

RECOMMENDED WHANGAREI DISTRICT COUNCIL CONDITIONS

SL2100055

LANDUSE CONSENT – Retaining Walls

Under s 108 and 108AA of the RMA, this consent is subject to the following condition:

1. The proposed retaining walls to be constructed on the site shall be carried out in general accordance with the information provided with the application and in particular with the plans (5 sheets) prepared by Blue Wallace Limited referenced as 20253-01-PL-203 Rev 6 to 20253-01-PL-207 Rev 6, all plans dated 4th October 2023.

Note: The retaining walls approved under this consent are to be constructed as part of the subdivision works as approved in the conditions below. Conditions are included in the subdivision consent specially addressing design and construction requirements for all retaining walls.

SUBDIVISION CONSENT

Under ss 108, 108AA and 220 of the RMA, this consent is subject to the following conditions:

1. General Accordance

- a) This resource consent shall be carried out in general accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the Council as resource consent number SL2100055, unless a condition of consent specifies otherwise:
 - i. 'Updated Assessment of Environmental Effects and Statutory Analysis – 93 lot subdivision and associated works' prepared by Barker and Associates dated 5th April 2023.
 - ii. Scheme Plan prepared by Blue Wallace Surveyors Limited referenced as 20253-01-PL-102 Rev 20 dated 31st August 2023.
 - iii. Engineering Plans prepared by Blue Wallace Surveyors Limited provided under cover of email dated 10th October 2023.
 - iv. 'Integrated Traffic Assessment' prepared by Engineering Outcomes Limited dated 24th November 2021 and 'Response to Comments from Northland Transportation Alliance' prepared by Engineering Outcomes Limited dated 28th January 2022.
 - v. 'Three Waters Design Report' prepared by LDE Limited dated 2nd February 2022 (updated report) and 'Civil RFI response' prepared by LDE Limited dated 31st August 2023.
 - vi. 'Geotechnical Investigation Report' prepared by LDE Limited dated 2 July 2021, 'Geotechnical Review response' prepared by LDE Limited dated 2 February 2022, and 'Geo-RFI Responses' dated 1 September 2023.

- vii. 'Archaeological Assessment – Archaeological Assessment of the Proposed Subdivision of Section 1 SO 65970' prepared by Geometria Limited dated 28th February 2022.
- viii. 'Critical Electricity Line and Resource Consent Requirements' provided from Northpower Limited dated 19th November 2021.
- ix. 'Ecology Memo – Onoke Heights Subdivision' prepared by Wild Ecology Limited dated December 2022, and subsequent Draft Revegetation Planting Plan prepared by Wild Ecology Limited dated October 2023.

2. Prior to commencing vegetation clearance:

- a) Prior to the removal of any vegetation on the subject site (except for those trees which are subject of the Certificate of Compliance CC2300005 dated 13 September 2023) as part of works for the consented development, the Consent Holder shall employ a suitably qualified and experienced ecologist to inspect all trees proposed to be cleared. The tree inspection should include assessment of active bird nests, indigenous lizard presence and assessment of bat roosts. Should any active bird nests, bat roosts or native herpetofauna be identified within the tree clearance footprint all works are to cease until appropriate Wildlife permits for salvage and relocation can be obtained. A summary of the vegetation pre- clearance assessment will be provided to Council within 7 working days of the date of the vegetation pre-clearance inspection.
- b) The consent holder shall employ a suitably qualified and experienced ecologist, who must complete a pre-vegetation clearance survey and approve any removals prior to any vegetation removal. Should any active bird nests be identified during the pre-vegetation clearance survey, appropriate exclusion areas (≥10m) should be demarcated, nests monitored for fledging and vegetation clearance postponed until chicks have fledged. The vegetation clearance must be completed within 7 days of the pre-vegetation survey.

