated details for roading (including JOALs and off road walking and cycling network), water, wastewater and stormwater infrastructure, on lot water efficiency measures, retaining structures and other relevant items including engineering calculations and specifications) prepared in accordance with RITS to the Planning Guidance Unit for review by Strategic Development Unit Manager (or nominee) for approval in writing. These plans shall be amended by the Consent Holder as required until stamped 'Accepted' by Strategic Development Unit Manager (or nominee).

The engineering plans may be submitted for stages of construction. The engineering plans shall include but not be limited to the information regarding the following engineering works:

- (a) Public Roading Works (including the SH39 intersection)
  - including the SH39 intersection)
  - i. All new roads shall be designed for the purpose intended, and shall include pedestrian and cycle facilities, traffic facilities, road lighting and road drainage as appropriate.
  - ii. Overhead lighting shall be designed to comply with AS/NZS 1158 and the Regional Infrastructure Technical Specifications.

- iii. Where a vehicle crossing location is known, then the crossing shall be shown on the engineering plans in accordance with the Regional Infrastructure Technical Specifications, Section 3.3.19.
- iv. ~~Any speed reduction mechanisms~~ Speed management measures to ensure a design speed of 30 km/ph for the local road network.
- v. Provision of cycle grab rails at the Burbush Road shared path crossing
- vi. Traffic signals;
- vii. Public transport infrastructure (and evidence of consultation with Waikato Regional Council on this matter).

Street lighting;

- (b) Public Stormwater Reticulation;
  - (c) Stormwater Management System (e.g. wetlands, culverts,);
    - i. Stormwater runoff from the site including on lot stormwater management measures shall be treated and managed in accordance with the ~~Waikato Regional Infrastructure Technical Specifications RITS~~ to provide a permanent and sustainable means for the management of stormwater runoff from the site, (and managed from the upstream catchment where necessary) and the Stormwater Discharge Report referenced in condition 1.
    - ii. The location for the proposed stormwater treatment wetlands for each stage shall be in general accordance with the Stormwater Discharge Report submitted with the application.
    - iii. The Detailed Engineering Design Plans shall include sizing of the stormwater communal devices ~~in~~ taking into account the required stormwater treatment, attenuation, velocities, maintenance and vehicle access
    - iv. Stormwater secondary flow paths and ponding area shall be shown on the engineering plans. The flow paths shall provide for a storm having a 100-year ARI. The flow paths are to be clear of any probable building platform and shall accommodate the rainfall runoff in excess of the stormwater reticulation design capacity and shall be maintained on an ongoing basis.
  - (d) Public Wastewater Reticulation (including pump station);
    - i. Reticulation designed and sized to cater for future growth in the wider catchment in consultation with HCC General Manager Development (or nominee)
    - ii. Details of how the wastewater pump station will operate during the various stages of development detailing the estimated rate of development uptake and proposed mitigations to address limited flows in the initial period.
    - iii. Details of how the wastewater solution will be transitioned during the various stages of development i.e. pump size selection and replacement of pumps as flows increase, staging of storage and sizing of riser main.
  - (g) Public Water Supply;

- i. Reticulation designed and sized to provide for potable water and for fire protection via a fire hydrant system. The reticulation system shall be appropriately sized to cater for future growth in the wider catchment in consultation with HCC General Manager Development (or nominee)
  - ii. The development shall be provided with fire protection via a fire hydrant system. The design of the water network shall conform to the Code of Practice for Fire Fighting Water Supplies (SNZ PAS 4509).
- (e) Vehicle crossings (where applicable)
- (f) Off road shared pathways, and the Burbush/Te Kowhai Road shared path (including lighting design, fencing, 3m minimum wide formation)
- (g) Jointly owned access lots:
- i. The pavement design of the JOAL's must be the same as that of a vested local road pavement where serving more than 9 lots;
  - ii. ~~where/if necessary, any lighting~~ LED lighting for JOALs serving more than nine lots to AS/NZS 1158.1.1 Category P4 standard
  - iii. A specific entrance threshold ~~is to be provided~~ for each rear lane JOAL entry so that from the outside they look as private driveways leaving the road.
  - iv. ~~Any speed reduction mechanisms~~ Speed management measures to ensure a design speed of 20 km/ph.
  - v. No pressurised water or wastewater lines to be located within any JOALs
  - vi. Stormwater system must take into account long term pavement design to ensure no saturated pavements
62. Where any engineering works fall within the jurisdiction of the Waikato District Council, and prior to the commencement of any such works (other than earthworks authorised above) and prior to the lodgement of the survey plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall submit complete engineering plans (including engineering calculations and specifications as relevant to the works falling within the jurisdictional boundary of the Waikato District Council) to the Waikato District Council for approval in writing.
63. The information submitted for engineering plan approval shall include evidence of consultation with the project TWWG, ~~and~~ Waka Kotahi and directly affected landowners for works associated with the SH39 intersection upgrade.
64. No work (excluding earthworks) shall commence on site until engineering plans are accepted, with stamped copies being held on site during the works.
65. The Rotokauri North Sub-Catchment ICMP dated September 2021 shall be submitted with the engineering plan approval for formal certification.

Advice Note:

This is required as the Rotokauri North SC-ICMP was prepared during the PC7 process and to meet the HCDP requirements, the document should be technically certified through a consent process. There is no expectation that the document will require any update. Additionally, its certification does not relieve future developments and resource consents

of requirements to provide stormwater management reporting – it is expected that the future developments will implement the SC-ICMP.

~~Once 224 has been issued for a maximum of 150 lots a water modelling report shall be prepared and submitted by a suitably professional qualified person to confirm the suitability of the extension of the public network to the intersection of Te Wetini Drive and Arthur Porter Drive to service the remaining lots/stages.~~

66. Prior to the Engineering Plan submission for any stage that will exceed 150 lots, the consent holder shall undertake hydraulic water modelling following Hamilton City Councils' Modelling Process, to confirm that the proposed ~~interim~~ reticulation to service up to 314 Lots meets the required RITS standards, level of service. The results of the modelling shall be provided with the Engineering Plan submission.
67. As part of the Engineering Plan submission and certification process an acoustic report, prepared by a suitably qualified and experienced person in road traffic acoustics, shall be provided showing how new roads that are predicted to carry at least 2,000 annual average daily traffic at the design year (if any) are to be designed and constructed in accordance with NZS6806:2010 'Acoustics – Road-traffic noise – New and altered roads'. This condition shall not apply to roads designated as local transport corridors.
68. Wastewater gravity connections to each Lot off a JOAL must be via the road frontage unless topographical restraints hinder that option, consideration by HCC will be given to a vested /public WW gravity system in a JOAL to the satisfaction of General Manager Development (or nominee) at engineering plan certification stage. Except in this circumstance all other infrastructure within the JOALs will not vest in HCC.
69. The consent holder shall retain the services of a suitably professional qualified person to oversee the construction of any infrastructure required for the development. This person shall be responsible for ensuring adherence to approved construction plans, quality systems, and project completion requirements. The name and contact details of this person shall be nominated ~~on all engineering plans~~ submitted to the HCC Strategic Development Unit and Waikato District Council.

#### Operations and Maintenance Plan

70. An Operations and Maintenance Plan (OMP) for the stormwater management devices and system, shall be prepared by a suitably qualified expert in urban stormwater management and submitted at the same time as the application for Engineering Works Approval for approval in a technical certification capacity by the HCC General Manager Development (or nominee).
71. The OMP shall provide for the operational, maintenance, planting and monitoring measures associated with the stormwater discharge and shall include (but not be limited to) the following:
  - (a) Design parameters
  - (b) A monitoring programme and any adaptive management required to address downstream water quality
  - (c) Measures to minimise public safety risks
  - (d) Measures to minimise operational and maintenance safety risks
  - (e) Measures to minimise operational expenses

- (f) The information to be provided on as built plans for the device(s) at the completion of construction
  - (g) Asset operation details and likely operational costs
  - (h) Detail how the stormwater management system will be successfully transitioned and established during the Land Development Phase until the end of the defects liability period at the final stage of the development
  - (i) Transition /Phasing Plan detailing:
    - i. construction phase and the staging of the development and how the Planted Stormwater System will be constructed to ensure that the plants will be able to thrive based on the various volume of stormwater generated by the various stages.
    - ii. The inspection and associated cleaning regime for the Planted Stormwater System, and associated sediment control.
    - iii. Provide details on how the Temporary stormwater controls will be integrated with the Planted Stormwater System to ensure the Planted Stormwater System is not affected by sediment generated from the various stages of development.
72. Where any of the devices outlined in the OMP fall within the jurisdiction of the Waikato District Council, the consent holder shall submit the OMP to the Waikato District Council for approval in writing (for those works falling within the jurisdiction Waikato District Council) at the same time as the application for Engineering Works Approval.

#### Street Landscaping Plan Approvals

73. Landscape plans for the road reserves ~~(including the bund within Lots 600-602 adjacent to SH39), stormwater management devices and the neighbourhood park~~ shall be prepared in general accordance with the plans referenced in Attachment 1 and be submitted to the HCC Manager Parks and Recreation Unit (or nominee), for approval in writing, at the same time as the application for Engineering Works Approval. The plans may be submitted for stages of construction. The landscape planting plan for the bund shall include maintenance specifications including weed control, pest plant control and animal control necessary to ensure the successful establishment of the plants. These plans shall be amended by the Consent Holder as required until stamped 'Accepted' by the HCC Manager Parks and Recreation Unit.
74. The information submitted for engineering plan approval shall include evidence of consultation with the ~~project~~ Project TWWG, and Waka Kotahi for works associated with the SH39 intersection upgrade.
75. Where any landscaping works fall within the jurisdiction of the Waikato District Council or Waka Kotahi, the consent holder shall submit the relevant landscaping plans to the Waikato District Council or Waka Kotahi for approval in writing ~~as the~~ and provided as part of the application for Engineering Works Approval.
76. No hard or hard or soft landscaping works shall commence on site ~~on-site~~ until the landscape plans required by condition 73 are accepted, with stamped copies being held on site during the works.

#### **Development In progress / Engineering Works**



77. The works detailed on the ~~approved-accepted~~ engineering ~~and landscaping~~ plans, shall be constructed to the satisfaction of, and at no cost to, the Council and are subject to the following requirements;
- (a) All materials, ~~construction,~~ workmanship and testing shall be in accordance with the Regional Infrastructure Technical Specifications (available from the internet at [www.hcc.govt.nz](http://www.hcc.govt.nz)).
  - (b) All approved construction work, shall be supervised by an engineering representative, appointed by the ~~owner-consent holder~~ (refer to Council's current Engineering Standards).
  - (c) ~~All works within the public road corridor shall be managed by a contractor operating under a current CAR (Corridor Access Request), made through the [www.beforeudig.co.nz](http://www.beforeudig.co.nz) website and appropriate traffic management. The corridor Access Request shall be approved by the Road Controlling Authority prior to construction works commencing.~~
  - (d) ~~Earthworks shall not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership.~~
  - (e) ~~All earthworks activities on site shall be managed to avoid material deposits on public roads.~~
  - (f) ~~All vehicle crossings where known (including JOALs, access legs, and lots accessing cul-de-sac heads) shall be constructed to the applicable standard in accordance with the Regional Infrastructure Technical Specifications, Drawing D3.3.5. The vehicle crossing shall be fully formed to the site boundary in the same material as the footpath.~~
  - (g) ~~The access lots, parking and manoeuvring area shall be formed, drained and sealed, and thereafter maintained, in a permanent dust-free all-weather surface~~
  - (h) The design, construction and maintenance of all landscaping and planting shall be in accordance with Section 7 of the Waikato Regional Infrastructure Technical Specifications.

#### Shared Paths

78. All off road shared walking and cycling paths within the site shall have a minimum width of 3 metres.

#### Network Utilities

~~The consent holder shall obtain a works clearance from each network operator for electricity, telephone and, where applicable, gas services. All network connections to all lots shall occur prior to the issue of certification under Section 224c of the RMA.~~

~~The consent holder shall provide a works clearance (for network connections), as obtained from each network Utility Operator, at the time of submitting its Works Clearance application.~~

~~All works within the public road corridor shall be managed by a contractor operating under a current CAR (Corridor Access Request), made through the [www.beforeudig.co.nz](http://www.beforeudig.co.nz) website and appropriate traffic management.~~

79. Where not already available, telecommunications reticulation (including ducting for computer media), underground electrical, and where applicable, gas services shall be provided to the boundary of all lots. The service reticulation shall be installed in accordance with the requirements of the RITS and the relevant network utility operator.

#### Bund

80. The bund shall be installed at the locations and to the extent shown in the relevant engineering plans prepared by BBO and dated April 2022 (as referenced in condition 1). The bund/barrier shall have a mass of at least 10kg/m<sup>2</sup> and shall be installed prior to works clearance application.

### **Completion Works**

#### Road Construction

81. On completion of site works any roadside damage shall be repaired and the kerb, berm and footpath be reinstated to match the surroundings.
82. An Engineering Completion Certificate from a suitably qualified engineer certifying that all proposed roads and the ancillary structures on the roads to be vested have been constructed in accordance with the approved accepted Engineering Plans shall be provided in support of the section 224c application.

#### Street Lighting

83. Overhead lighting shall be installed along all public roads constructed as part of the development. Overhead lighting shall be designed to comply with AS/NZS 1158 and the Waikato Regional Infrastructure Technical Specifications (RITS). ~~The consent holder shall carry out at no cost to Council an energy audit of the design as prescribed in AS/NZS 1158.~~

#### Road Safety Audits

~~The consent holder shall arrange, at no cost to Council, for an independent detailed design road safety audit (in accordance with the NZTA Road Safety Audit Procedures for Projects Guideline May 2013) to be carried out on the proposed roading design for the respective subdivision stage and submitted to the General Manager, HCC Development (or nominee) for approval in a technical certification capacity. The audit shall be limited to the Stage Highway and Collector Roads only.~~

84. The safety audit team shall not be appointed without certification by the HCC General Manager, ~~HCC~~ Development (or nominee) in relation to the safety audit team suitability and relevant experience. The audit decision tracking shall clearly distinguish between the developer "client" role and the Council's final decision-making role as the road controlling authority.
85. Prior to engineering design acceptance, a detailed design road safety audit for each stage shall be undertaken in accordance with Section 3.2.5 of the Regional Infrastructure Technical Specifications at no cost to Council. The road safety auditors shall be commissioned from another organisation independent of the Consent Holder, designer and contractor. Audit recommendations and design changes arising from the detailed design road safety audit shall be accepted by the HCC General Manager Development (or nominee) prior to changes (if any) being implemented
86. Any serious and significant audit findings arising from the detailed design road safety audit shall be resolved to the agreement of the General Manager, HCC Development

(or nominee) for the respective subdivision stage prior to changes being implemented (as determined by the outcomes of the road safety audit) and construction commencing.