3. That before the survey plan is certified pursuant to s 223 of the RMA, the following requirements are to be satisfied:

- a) The survey plan submitted for approval shall be in general accordance with the Scheme Plan prepared by Blue Wallace Surveyors Limited, entitled "CONCEPT SCHEME PLAN SECTION 1 SO 65970" referenced as 20253-01-PL-102 Rev. 20 dated 31 August 2023 as attached to this consent. The survey plan submitted shall show:
 - i. Lot 300 as road to vest to Whangārei District Council;
 - ii. Lots 200 and 202 as drainage reserve to vest to Whangārei District Council;
 - iii. Lot 201 as recreation reserve to vest to Whangārei District Council;

- iv. Lot 301 (Legal Access) is to be held as three undivided one-third shares by the owners of Lots 24 - 26, and individual Records of Title are to be issued in accordance therewith (See LINZ Request 1764469);
- v. Lot 302 (Legal Access) is to be held as eight undivided one-eighth shares by the owners of Lots 57 - 64, and individual Records of Title are to be issued in accordance therewith (See LINZ Request 1764469);
- vi. All easements required for existing and proposed internal servicing, access, and any stormwater overland flow paths affected by the development to the approval of the Development Engineer or delegated representative.

General Engineering

- b) A Construction Management Plan prepared in accordance with Section 1.9 of the Councils Environmental Engineering Standards 2010.
- c) The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition. The engineering plans are to be submitted to the Development Engineer for approval and are to be general accordance with all plans and information referenced in Condition 1 above, unless an alternative engineering report(s) prepared by suitably experienced Chartered Professional Engineer(s) is/ are approved in writing by Council.

It is to be noted that certain designs may only be carried out by Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. All work needing design/certification by a Council approved CPEng will require completion of a producer statement (design) (EES-PS1 or similar).

The Consent holder is to submit all documentation as required by Council "Quality Assurance/Quality Control Manual – Vested Assets". This will include nomination of an CPEng and an "Inspection and Test Plan" for approval by the Development Engineer before any works commence.

Plans are to include but are not limited to:

- i. Design details showing proposed earthworks and retaining walls. All retaining walls shall be of specific engineered design by a Chartered Professional Engineer.

Where retaining walls support or span across multiple lots, or support assets to be vested then they shall be designed for a 100-year lifespan. All retaining walls shall be of specific engineered design by a Chartered Professional Engineer.

Note: Any retaining walls shall be shown on the services plans and may require approval from the asset owner as per the Building over Services Policy.

<https://www.wdc.govt.nz/files/assets/public/documents/council/policies/building-over-near-public-sewer-stormwater-pipelines-policy.pdf>.

If necessary, further laboratory analysis shall be undertaken to confirm soil parameters for the design of the retaining walls.

For the retaining walls along the northern property boundary shared with Council, prior to building consent submission please liaise with Council with regard to their future requirements.

Retaining walls will require building consent. Engineering plan approval is not a substitute for building consent.

- ii. Design details of the combined services plan showing the layout and cross sections for the relocation of the critical electricity line, along with Northpower approval of the plan.
- iii. For Road A (chainage 0-392m) - design details of the construction of legal road in general accordance with Table 3.1 Category B and Sheet 2 of Council's Environmental Engineering Standards 2010 Edition requirements and Blue Wallace Plans reference 20253 sheets 301 and 302 including a typical cross section, long section, culverts, drainage flow paths and overland flow.

Note:

Any proposed recessed parking bays accepted at 2.15 wide with adjacent dish drain 0.60m wide and tree pits within the road reserve shall be shown on the design plans. Proposed vehicle crossings shall be shown on the subdivision plans where recessed parking bays are proposed. Vehicle crossings shall be designed to be clear of recessed parking bays.

- iv. For Road B (chainage 0-289m) - design details of the construction of legal road in accordance with Table 3.1 Category B and Sheet 2 of Council's Environmental Engineering Standards 2010 Edition requirements and Blue Wallace Plans reference 20253 sheets 303 and 304 including a typical cross section, long section, culverts, drainage flow paths and overland flow.

Note:

Any proposed recessed parking bays accepted at 2.15 wide with adjacent dish drain 0.60m wide and tree pits within the road reserve shall be shown on the design plans. Proposed vehicle crossings shall be shown on the subdivision plans where recessed parking bays are proposed. Vehicle crossings shall be designed to be clear of recessed parking bays.

- v. Road C (0-215m) Design details of the construction of legal road in accordance with Table 3.1 Category B and Sheet 2 of Council's Environmental Engineering Standards 2010 Edition requirements and Blue Wallace Plans reference 20253 sheet 305

including a typical cross section, long section, culverts, drainage flow paths and overland flow.