87. The consent holder shall arrange, at no cost to Council, for an independent post-construction road safety audit (in accordance with the NZTA Road Safety Audit Procedures for Projects Guideline May 2013) to be carried out on the roading for the respective subdivision stage.
- ~~88. The safety audit shall be submitted to the General Manager, HCC Development (or nominee) for approval in a technical certification capacity. The audit team shall not be appointed without certification by the General Manager, HCC Development (or nominee) in relation to the audit team suitability and relevant experience. The audit decision tracking shall clearly distinguish between the developer "client" role and the Council's final decision-making role as the road controlling authority.~~
- ~~89. Any serious and significant audit findings arising from the post construction road safety audit shall be resolved to the agreement of the General Manager, HCC Development (or nominee) prior to changes being implemented and Council accepting responsibility for this facility and issuing of S224c certification for the respective stage.~~
90. At completion of works a post-construction road safety audit for each stage shall be undertaken in accordance with Section 3.2.5 of the Regional Infrastructure Technical Specifications at no cost to Council. The road safety auditors shall be commissioned from another organisation independent of the Consent Holder, designer and contractor. Audit recommendations and changes arising from the post-construction road safety audit shall be agreed with the HCC General Manager Development (or nominee) prior to changes (if any) being implemented and prior to works clearance sign off.

#### Landscaping

91. The street, SH39 bund and neighbourhood park (Lot 2003) landscaping shall be implemented in accordance with the certified landscape plans and to the satisfaction of the HCC Manager Parks and Recreation (or nominee) ~~prior to vesting.~~

#### Public Stormwater System

- ~~92. The consent holder shall provide and install a complete public stormwater system to serve the relevant allotments/stages, including individual connections for each relevant allotment, in accordance with the engineering approval(s).~~
93. An Engineering Completion Certificate from a suitably qualified engineer shall be provided certifying that all required public stormwater ~~pipes~~ reticulation, stormwater devices and individual stormwater connections for each relevant ~~allotment/stage lot~~ have been constructed in accordance with the engineering approval(s) shall be provided as part of ~~each works clearance~~ application for section 224(c) certification.
94. The stormwater management devices landscaping shall be implemented in accordance with the certified engineering plans and to the satisfaction of the HCC General Manager Development (or nominee) prior to vesting.
95. The OMP approved in a technical certification capacity at engineering plan approval stage shall be updated and submitted for approval in a technical certification capacity by HCC General Manager Development (or nominee), provided as part of each relevant application for works clearance~~section 224(c) certification.~~ The plan shall include (but not be limited to) the following:

- (a) As built plans and data sheets for the devices in accordance with ~~HCC Specifications~~ RITS and inspections and monitoring results and any adaptive management.

~~The maintenance and operation of the stormwater management system shall be carried out in accordance with the Waikato Regional Infrastructure Technical Specifications and the certified OMP.~~

#### Public Wastewater System

96. The consent holder shall provide and install a complete public wastewater system to serve the relevant ~~lots in each stage allotments/stages~~, including individual connections for each ~~relevant~~ allotment, in accordance ~~with the in accordance~~ with the engineering approval(s) and shall be provided as part of each application for section 224(c) certification.
97. An Engineering Completion Certificate certifying that separate wastewater connections have been provided for each relevant allotment/stage shall be provided as part of each application for section 224(c) certification.

#### Water Supply

98. The consent holder shall provide and install a complete water supply system to serve the relevant allotments/stages in accordance with the engineering approval(s) shall be provided as part of each application for section 224(c) certification.
99. An Engineering Completion Certificate from a suitably qualified engineer shall be provided that separate water supply connections have ~~ean~~ been constructed in accordance with the accepted engineering plans shall be provided as part of works clearance application provided for each relevant allotment/stage shall be provided as part of each application for section 224(c) certification.

#### Electricity Supply Network Utilities

100. ~~The consent holder shall provide and install an underground electricity supply system to service each relevant allotment/stage. The system shall be installed in accordance with the requirements of the RITS and the relevant network utility operator.~~ As part of each works clearance application ~~for section 224(c) certification~~, the consent holder shall provide confirmation from the network utility operator that the system service reticulation has been installed in accordance with their requirements and is available to each lot.

#### Telecommunications Services

~~The consent holder shall provide and install an underground telecommunications system to service each relevant allotment. The system shall be installed in accordance with the requirements of the RITS and the relevant network utility operator. As part of each application for section 224(c) certification, the consent holder shall provide confirmation from the network utility operator that the system has been installed in accordance with their requirements.~~

#### As-built Plans and Certification

101. Certifications and as-built plans of all new public assets to be vested in the Council (including associated documentation) ~~and shall be~~ in accordance with the RITS shall be submitted with the works clearance application.
102. All Road Assessment and Maintenance Management (RAMM) data ~~and as-built plans for all new roads~~ shall also be provided with the 224(c) works clearance application for

each stage. This shall be inclusive of kerb lines, cesspits, footpath, intersection control devices, pavement marking, street lighting, street furniture, street name, directional signs, landscaping and rain gardens etc.

103. A register of all assets to be vested in Council (e.g. reserves, roads, water, wastewater and stormwater infrastructure) and associated GST requirements shall be submitted with the works clearance application.

Maintenance of Works / Defect Liability

104. The Consent Holder shall comply with the following defects liability periods for the construction, operation and maintenance of infrastructure assets which are to be vested in Council and the planted bund within Lots 600 – 602 which is to be held in private ownership. During the Defects Liability Period, maintenance of the Infrastructure Assets and the planted bund shall be the responsibility of the consent holder.
105. A defect liability period of 24 months for all planted stormwater treatment and detention devices (centralised planted stormwater device and stormwater storage) with the defects period commencing at the completion of final stage of land development serviced by the device (excluding the realigned Ohote tributary and associated riparian margins which shall have the defects liability commenced at the vesting of Stage 1A) and 12 months for all other infrastructure assets vested in Council as per the Waikato Regional Infrastructure Technical Specifications from the date of issue of the section 224(c) Certificate (“Defects Liability Period”).
106. A defect liability period of five years for the planting of the bund within Lots 600-602.
107. If during the Defects Liability Period Council considers that any remedial works need to be carried out in respect of the Infrastructure Assets and the planted bund, the consent holder shall undertake at its own cost such remedial works to the satisfaction of Council
108. Engineering plans for remedial works shall be submitted to and accepted by the HCC General Manager Development (or nominee) Council prior to construction

**Consent Notices (relevant to residential lots – all stages)**

109. All habitable rooms in buildings on Lots 19-39, 42, 80-92, 169-171, and 203-220 (being within 80m of State Highway 39A) shall be protected from traffic noise from State Highway 39A by ensuring they are designed and constructed to meet an indoor design sound level of 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) in other rooms. Where the indoor design sound levels can only be achieved with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 - Ventilation of the New Zealand Building Code 2011.
- i) Habitable room means any room that is part of a building, apart from those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.
  - ii) For Lots which directly adjoin the bund within Lots 600-602, this condition would apply to habitable rooms on second floors of buildings;
  - iii) This condition would also apply to any other habitable room within 80m of the Stage Highway 39A and with a clear line of sight to State Highway 39A.

Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots .... To .... Requiring the glazing / façade performance requirements and ventilation strategy for habitable rooms

outlined in Table 6 of section 5.2 of 'Rotokauri North Development – Acoustics – Road Traffic Noise Assessment' (Agile Engineering Consultants, April 2022) to be incorporated into the design and construction of the buildings. The applicable requirements and strategy can be determined by reference to the noise contours in the relevant plan in Appendix C of the report;

Or alternatively;

If the glazing / façade performance requirements and ventilation strategy for habitable rooms are not undertaken in accordance with Table 6 of section 5.2 of 'Rotokauri North Development - Acoustics - Road Traffic Noise Assessment' (Agile Engineering Consultants, April 2022) the indoor design sound level of 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) in other rooms must be met. Where the indoor design sound levels can only be achieved with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 - Ventilation of the New Zealand Building Code 2011.

An acoustic design certificate, prepared by a suitably qualified and experienced person in building acoustics, shall be provided to Council's Planning Guidance Manager at or before the time of application for building consent. The certificate shall show how the noise standards and the ventilation requirement will meet the sound level of 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) in other rooms.

- i) Habitable room means any room that is part of a building, apart from those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.
- ii) For Lots which directly adjoin the bund within Lots 600-602, this condition would apply to habitable rooms on second floors of buildings;
- iii) This condition would also apply to any other habitable room with a clear line of sight to State Highway 39A.

Pursuant to Section 221 of the Resource Management act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots .... To .... Requiring the glazing / façade performance requirements and ventilation strategy for habitable rooms outlined in Table 6 of section 5.2 of 'Rotokauri North Development - Acoustics - Road Traffic Noise Assessment' (Agile Engineering Consultants, April 2022) to be incorporated into the design and construction of the buildings. The applicable requirements and strategy can be determined by reference to the noise contours in the relevant plan in Appendix C of the report;

Edits to the following conditions have not been shown as tracked changes unless the text is new/edited to align with HCC amendments, as the conditions are the same – just re-phrased from the original text to align with HCC request for re-format]

110. For any lot referenced in the Geotechnical Completion Report as requiring any specific engineering investigation and design or other works beyond the scope of NZS ~~3604:1990~~ 3604:2011 the specific recommendations of the Geotechnical Completion Report shall be complied with on a continuing basis.

Pursuant to Section 221 of the Resource Management act 1991, a consent notice shall be registered against the Computer Freehold Register of any necessary allotment, recording any specific engineering investigation and design or other works beyond the scope of ~~NZS 3604:1990~~ 3604:2011 recommended by the geotechnical completion report which shall be complied with on a continuing basis, all at no cost to Council

111. All residential allotments (with the exception of Lot 393 293) require:
- (a) The provision of a rainwater re-use tank sized to contain the equivalent of 10mm of rainfall on the lot. The required volume of the rain tank (in m3) for a lot equates to the area of the lot (in m2) times 0.01.
  - (b) That all re-use tanks be dual plumbed into the dwelling and used for on potable uses only.
  - (c) The overflow outlet from the reuse tank for non-potable reuse must connect to the stormwater reticulation given the unique high ground water conditions prohibits soakage.
  - (d) That a Backflow Device must be provided to protect the potable water supply from cross contamination.
  - (e) That the owners of each allotment are responsible for the ongoing operation and maintenance of the device.

Advice Note:

The Consent Holder is advised to review the HCC Three Water Practice Notes referring to Reuse Tanks - HCC 02: Rainwater Reuse System (Rain Tanks) at the time of installation for current best practice at that time

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of the respective lots in accordance with Section 221 of the RMA.

112. Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 have been designated to cumulatively provide a minimum of 31 affordable dwellings that meet the affordability criteria set out in Rule 3.6A.4.1 of PC7 Decisions Version (or any operative version of this provision).

The relevant subdivision application for any future development on Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 shall specify that the dwellings (or any dwellings built on vacant sites identified for affordable housing) must be sold to first home buyers who intend to reside in the dwelling and retain ownership for three years from the date of first transfer. After three years of retained ownership, this consent notice shall cease to have effect.

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 in accordance with Section 221 of the RMA.

The consent notice shall identify that the relevant date for determining affordability price shall correspond with the date the 224(c) application is lodged with Council for the relevant subdivision application for any future development on the relevant allotment unless authorised otherwise by a resource consent.

**[The following condition can be deleted should PC7 be made operative before any decision has been made- the replacement condition is also identified below]**

113. All residential allotments (with the exception of Lots 1001, 1004, 1005, 219-223 323, 390 and 393) require that any future building shall comply with the "Proposed Development Controls" as referenced in Condition 1, as a replacement to the Future Urban Zone provisions. All other relevant Operative Hamilton City District Plan development controls are to be complied with, with the exception that any vehicle crossings shall utilise the applicable development controls for a Residential Zone or site as a replacement to the Future Urban zone provisions.

This does not inhibit the ability of any person to apply for a resource consent to infringe any development controls and/or bulk and location standards of the District Plan.

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of the respective lots in accordance with Section 221 of the RMA.

The consent notice shall also specify that this shall cease to have effect once either PC7 becomes operative OR the land is rezoned and replacement standards have immediate legal effect under any plan change required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, whichever occurs first.

**[Replacement condition to the above]**

The following restrictions shall apply to the identified allotments in respect of the applicable development control standards of the Hamilton City District Plan:

- (a) For the purposes of applying relevant development controls Lots 25-28 shall be treated as a "front lot" with the following boundary controls applicable:
- i. the boundary adjoining Lot 501 shall be treated as the "front boundary" and subject to all relevant controls applicable to a "front yard" or "transport corridor boundary" or a "street.
  - ii. the boundary adjoining Lot 4000 (road to vest) shall be treated as a "rear boundary" and subject to all relevant controls applicable to a "rear yard/
  - iii. All other boundaries shall be treated as "side boundaries" and subject to all relevant controls applicable to a "side yard".
- (b) For the purposes of applying relevant development controls (including the proposed standards) Lots 216 and 217 for shall be treated as a "front lot" with the following boundary controls applicable:
- i. the boundary adjoining Lot 504 shall be treated as the "front boundary" and subject to all relevant controls applicable to a "front yard" or "transport corridor boundary" or a "street.
  - ii. the boundary adjoining Lot 4000 (road to vest) shall be treated as a "rear boundary" and subject to all relevant controls applicable to a "rear yard".



- iii. All other boundaries shall be treated as "side boundaries" and subject to all relevant controls applicable to a "side yard".
- (c) For any allotment at the entrance to the JOAL, at the time of Building Consent, each allotment shall provide a landscape plan which demonstrate a landscaping area to be planted either side of rear lane JOAL entrances so as to visually close them as much as possible and screen their length (and the garages or parking areas along them) from public view.
- (d) For Lots 300-307 the fencing along the rear boundary shall be treated the same as a fence applicable to a transport corridor boundary.
- (e) The following replacement development standards shall apply to Lots 157, 158, 166, 351 and 357:
  - i. The height in relation to boundary standard specified in the Resource Management (Enabling Housing Supply and Other Matters) Act(as a replacement to Rule 4.6.3b)).
  - ii. The rear yard standard specified in the Resource Management (Enabling Housing Supply and Other Matters) Act (as a replacement to Rule 4.8.2f)iv).
  - iii. Standards specified in Rules 4.8.3 a, aa-ff (Interface between Public and Private) shall not apply.

The above does not inhibit the ability of any person to apply for a resource consent to infringe any development controls and/or bulk and location standards of the District Plan.

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of the respective lots in accordance with Section 221 of the RMA.

### **Survey Plan Approval (S223) Conditions – All Stages**

114. Before the Council will approve a survey plan pursuant to s223 of the RMA for the stages shown on the BBO schemes Plan referenced in condition 1 the following conditions shall be satisfied:
- (a) Stage survey plan shall be in general accordance with the respective stage shown on the BBO schemes Plan referenced in condition 1/[Attachment 1](#).
  - (b) The consent holder shall undertake consultation with the [Project](#) Tangata Whenua Working Group on the names of the roads and reserves (as applicable to each stage) to vest in Council prior to seeking Council approval for the road and reserve name(s) in accordance with the Hamilton City Council Naming of Roads, Open Spaces and Council Facilities Policy. The approved road names are on be shown on the stage survey plan.
  - (c) Easements in favour of Hamilton City Council shall be created where any public wastewater, water supply and stormwater infrastructure are required to be constructed outside of vested public roads or reserves.