Note:

Any proposed recessed parking bays accepted at 2.15 wide with adjacent dish drain 0.60m wide and tree pits within the road reserve shall be shown on the design plans. Proposed vehicle crossings shall be shown on the subdivision plans where recessed parking bays are proposed. Vehicle crossings shall be designed to be clear of recessed parking bays.

- vi. Design details of street signage in accordance with MOTSAM, and Councils Environmental Engineering Standards 2010 Edition.
- vii. Design details of the construction of Lot 301 in accordance with Table 3.7 Category A and Sheet 2 of Council's Environmental Engineering Standards 2010 Edition requirements and Blue Wallace Plans reference 20253 sheet 306 including a typical cross section, long section, culverts, drainage flow paths and overland flow.
- viii. Design details of the construction of Lot 302 in accordance with Table 3.7 Category B and Sheet 2 of Council's Environmental Engineering Standards 2010 Edition requirements including a typical cross section, long section, culverts, drainage flow paths and overland flow.
- ix. Design details for road and public space lighting to be installed. The street light design shall be overlain on the civil design and landscape drawings to ensure there are no areas of conflict. All materials, design and installation of road and Public Space lighting shall comply with the requirements of the Northland Transportation Alliance Design Manual - Street Lighting Version 1- 15/10/2020.
- x. Design details of the construction of new vehicle crossings for Lots 4, 6, 7, 21, 45, 46, 60, 89, 90 and 93 in accordance with Sheet 18 Residential Single Width Crossing also in accordance with Sheets 22 & 23 of Council's Environmental Engineering Standards 2010 Edition. Entrance crossings are to be designed and constructed in such a manner that will control stormwater run-off entering a property from the road, and that likewise prevent stormwater and detritus, including gravel, dirt and other materials, migrating onto the road reserve from a property. Urban accessways and private driveways sloping up from the road shall have a stormwater collection and disposal system at the boundary as detailed on Sheet 19.
- xi. Design details of the construction of new vehicle crossings for Access Lots 301 and 302 in accordance with Sheet 19 Commercial Crossing also in accordance with Sheet 22 of Council's Environmental Engineering Standards 2010 Edition. Entrance crossings are to be designed and constructed in such a manner that will control stormwater run-off entering a property from the road, and that likewise prevent stormwater and detritus, including gravel, dirt and other materials, migrating onto the

road reserve from a property. Urban accessways and private driveways sloping up from the road shall have a stormwater collection and disposal system at the boundary as detailed on Sheet 19.

xii. Design details of the construction of a 2.2m wide aggregate footpath in reserve to be vested Lot 201 in general accordance with the scheme plan approved under Condition 1. above. The proposed track is to meet the minimum requirement specified in SNZ HB 8630:2004 'Tracks and Outdoor Visitor Structures'.

xiii. Design details of sewerage mainline reticulation inclusive of any manholes, fittings, and connections necessary to service to all residential lots, inclusive of calculations in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition.

Note: The condition of the existing network needs to be confirmed at the time of design, and any remediation works undertaken as agreed by Council.

xiv. Design details of sewer connections for lots 1 to 93 in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition.

xv. Design details of water connections for lots 1 to 93 in accordance with Sheet 46 or 47 of Council's Environmental Engineering Standards 2010 Edition including firefighting coverage in accordance with Sheet 45 and Section 6.11.

xvi. Design details of water main extensions inclusive of any valves, bulk water meters, fittings and connections necessary to service all residential lots, inclusive of calculations in accordance with Section 6 of Council's Environmental Engineering Standards 2010 Edition.

Note: The condition of the existing network needs to be confirmed at the time of design, and any remediation works undertaken as agreed by Council.

xvii. Design details of relocation of bulk water mains from being located within proposed lots 77 to 92 to the public road, including all valves and fittings necessary for the rerouting of the pipeline.

xviii. Design details of stormwater connections for lots 1 to 93, in accordance with Sheet 36 or 37 and Section 4 of Council's Environmental Engineering Standards 2010 Edition.

xix. Design details of stormwater mainline reticulation inclusive of any upgrades to the existing reticulation, sumps, manholes, treatment devices, detention structures and connections necessary to service the development in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. The design is to include evidence that the new system is capable of receiving stormwater from further upstream development.