115. Prior to s223, the consent holder and the General Manager Development (HCC) must agree on an appropriate arrangement for either the collection of rubbish/recycling and unimpeded access through the JOAL or from vested roadside collection.

If from the JOAL, the consent holder shall indemnify Council or its contractors rubbish/recycling vehicles driving across the JOAL and this indemnification shall be passed on the owners of the JOAL.

### **Stage 1A Specific Conditions**

#### Survey plan approval (s223) conditions

116. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) referenced in Attachment 1. The survey plan must show all lots required by this subdivision consent. The survey plan must show all lots to vest in Hamilton City Council (including roads, parks), all easements and amalgamation condition required by this subdivision consent.
117. Easements in gross in favour of the Hamilton City Council (marked 'D', 'E', 'U', 'C', 'F', and 'T') for the purpose of providing public access, must be created over Lots 3000, 3001 and Lot 3 DPS 15424 and must be included in a memorandum of easements and shown on the survey plan and be granted or reserved.
118. Easements in gross in the favour of the Hamilton City Council (marked 'C') for the right to convey water, must be created over Lots 3003 and must be included in a memorandum of easements and shown on the survey plan and be granted or reserved.
119. Easements in gross in the favour of the Hamilton City Council (marked 'C','D', 'E', 'F', and "S") for the right to drain sewer, must be created over Lots 3001, 3000, 3003 and Lot 3 DPS 15424 and must be included in a memorandum of easements and shown on the survey plan and be granted or reserved.
120. Easements in gross in the favour of the Hamilton City Council (marked 'H', 'J' and 'K') for the right to drain water, must be created over Lot 3004 and 3007 and must be included in a memorandum of easements and shown on the survey plan and be granted or reserved.
121. Subject to condition 115, should rubbish collection services be provided from within either Lot 500 (access Lot) or Lot 501 (access lot) The the right of way ~~and services~~ easements 'A', 'B' and 'M' be shown on the survey plan and be duly granted and reserved.
122. The right to convey services easements 'C' and 'N' be shown on the survey plan and be duly granted and reserved.
123. The right of way easements 'V' be shown on the survey plan and be duly granted and reserved.
124. The existing easements marked "B" on DP 485743 must be cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution within the Land Information NZ Landonline Territorial Authority Certifications portal as part of the survey plan application.
125. Lots 2000 and 2001 must be vested in Hamilton City Council as Local Purpose (Stormwater) Reserve.
126. Lot 2002 must be vested in Hamilton City Council as Local Purpose (Pump Station) Reserve.

127. Lots 4000 and 4001 must be vested in Hamilton City Council as public road.
128. Lot 500 be held as to twelve undivided one 1/12 by the owners of 1-11 and 1001 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith
129. Lot 501 be held as to twenty-one undivided one 1/21 by the owners of Lots 15, 16, 19-28, 33-40 and 1005 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
130. Pursuant to section 220(1)(b)(ii) of the RMA, Lots 600, 1002 and 3001 must be endorsed on the survey plan to be held together, and one record of title shall be issued to include all parcels.
131. Pursuant to section 220(1)(b)(ii) of the RMA, Lots 3005 and 3006 must be endorsed on the survey plan to be held together, and one record of title shall be issued to include all parcels.

Section 224(c) certification conditions

132. An application for a certificate under section 224(c) of the Resource Management Act 1991 shall be accompanied by certification from a professionally qualified surveyor or engineer that all the relevant conditions of the subdivision consent, (as applicable to the relevant stage) and that all works as relevant to the stage authorised under the earthworks and contaminated land consents forming part of this overall consent, have been complied with, and that in respect of those conditions that have not been complied with:
  - (a) a completion certificate has been issued in relation to any conditions to which section 222 applies;
  - (b) a consent notice has been issued in relation to any conditions to which section 221 applies; and
  - (c) a bond has been entered into by the subdividing owner in compliance with any condition of subdivision consent imposed under section 108(2)(b).
133. The following works specifically must be completed prior to application for works clearance for Stage 1A.
  - (a) The stormwater treatment wetlands required to treat Stage 1A within Lots 2000 and 2001 must be constructed and commissioned
  - (b) The wastewater infrastructure including the pump station and new rising main must be connected to the Hamilton City Council Far Western Interceptor.
  - (c) The consent holder must provide water to the site in accordance with the plans submitted by BBO and referenced in Condition 1.
  - (d) The roundabout intersection with State Highway 39 shall be completed and operational.

Consent Notices (specific to Stage 1A)

Edits to this section have not been shown as tracked changes unless the text is new/edited to align with HCC amendments, as the conditions are the same – just re-phrased from the original text to align with HCC request for re-format]

134. The following restrictions apply to the specified Lots within Stage 1A:

- (a) Lot 32: The combined height of any fence and retaining wall structure along the common boundary with 321 Te Kowhai Road (Lot 1 DP 485743) shall be restricted to ~~2.5m~~2.0m with a height of not less than 1.5m comprising a solid fence.
- (b) Lots 15, 16, 19-28, 33-40 and 1005: Vehicle access is restricted from the public road (Lot 4000 and 4001) and shall be provided from Lot 501 (access lot) only.
- (c) Lots 1-11 and 100: Vehicle access is restricted from the public road (Lot 4001) and shall be provided from Lot 500 (access lot) only.
- (d) Lots 14, and ~~67-38~~ 66-68: Vehicle access is restricted from occurring over the dedicated cyclelane and shared path on public road (Lot 4001).
- (e) Lots ~~52-48~~ 48-52: Garage construction is restricted to a single width (3m width maximum) garage only.
- (f) Lot ~~393~~ 292: In the event that the site is not utilised for a school then a further subdivision consent is first required (prior to any residential land use) so as to ensure an appropriate extension of the public road network occurs.

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of the respective lots in accordance with Section 221 of the RMA.

**[The below condition has been shown as deleted but has been relocated to the consent notices applicable to all stages]**

~~Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots 1001 and 1005 specifying that Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 have been designated to cumulatively provide a minimum of 31 affordable dwellings that meet the affordability criteria set out in Rule 3.6A.4.1 of PC7 Decisions Version (or any operative version of this provision). The consent notice shall identify that the relevant date for determining affordability price shall correspond with the date the 224(c) application is lodged with Council for the relevant subdivision application for any future development on the relevant allotment unless authorised otherwise by a resource consent. The relevant subdivision application for any future development on Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 shall specify that the dwellings (or any dwellings built on vacant sites identified for affordable housing) must be sold to first home buyers who intend to reside in the dwelling and retain ownership for three years from the date of first transfer. After three years of retained ownership, this consent notice shall cease to have effect.~~

## **Stage 1B Specific Conditions**

### Commencement of Stage 1B

- 135. The subdivision of Stage 1B cannot commence until titles for Stage 1A have been issued.
- 136. Notwithstanding the above the consent holder may undertake Stages 1A and 1B concurrently and apply for 223 and 224(c) for both stages concurrently.

### Survey plan approval (s223) conditions

- 137. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) referenced in Attachment 1. The survey plan must show all lots required by this subdivision consent. The survey plan must show all lots

to vest in Hamilton City Council (including roads, parks), all easements and amalgamation condition required by this subdivision consent.