Design details for a stormwater attenuation and treatment pond located within Lot 200 in general accordance with the 'Three Waters Design Report' prepared by LDE Limited dated 2nd February 2022 (updated report) and 'Civil RFI response' prepared by LDE Limited dated 31st August 2023 and also Section 4 of Council's Engineering Standards 2010 Edition and GD01 Stormwater Management Devices in the Auckland region December 2017, including draft maintenance Manual for ongoing maintenance of the pond.

- d) The consent holder shall provide evidence that Building Consents have been applied for, for all retaining walls applying to condition 3(b)(ii) to the satisfaction of the Development Engineer including evidence that retaining walls have been designed such that for building consent application for the proposed Mechanically Stabilised Earth (MSE) Walls the engineer shall assess the potential for the wall to trigger slope instability within the underlying sensitive soils as identified in the LDE suitability report.
- e) The consent holder shall provide written confirmation from the telecommunications utility service operator of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Councils' Post Approval Officer or delegated representative; Or the consent holder is to confirm that telecommunication connections are not proposed in which case consent notice will be registered on the title of proposed Lots 1 to 93 prior to the issue of the Section 224(c) certificate alerting future owners of this situation.
- f) The consent holder shall provide written confirmation from the power utility service operator of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Councils' Post Approval Officer or delegated representative.
- g) The consent holder must create easements over proposed and existing services and rights of way to the approval of the Development Engineer or delegated representative.
- h) The consent holder must create easements over any stormwater overland flow paths affected by the development or as directed by the Development Engineer or delegated representative. Areas of proposed development shall be designed to avoid these overland flowpaths and noted in the Site Suitability report.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition and are to be certified by an IQP/CPEng.

- i) The consent holder must provide Council with three proposed road and access names in writing for Roads A and C and Access Lot 302 in accordance with Council's Road Naming Policy, and in order of preference, giving reasons for each proposed name, for approval by Council. It is noted that Road A will be an extension of Tuatara Drive. A clear plan detailing

the route of the proposed roads and access should also be submitted and any evidence of consultation with local hapu / iwi relating to the proposed names.

Please refer to the road naming policy and guidelines available on Council's website <http://www.wdc.govt.nz/PlansPoliciesandBylaws/Policies/Pages/Road-Naming-Policy.aspx>

Note: This condition will not be deemed to be satisfied unless Council has approved the submitted names in writing.

Landscaping and Revegetation Planting Plan

- j) A detailed Landscaping and Revegetation Planting Plan is to be prepared by a suitably qualified Landscape Architect and/or suitably qualified Ecologist for the certification by the Council's Manager RMA Consents or delegated representative (subject to condition 3 l) below). The Plan shall address the restoration and enhancement of the Otepapa Stream and Lots 200 and 201 as reserves to vest, generally as proposed (but not limited to) in the Draft Revegetation Planting Plan prepared by Wild Ecology Limited dated October 2023. The plan shall detail all areas of plantings within the proposed reserves site preparation for planting, eco-sourcing of plants, management of biosecurity and plant diseases, ongoing maintenance and monitoring for a minimum of 5 years, pest weed control, and pest animal control. Planting density shall be configured with a goal of achieving 90% canopy closure within five years of planting. The Plan shall show the design and location of all signage (including any required for dog control) and identify removable vehicle barriers for maintenance access onto the reserve.

A detailed costs estimate addressing the maintenance and monitoring costs for a minimum 5 year period is to be provided in conjunction with the Plan for the purpose of securing the bond required under Condition 4 t) below.

Heritage

- k) Prior to any site works being undertaken the consent holder shall provide evidence that an Authority has been obtained from Heritage New Zealand Pouhere Taonga to the Council's Manager RMA Consents or delegated representative.