138. Lots 4002 and 4003 must be vested in Hamilton City Council as public road.
139. Lot 502 shall be held as to five undivided one 1/5 by the owners of Lots 102-106 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith
140. Lot 503 shall be held as to twenty-seven undivided one 1/27 by the owners of Lots 107-112, and 21/27 shares by the owners of Lot 3000 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
141. The easement marked "D" and created by Stage 1A shall be part cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution within the Land Information NZ Landonline Territorial Authority Certifications portal as part of the survey plan application.
142. Pursuant to section 220(1)(b)(ii) of the RMA, Lots 600 and 1002 Stage 1A and Lot 601 must be endorsed on the survey plan to be held together, and one record of title shall be issued to include all parcels.

Section 224(c) certification conditions

143. An application for a certificate under section 224(c) of the Resource Management Act 1991 shall be accompanied by certification from a professionally qualified surveyor or engineer that all the relevant conditions of the subdivision consent (as applicable to the relevant stage) and that all works as relevant to the stage authorised under the land use, diversion, discharge permits forming part of this overall consent, have been complied with, and that in respect of those conditions that have not been complied with:
  - (a) a completion certificate has been issued in relation to any conditions to which section 222 applies;
  - (b) a consent notice has been issued in relation to any conditions to which section 221 applies; and
  - (c) a bond has been entered into by the subdividing owner in compliance with any condition of subdivision consent imposed under section 108(2)(b).

Consent Notices (specific to Stage 1B)

Edits to this section have not been shown as tracked changes unless the text is new/edited to align with HCC amendments, as the conditions are the same – just re-phrased from the original text to align with HCC request for re-format]

144. The following restrictions apply to the specified Lots within Stage 1B:
  - (a) Lot 82: The combined height of any fence and retaining wall structure along the common boundary with 321 Te Kowhai Road (Lot 1 DP 485743) shall be restricted to ~~2.5m~~2.0m with a height of not less than 1.5m comprising a solid fence.
  - (b) Lot 90 and 1004: The combined height of any fence and retaining wall structure along the common boundary with 301 Te Kowhai Road (Lot 1 DP 465878 & Lot 1 DP69074) shall be restricted to ~~2.5m~~2.0m with a height of not less than 1.5m comprising a solid fence.

- (c) Lots 102-106: Vehicle access is restricted from the public road (Lot 4001 and 4003) and shall be provided from Lot 502 (access lot) only.
- (d) Lots 107-112: Vehicle access is restricted from the public road (Lot 4003) and shall be provided from Lot 503 (access lot) only.

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of the respective lots in accordance with Section 221 of the RMA.

**[The below condition has been shown as deleted but has been relocated to the consent notices applicable to all stages]**

~~Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots 1004 specifying that Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 have been designated to cumulatively provide a minimum of 31 affordable dwellings that meet the affordability criteria set out in Rule 3.6A.4.1 of PC7 Decisions Version (or any operative version of this provision). The consent notice shall identify that the relevant date for determining affordability price shall correspond with the date the 224(c) application is lodged with Council for the relevant subdivision application for any future development on the relevant allotment unless authorised otherwise by a resource consent. The relevant subdivision application for any future development on Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 shall specify that the dwellings (or any dwellings built on vacant sites identified for affordable housing) must be sold to first home buyers who intend to reside in the dwelling and retain ownership for three years from the date of first transfer. After three years of retained ownership, this consent notice shall cease to have effect.~~

### **Stage 1C Specific Conditions**

#### Commencement of Stage 1C

- 145. The subdivision of Stage 1C cannot commence until titles for Stage 1A have been issued.
- 146. Notwithstanding the above the consent holder may undertake Stages 1A and 1C concurrently and apply for 223 and 224(c) for both stages concurrently.
- 147. Detailed landscape plans for the recreation reserve (Lot 2003) shall be submitted for review and approval by the Hamilton City Council Manager, Parks and Recreation (or nominee), and shall include the species, size and planting specifications, maintenance programme for all planting and design specifications of all boundary fencing and park furniture (including bollards, seating, signage, paths, playground features, etc.). The detailed landscape plans shall be prepared by a suitably qualified landscape architect or park design professional.
- 148. No hard or soft landscaping works shall commence on site on site until the landscape plans are accepted, with stamped copies being held on site during the works.
- 149. The design, construction and maintenance of all landscaping and planting of the recreation reserve shall be undertaken in accordance with Section 7 of the RITS.
- 150. The landscaping (hard and soft) shall be established prior to s224 Certification for Stage 1C.

#### Advice Notes

- (a) For the avoidance of doubt, the minimum expectation for landscaping of the neighbourhood park prior to vesting in Council is that it is:
- contoured to be relatively flat with at least 30m x 30m area with max 2% crossfall;
  - clear of construction debris;
  - grassed with simple park furnishings (e.g. path, seating, rubbish bins);
  - planted with a few specimen trees;
  - bollards are installed around the boundaries of the park adjoining a road.
151. Any landscaping or park furniture proposed in addition to the minimum expectation (e.g. playgrounds, sculptures, signage, etc.) will also require prior review and approval by the Manager Parks and Recreation (or nominee).
152. The vehicle crossing serving Lots 155, 156, 165, 167 and 168 shall be located and constructed in general accordance with the Urban Design Assessment dated April 2022.
- Survey plan approval (s223) conditions
153. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) referenced in Attachment 1. The survey plan must show all lots required by this subdivision consent. The survey plan must show all lots to vest in Hamilton City Council (including roads, parks), all easements and amalgamation condition required by this subdivision consent.
154. The right of way and services easements '~~Q~~', 'P' and 'Q' be shown on the survey plan and be duly granted and reserved,
155. Subject to condition 115, should rubbish collection services be provided from within Lot 504 (access Lot) that the right of way easements 'P', include right of way in favour of Hamilton City Council for the purpose of rubbish collection.
156. Lot 4004 must be vested in Hamilton City Council as public road.
157. Lot 2003 must be vested in Hamilton City Council as Recreation Reserve at no cost to Hamilton City Council.
158. Lot 504 shall be held as to twenty-one undivided one 1/21 by the owners of Lots 195-203, 207-210 and 216-223 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
159. Existing easement marked as area "L" on the Stage 1A plan, shall be cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution within the Land Information NZ Landonline Territorial Authority Certifications portal as part of the survey plan application.
160. The easement marked "C" and created by Stage 1A shall be ~~not~~ cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution within the Land Information NZ Landonline Territorial Authority Certifications portal as part of the survey plan application.

161. Pursuant to section 220(1)(b)(ii) of the RMA, Lots 600 and 1002 Stage 1A, Lot 601 Stage 1B and Lot 602 must be endorsed on the survey plan to be held together, and one record of title shall be issued to include all parcels.

Section 224(c) certification conditions

162. An application for a certificate under section 224(c) of the Resource Management Act 1991 shall be accompanied by certification from a professionally qualified surveyor or engineer that all the relevant conditions of the subdivision consent (as applicable to the relevant stage) and that all works as relevant to the stage authorised under the land use, diversion, discharge permits forming part of this overall consent, have been complied with, and that in respect of those conditions that have not been complied with:
- (a) a completion certificate has been issued in relation to any conditions to which section 222 applies;
  - (b) a consent notice has been issued in relation to any conditions to which section 221 applies; and
  - (c) a bond has been entered into by the subdividing owner in compliance with any condition of subdivision consent imposed under section 108(2)(b).