Cultural Conditions

- l) The Landscaping and Revegetation Planting Plan required under Condition 3 j) above is to be sent to representatives of Ngati Kahu o Torongare and Te Parawhau (contacts to be advised by the Council) prior to lodgement for approval of the Plan under Condition 3 j). The purpose is to invite tangata whenua to review the Plan and associated information and to seek input regarding a means of recognising and providing for the cultural significance of the site. This may include (but is not limited to) recording the cultural significance of the site and wider area (by signage or similar),

appropriate plantings, identifying any areas within the reserves where certain treatment is required, and/or avoidance of any particular areas.

The consent holder is to allow a minimum of 20 working days (as defined in the RMA) for engagement and response, and shall pay all reasonable costs associated with any input that may be provided.

The consent holder shall provide written evidence to the Council's Manager RMA Consents or delegated representative to illustrate that the plan has been provided to Ngati Kahu o Torongare and Te Parawhau, and is to provide a written record of any discussions and agreements entered into.

4. Before a certificate is issued pursuant to s 224(c) of the RMA the following requirements are to have been satisfied:

Cultural Conditions

- a) At least 10 working days prior to commencement of earthworks, the consent holder shall invite in writing, and provide the opportunity for, Ngati Kahu o Torongare and Te Parawhau to perform site blessings, karakia and cultural inductions. The consent holder shall provide written evidence to the Council's Manager RMA Consents or delegated representative to illustrate that an invitation has been made.

Heritage

- b) Where, during earthworks on the site, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall be followed:
- i. All works within 20m of the discovery site will cease immediately. The contractor/works supervisor shall shut down all equipment and activity.
 - ii. The area shall be secured and the consent holder or proponent and the Council must be advised of the discovery.
 - iii. Heritage New Zealand Pouhere Taonga shall be notified by the consent holder or proponent so that the appropriate consent procedure can be initiated.
 - iv. The consent holder or proponent shall consult with a representative of the appropriate iwi to determine what further actions are appropriate to safeguard the site and its contents.

In the case where human remains have accidentally been discovered or are suspected to have been discovered, the following will also be required:

- i. The area shall be immediately secured by the contractor in a way which ensure human remains are not further disturbed. The consent holder or proponent shall be advised of the steps taken.
- ii. The Police shall be notified of the suspected human remains as soon as practicably possible after the remains have been disturbed. The consent holder or proponent shall notify the appropriate iwi and Heritage New Zealand Pouhere Taonga and the Council within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.
- iii. Excavation of the site 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.

Note: If any land use activity (such as earthworks, fencing or landscaping is likely to modify, damage or destroy any archaeological site (whether recorded or unrecorded) an "authority" consent from Heritage New Zealand Pouhere Taonga must also be obtained for the work to lawfully proceed.

General Engineering

- c) Where required, and not already addressed by the Construction Management Plan required under Condition 3 b) above, the consent holder is to submit a Corridor Access Request application to Council's Road Corridor Co-ordinator and receive written approval for all works to be carried out within Council's Road Reserve in accordance with Council's Environmental Engineering Standards 2010 to the satisfaction of the Development Engineer or delegated representative (refer to the advisory clause below for the definition of a Corridor Access Request).
- d) A copy of the approved engineering plans and a copy of the resource consent conditions, Inspection and Test Plan, approved corridor access request and the above letter are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
- e) A pre-start meeting is required to be undertaken with the consent holder's representative, contractor(s) and all other CPEng's or agents for consent holder and the Development Engineer prior to any works approved under Condition 3 c) being undertaken on the site to the satisfaction of the Development Engineer or delegated representative.
- f) All work on the approved engineering plans in condition 3 c) is to be carried out to the approval of the Development Engineer. Compliance with this condition shall be determined

by site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan, and provision of the following:

- i. Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
- ii. Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
- iii. Static settlements associated with the fill placed to form the stormwater attenuation pond shall be monitored along the property boundary adjacent to the fill embankment to demonstrate effects of the fill are not having an adverse cross boundary settlement effect on the adjacent properties. Settlement monitoring data shall be collected and presented in the Geotechnical Completion Report required by condition 4 q) below.
- iv. PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.
- v. PS3 "Certificate of Completion of Development Works" from the Contractor.

No construction works are to commence onsite until the engineering plans required in condition 3 c) have been approved (this includes retaining walls and earthworks).

- g) The consent holder must submit a certified and dated 'As-built' plan of completed works and services in accordance with Council's Environmental Engineering Standards 2010 Edition. This condition shall be deemed satisfied once the as-builts have been approved by Councils' Development Engineer or delegated representative.
- h) The consent holder must submit certified RAMM data for all new/upgraded Roding infrastructure prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Development Engineer or delegated representative. Warranty documents shall be transferred to Council for all streetlights installed.
- i) The Consent Holder shall provide the Code of Compliance certificate(s) for Building Consents obtained for retaining walls to the satisfaction of the Development Engineer or delegated representative.
- j) The consent holder shall submit written confirmation from power utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Councils' Post Approval Officer or their delegated representative.
- k) The consent holder shall submit written confirmation from the telecommunication utility services operator that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the

approval of the Councils' Post Approval Officer or their delegated representative; Or if the consent holder has confirmed that telecommunication connections are not proposed as per condition 3 e) then the consent notice condition 4 u) vi. is applicable.

- l) The consent holder shall ensure that spoil from the site is not tracked out onto Council road formations to the satisfaction of the Development Engineer or delegated representative.
- m) Dust nuisance must be controlled onsite (by use of a water cart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.
- n) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Development Engineer or delegated representative.
- o) The consent holder must reinstate Council's footpath, kerb and channel, road carriageway formation, street berm and urban services where damage has been caused by the demolition and/or construction works associated with the subdivision or land use consent. The assets shall be reinstated in accordance with Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder and to the satisfaction of the Development Engineer or delegated representative.
- p) For all roads and access lots required to be named, the consent holder must supply and erect the Public road name signs in accordance with Sheet 24 (for public road) and Sheet 25 (for private access) of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved road name. The signs shall be in a position where they are most visible for road users to the satisfaction of the Development Engineer or delegated representative.
- q) The consent holder must submit for approval Geotechnical Completion Report (GCR) including a 'statement of professional opinion as to suitability of land for building development' (form EES-PO1) including a detailed site plan of any areas of or ground stabilisation, cut or fill, from a Chartered Professional Engineer. The GCR shall include details of all construction monitoring and test results. Any site restrictions including lot-specific recommendations shall be included and confirmation that the land is suitable for building development, to the satisfaction of the Development Engineer or delegated representative. and similar) will be registered against the relevant titles via a consent notice.'

A copy of the code of compliance certification shall be included within the Geotechnical Completion Report for all retaining and mechanically stabilised earth walls.

The slope above residential lots on the eastern boundary of the development are noted to have a factor of safety less than commonly accepted guidelines which increases the inherent potential risk of upslope failure inundating the downslope lots. The Geotechnical Completion Report (GCR) will assess the residual risk and highlight the risk to future lot

owners via a consent notice. Any mitigation options should be included in the GCR to advise the future lot owners of the potential options they could consider as part of lot specific development to address the identified risk.

Landscape and Revegetation Planting

- r) The consent holder must submit written confirmation of completion of all works identified on the approved Landscape and Revegetation Planting Plan required under Condition 3 j) by a suitably qualified Ecologist. That written confirmation should include details of any / all measures implemented at the time of completion of the works intended to ensure long term survival of the planting once the reserves are vested in the Council.
- s) The consent holder shall be responsible for the ongoing maintenance and monitoring of the works completed under Condition 4. r) above for a minimum period of 5 years from the vesting date of Lots 200 and 201. All monitoring and maintenance shall be undertaken in accordance with the details provided as part of the approved Landscaping and Revegetation Planting Plan under Condition 3 j) above. Upon the completion of the 5-year maintenance and monitoring period a Monitoring and Maintenance Completion Report prepared by a suitably qualified and experienced Ecologist and/or other evidence that demonstrates that ongoing maintenance has been completed to the required standard, shall be provided to the satisfaction of Council's RMA Team Leader RMA Approvals and Compliance (or delegated representative).

Bond

- t) Pursuant to s 108(2)(b) and 108A of the RMA, a bond shall be entered into with respect to the Ecological Planting required under the Revegetation Planting Plan certified by Council under condition 3 j). The bond shall be prepared by the Council's solicitor at the expense of the consent holder and shall be drawn if required by the Council in a form enabling it to be registered pursuant to s 109 of the RMA against the title or titles to the land to which this bond relates. Performance of the bond shall be with a cash bond or other suitable financial instruments to the satisfaction of the Council, with provision for release of a portion of bond once every year for the five year period of the bond. The bond, prepared at that new registered proprietor's expense and to the reasonable satisfaction of the Council's solicitor, shall include the same terms and conditions as are included in the bond presently securing performance of the maintenance works for the subject lot.