Consent Notices (specific to Stage 1C)

Edits to this section have not been shown as tracked changes unless the text is new/edited to align with HCC amendments, as the conditions are the same – just re-phrased from the original text to align with HCC request for re-format

163. The following restrictions apply to the specified Lots within Stage 1C:
- (a) Lot 150, 152-158: The combined height of any fence and retaining wall structure along the common boundary with 353 Te Kowhai Road (Lot 3 DP 314799) shall be restricted to 2.0m with a height of not less than 1.5m comprising a solid fence.
  - (b) Lot 158, 266-169 and 211: The combined height of any fence and retaining wall structure along the common boundary with 349 Te Kowhai Road (Lot 1 DPS 72047) shall be restricted to 2.0m with a height of not less than 1.5m comprising a solid fence.
  - (c) Lots 195-203, 207-210 and 216-223: Vehicle access is restricted from the public road (Lot 4000 and 4001 (vested in Stage 1A) and 4004) and shall be provided from Lot 504 (access lot) only.
  - (d) Lots 150, 151, ~~157, 159~~, 160, 181-187~~4~~, 192-194: Vehicle access is restricted from occurring over the dedicated cycle lane and shared path on public road (Lot 4004).
  - (e) Lots 156, 168~~7~~, 180: Garage construction is restricted to a single width (3m width maximum) garage only.
  - (f) Lot 193: Vehicle access is restricted from occurring directly over the dedicated cycle lane and shared path to be constructed on Lot 4004 and shall be provided from the right of way easement over Lot 192 only.

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of the respective lots in accordance with Section 221 of the RMA.



[The below condition has been shown as deleted but has been relocated to the consent notices applicable to all stages]

~~Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots 219-213 specifying that Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 have been designated to cumulatively provide a minimum of 31 affordable dwellings that meet the affordability criteria set out in Rule 3.6A.4.1 of PC7 Decisions Version (or any operative version of this provision). The consent notice shall identify that the relevant date for determining affordability price shall correspond with the date the 224(c) application is lodged with Council for the relevant subdivision application for any future development on the relevant allotment unless authorised otherwise by a resource consent. The relevant subdivision application for any future development on Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 shall specify that the dwellings (or any dwellings built on vacant sites identified for affordable housing) must be sold to first home buyers who intend to reside in the dwelling and retain ownership for three years from the date of first transfer. After three years of retained ownership, this consent notice shall cease to have effect.~~

### **Stage 1D Specific Conditions**

#### Commencement of Stage 1D

164. The subdivision of Stage 1D cannot commence until titles for Stage 1A have been issued.
165. Notwithstanding the above the consent holder may undertake Stages 1A and 1D concurrently and apply for 223 and 224(c) for both stages concurrently.

#### Survey plan approval (s223) conditions

166. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) referenced in Attachment 1. The survey plan must show all lots required by this subdivision consent. The survey plan must show all lots to vest in Hamilton City Council (including roads, parks), all easements and amalgamation condition required by this subdivision consent.
167. Existing easements IE, ID, IC, IB, and IA be shown on the survey plan.
168. The easement marked "J" and created by Stage 1A shall be part cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution within the Land Information NZ Landonline Territorial Authority Certifications portal as part of the survey plan application.
169. The easement marked "H" on the Stage 1A plan shall be part cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution within the Land Information NZ Landonline Territorial Authority Certifications portal as part of the survey plan application.
170. Lot 4005 must be vested in Hamilton City Council as public road.
171. Lot 2004 must be vested in Hamilton City Council as Local Purposes (Stormwater) Reserve.
172. Lot 505 shall be held as to twenty-four undivided one 1/24 by the owners of Lots 250-273, hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.

#### Section 224(c) certification conditions

173. An application for a certificate under section 224(c) of the Resource Management Act 1991 shall be accompanied by certification from a professionally qualified surveyor or engineer that all the relevant conditions of the subdivision consent (as applicable to the relevant stage) and that all works as relevant to the stage authorised under the land use, diversion, discharge permits forming part of this overall consent, have been complied with, and that in respect of those conditions that have not been complied with:
- (a) a completion certificate has been issued in relation to any conditions to which section 222 applies;
  - (b) a consent notice has been issued in relation to any conditions to which section 221 applies; and
  - (c) a bond has been entered into by the subdividing owner in compliance with any condition of subdivision consent imposed under section 108(2)(b).

Consent Notices (specific to Stage 1D)

Edits to this section have not been shown as tracked changes unless the text is new/edited, as the conditions are the same – just re-phrased from the original text to align with HCC request for re-format]

174. The following restrictions apply to the specified Lots within Stage 1D:
- (a) Lots 250-273: Vehicle access is restricted from the public road (Lot 4005 and Lot 4007 of Stage 1F), requiring vehicle access from Lot ~~504~~ 505 (access lot) only.
  - (b) Lots 274, 287 and 292: Vehicle access is restricted from occurring over the dedicated cycle lane and shared path to be constructed on ~~public road (Lot 3006) Stage 1A /~~ public road (Lot 4007) Stage 1F.
  - (c) Lot 283: Garage construction is restricted to a single width (3m width maximum) garage only.
  - (d) Lot ~~393~~ 292: In the event that the site is not utilised for a school then a further subdivision consent is first required (prior to any residential land use) so as to ensure an appropriate extension of the public road network occurs.

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of the respective lots in accordance with Section 221 of the RMA.

### **Stage 1E Specific Conditions**

Commencement of Stage 1E

175. The subdivision of Stage 1E cannot commence until titles for Stage 1D have been issued.
176. Notwithstanding the above the consent holder may undertake Stages 1D and 1E concurrently and apply for 223 and 224(c) for both stages concurrently.

Survey plan approval (s223) conditions

177. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) referenced in Attachment 1. The survey plan must show all lots required by this subdivision consent. The survey plan must show all lots to vest in Hamilton City Council (including roads, parks), all easements and amalgamation condition required by this subdivision consent.

178. Lot 4006 must be vested in Hamilton City Council as public road.
179. Lot 506 shall be held as to eight undivided one 1/8 by the owners of Lots 300-307, hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
180. Lot 507 shall be held as to nineteen undivided one 1/19 by the owners of Lots 308-322, and 324-327 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.

Section 224(c) certification conditions

181. An application for a certificate under section 224(c) of the Resource Management Act 1991 shall be accompanied by certification from a professionally qualified surveyor or engineer that all the relevant conditions of the subdivision consent (as applicable to the relevant stage) and that all works as relevant to the stage authorised under the land use, diversion, discharge permits forming part of this overall consent, have been complied with, and that in respect of those conditions that have not been complied with:
- (a) a completion certificate has been issued in relation to any conditions to which section 222 applies;
  - (b) a consent notice has been issued in relation to any conditions to which section 221 applies; and
  - (c) a bond has been entered into by the subdividing owner in compliance with any condition of subdivision consent imposed under section 108(2)(b).

Consent Notices (specific to Stage 1E)

**Edits to this section have not been shown as tracked changes unless the text is new/edited, as the conditions are the same – just re-phrased from the original text to align with HCC request for re-format]**

182. The following restrictions apply to the specified Lots within Stage 1E:
- (a) Lots 300-307: Vehicle access is restricted from the public road (Lot 4006) and shall be provided from Lot 506 (access lot) only.
  - (b) Lots 308-322, and 324-327: Vehicle access is restricted from the public road (Lot 4001 and 4006) and shall be provided from Lot 507 (access lot) only.
  - (c) JOAL 506: Any fence or barrier along the boundary with the storm water reserve (Lot 2000) shall be restricted to 1.0m.

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of the respective lots in accordance with Section 221 of the RMA.