The maximum amount of the bond registered in that can be released in any one year is one fifth of the total bond amount and will only be released on receipt of suitable evidence that maintenance and failed plant replacement has been suitably carried out in accordance with condition 3. j). Upon satisfactory proof of transfer of the title by the consent holder to a new owner of any one or more of the lots, the Council shall accept from the new registered proprietor a bond in substitution of the existing bond.

Consent Notices

- u) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of the identified lots at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
- i For Lots 1 – 93, any development shall comply with the restrictions and recommendations identified in the LDE Land Development Engineering LTD engineering report reference 19103 dated 2 July 2021 and Geotechnical Completion Report provided on completion of this development provided under Condition 4 q) above, unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - ii For Lots 1 – 93, at the time of building consent for any building on the lots, provide suitable evidence/design to illustrate that, stormwater attenuation will be provided for all impervious surfaces exceeding 60% to ensure compliance with Chapter 4 of Council's Environmental Engineering Standards 2010, to the satisfaction of the Building Officer.
 - iii For Lots 4, 6, 7, 21, 45, 46, 89, 90 and 93, the vehicle crossing constructed at the time of subdivision shall not be altered without prior approval from Councils' roading department.
 - iv Where any lot is not provided with a vehicle crossing constructed at the time of subdivision, the owner shall apply for a vehicle crossing permit in conjunction with the first building consent for any building on the lot. The vehicle crossing shall comply with Council's current Environmental Engineering Standards. The works shall be completed to the satisfaction of Councils' Roading Corridor Coordinator or delegated representative prior to the Code Compliance Certificate being issued by Council for the first new building consent granted for the Lot.

Note: All vehicle crossings shall be designed to minimise the loss of on-street parking where a parking bay has been constructed on the roadway adjacent to the Lot. The crossing shall be located to ensure that a minimum parking space length of 5.5 metres remains between the crossing and the end of the parking bay. The maximum width of the crossing shall be limited to 5.5m including the splays (unless a wider crossing is approved by WDC through the vehicle crossing permit process). The details of the crossing shall be submitted as part of the vehicle crossing permit application. The application shall be made prior to or in conjunction with the Building Consent application.
 - v For Lots 42 to 46, Lots 60 to 62, and Lots 70 to 72, physical vehicle access must be provided from the internal access and roads within the development. No physical vehicle access from Dip Road shall be permitted.

- vi **(Refer to conditions 4 k) to determine if this condition is applicable)** No conventional telecommunication connection has been provided to Lot 1 to 93 as part of the subdivision works as it is intended that wireless or satellite technology will be utilised if/when a telecommunication connection is required. Whangarei District Council will not be responsible for ensuring nor providing telecommunication connections to the proposed lots, upon future development of the site, or at the time of further subdivision.

Review Condition

5. That pursuant to s128 of the RMA, the consent authority may at six monthly intervals from the date of the grant of consent until the issue of a s224(c) certificate, serve notice on the consent holder of its intention to review the conditions of this consent to deal with an effect on the environment which arises after the date of the grant of the consent where such effect is contrary to, or is otherwise not in accord with, the engineering/geotechnical assessments provided with the application for the consent.

Duration of Consent

6. Under s 125 of the RMA, this consent lapses five years after the date it is granted unless:
- i. The consent is given effect to; or
 - ii. The Council extends the period after which the consent lapses.

Advisory Clauses

1. The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
2. Any works carried out within Council's road reserve will require an approved Corridor Access Request. A Corridor Access Request (CAR) is defined in the new "National Code of Practice (CoP) for Utilities access to the Transport Corridors". This CoP has been adopted by Council. It provides a single application for Traffic Management Plans/Road Opening Notice applications. Enquiries as to its use may be directed to Council's Road Corridor Co-ordinator, ph 430 4230 ext. 8231.
3. The WDC QA/QC Manual document can be located at the following link: <http://www.wdc.govt.nz/BuildingandProperty/GuidelinesandStandards/Pages/default.aspx>
4. The discharge across boundaries, particularly with regard to the concentration of flows, shall be managed at all times, to avoid the likelihood of damage or nuisance to other properties in accordance with the Council Stormwater Bylaw.
5. Council policy prohibits the building of any structure over an existing water/sewer/stormwater (Specify) reticulation main.