**[The below condition has been shown as deleted but has been relocated to the consent notices applicable to all stages]**

~~Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots 301, 302 and 307 specifying that Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 have been designated to cumulatively provide a minimum of 31 affordable dwellings that meet the affordability criteria set out in Rule 3.6A.4.1 of PC7 Decisions Version (or any operative version of this provision). The consent notice shall identify that the relevant date for determining~~

~~affordability price shall correspond with the date the 224(c) application is lodged with Council for the relevant subdivision application for any future development on the relevant allotment unless authorised otherwise by a resource consent. The relevant subdivision application for any future development on Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 shall specify that the dwellings (or any dwellings built on vacant sites identified for affordable housing) must be sold to first home buyers who intend to reside in the dwelling and retain ownership for three years from the date of first transfer. After three years of retained ownership, this consent notice shall cease to have effect.~~

## **Stage 1F Specific Conditions**

### Commencement of Stage 1F

183. The subdivision of Stage 1F cannot commence until titles for Stage 1E have been issued.
184. Notwithstanding the above the consent holder may undertake Stages 1E and 1F concurrently and apply for 223 and 224(c) for both stages concurrently.

### Survey plan approval (s223) conditions

185. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) referenced in Attachment 1. The survey plan must show all lots required by this subdivision consent. The survey plan must show all lots to vest in Hamilton City Council (including roads, parks), all easements and amalgamation condition required by this subdivision consent.
186. Existing easements IE, ID, IC, IB, IA and H shall be shown on the survey plan.
187. The existing easements marked "RB" on DP 4007 must be cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution within the Land Information NZ Landonline Territorial Authority Certifications portal as part of the survey plan application.
188. Lot 4007 must be vested in Hamilton City Council as public road.
189. Lot 508 shall be held as to ~~eleven~~ nine undivided one 1/11 by the owners of Lots 374-383 and 390, hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
190. That a right of way easement 'Y' be registered over the access of Lot 351 to enable vehicular access for Lots 350 and 352. This shall be shown on the memorandum of easements on the survey plan and be duly granted and reserved.
191. That a right of way easements 'X' and 'W' be registered over the access legs of Lots 385 and 386 to enable shared vehicular access for Lots 385 and 386. This shall be shown on the memorandum of easements on the survey plan and be duly granted and reserved.

### Section 224(c) certification conditions

192. An application for a certificate under section 224(c) of the Resource Management Act 1991 shall be accompanied by certification from a professionally qualified surveyor or engineer that all the relevant conditions of the subdivision consent (as applicable to the relevant stage) and that all works as relevant to the stage authorised under the land use, diversion, discharge permits forming part of this overall consent, have been complied with, and that in respect of those conditions that have not been complied with:
  - (a) a completion certificate has been issued in relation to any conditions to which section 222 applies;

- (b) a consent notice has been issued in relation to any conditions to which section 221 applies; and
- (c) a bond has been entered into by the subdividing owner in compliance with any condition of subdivision consent imposed under section 108(2)(b).

Consent Notices (specific to Stage 1F)

[Edits to this section have not been shown as tracked changes unless the text is new/edited, as the conditions are the same – just re-phrased from the original text to align with HCC request for re-format]

193. The following restrictions apply to the specified Lots within Stage 1F:

- (a) Lots 374~~5~~-383 and 390: Vehicle access is restricted from the public road (Lot 4004 and 4006) and shall be provided from Lot 508 (access lot) only.
- (b) Lots 385, 386, 389, and 354: Vehicle access is restricted from occurring over the dedicated cycle lane and shared path to be constructed on public road (Lot 4007) Stage 1E.
- (c) Lot 350 and 352: Vehicle access is restricted from occurring directly over the dedicated cycle lane and shared path to be constructed on public road (Lot 4006) and shall be provided from the right of way easement over Lot 351 only.
- (d) Lots 354, 356, 389 and 372: Garage construction is restricted to a single width (3m width maximum) garage only.
- (e) Lots 350-353: Future development (including residential dwellings) is required to be provide on-site manoeuvring either within the respective site or in the right of way to avoid reverse manoeuvring over the dedicated cycle lane and shared path to be constructed on public roads (Lot 3006 Stage 1A / (Lot 4007) Stage 1E).
- (f) Lot 350-353: The height of any planting and fencing in the front yards is restricted to 1.0m.

Compliance with these requirements shall be on a continuing basis and shall be registered as a consent notice, at no cost to the Council, on the Computer Freehold Registers of the respective lots in accordance with Section 221 of the RMA.

[The below condition has been shown as deleted but has been relocated to the consent notices applicable to all stages]

~~Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots 390 specifying that Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 have been designated to cumulatively provide a minimum of 31 affordable dwellings that meet the affordability criteria set out in Rule 3.6A.4.1 of PC7 Decisions Version (or any operative version of this provision). The consent notice shall identify that the relevant date for determining affordability price shall correspond with the date the 224(c) application is lodged with Council for the relevant subdivision application for any future development on the relevant allotment unless authorised otherwise by a resource consent. The relevant subdivision application for any future development on Lots 1001, 1004, 1005, 219-223, 301, 302, 307 and 390 shall specify that the dwellings (or any dwellings built on vacant sites identified for affordable housing) must be sold to first home buyers who intend to reside in the dwelling and retain~~

~~ownership for three years from the date of first transfer. After three years of retained ownership, this consent notice shall cease to have effect.~~

## **LAND USE CONSENT VEHICLE CROSSINGS**

194. All vehicle crossing servicing the residential lots approved under the concurrent subdivision consent have been approved to replace any vehicle crossing standard associated with the Future Urban zone with the applicable standards for a Residential zone.
195. Lots 12, 48, 49, 51, 52, 62, 64, 66, ~~67~~, 68, 76, 79-82, 85, 87, 91, 92, 94-96, 151, 159, ~~160~~, 175, ~~176~~, 178, ~~181-184~~~~182~~, ~~183~~, 187, ~~193~~, 194, 205, 206, 279, 280, 323 354, 355 and 389 shall located their respective vehicle crossings, as close as reasonably practicable to the furthest site boundary from the respective intersection.
196. The vehicle crossings associated with Lots 32, 42-44, 211-213, 169-172; 189, 280-286, 290-291, 360, 387-389 have been approved to be located in a manner ~~with which~~ contravenes rule 25.14.4.1e) minimum sight distance from any vehicle crossing.
197. All vehicle crossings shall be designed and constructed to comply with the RITS.

## **ADVISORY NOTE**

1. The onus rests with the consent holder to demonstrate that completed works meet Council requirements and accepted engineering standards. Therefore, developers should employ suitably qualified and experienced contractors and maintain records of the quality control process.
2. All operations affecting in-service Hamilton City Council water, wastewater or stormwater pipelines are to be carried out by Hamilton City Council staff (City Delivery Unit) unless specific approval is given as outlined in the HCC Infrastructure Technical Specifications.
3. Retaining walls greater than 1.5 metres above the natural ground or any retaining wall that are subject to surcharge will require a building consent.
4. Retaining walls shall be designed and constructed by a suitably qualified professional taking in to account any future loading which includes any structural load.
5. That Consent Holder is required to obtain and arrange for any easements required to accommodate and maintain the proposed Stormwater and Wastewater solutions.
6. Any reports or plans to be submitted, in fulfilment of conditions of this consent, must be addressed to the HCC Planning Guidance Unit Manager.
7. Street numbering will be determined at time of 223 Certification approval and will be in accordance with the Australian/New Zealand Standard AS/NZS 4819:2011 Rural and urban addressing and must be adhered to.
8. HCC will seek approval from LINZ for the finalised amalgamation conditions once known and will be Advised to the consent holder.
9. Based on the details of this consent development contributions may be required to be paid in respect of the development pursuant to the Local Government Act (2002), Council's Development Contributions Policy and/or a Private Developer Agreement.
10. Long-tailed bats, indigenous bird and lizard species regardless of threat status are protected under the Wildlife Act 1953 from killing or injuring. Long-tailed bats are vulnerable to killing and injury while roosting, birds while nesting and lizards during any site clearance that includes habitat where they are present. It is advisable that the consent holder be aware of their obligations under the Wildlife Act when clearing land of vegetation and structures.