6. All works to be carried out pursuant to Condition 3 b) above shall be undertaken on public land unless written right of entry is obtained from the owners of all private land upon which work is to be carried out. Where any necessary written right of entry has not been obtained, any such infrastructure work shall be re-routed to achieve compliance with this condition.
7. The applicant is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council issuing the 224(c) certificate.
8. To help fund additional assets or assets of increased capacity, the Local Government Act 2002 (LGA) allows a council to require development contributions if the effect of a development requires the council to provide new or upgraded infrastructure. The Whangarei District Council has prepared and adopted a Development Contributions Assessment Policy. Under this policy, the activity to which this consent related is subject to Development Contributions Assessment. You will be advised of the assessment of the Development Contributions payable (if any) under separate cover in the near future. It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which consent relates or, in the case of a subdivision, prior to the issue of a Section 224(c) Certificate. Further information regarding Councils Development Contributions Policy may be obtained from the Long Term Plan (LTP) or Council's web page at www.wdc.govt.nz.

RECOMMENDED NRC APPLICATION CONDITIONS

To undertake the following activities associated with development of a 93 lot residential subdivision located on a site legally described as Section 1 SO 65970 (Dip Road and Tuatara Drive, Whangarei).

- | | |
|-------------------------|---|
| AUT.043305.01.01 | Earthworks for site development |
| AUT.043305.02.01 | Divert stormwater during land disturbance activities. |
| AUT.043305.03.01 | Discharge stormwater to land during land disturbance activities. |
| AUT.043305.04.01 | Discharge stormwater to water. |

Subject to the following conditions:

General Conditions:

- 1 At least two weeks prior to the commencement of any works authorised by these consents on-site, the Consent Holder must notify the council's assigned monitoring officer in writing of the date that the works are intended to commence. The Consent Holder must arrange for a site

meeting between the Consent Holder's principal earthworks contractor and the council's assigned monitoring officer, which must be held on site prior to any earthworks commencing.

Advice Note: Notification to the council may be made by email to info@nrc.govt.nz.

2 A copy of these consents must be provided to every person who is to carry out the works authorised by these consents, prior to any work commencing.

3 The exercise of these consents must not cause any of the following effects on the water quality of the Otepapa Stream, as measured approximately 10 metres downstream of a discharge point into the stream, when compared to a site upstream of the discharge point or all land disturbance activities during the same sampling event:

- (a) The production of any conspicuous oil or grease films, scums or foams, floatable or suspended materials;
- (b) A conspicuous change in colour or visual clarity;
- (c) An emission of objectionable odour;
- (d) An increase in suspended solids concentration greater than 100 grams per cubic metre.

4 These consents lapse five years from the date of commencement, unless before this date the consent(s) have been given effect to.

Advice Note: An application can be made to the council in accordance with Section 125 of the Resource Management Act 1991 to extend the date after which the consents lapse. Such an application must be made before the consents lapse.

5 The Consent Holder must, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by these consents:

- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and
- (b) Immediately notify the council by telephone of the discharge; and
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and
- (d) Report to the council's Compliance Manager in writing within one week on the cause of the discharge and the steps taken, or being taken, to effectively control or prevent the discharge.

For telephone notification during the council's opening hours, the council's assigned monitoring officer for these consents must be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Environmental Hotline must be contacted.

Advice Note: *The Environmental Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

- 6 The council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of March for any one or more of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage; or
 - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

The Consent Holder must meet all reasonable costs of any such review.

AUT.043305.01 to AUT.043305.03 Earthworks:

- 7 The location and nature of the earthworks shall be undertaken in general accordance with the **attached** documents titled:
- (a) "*Resource Consent Plan Design Contours*", Drawing 20253-01-RC-201 Rev 6 dated 4th October 2023.
 - (b) "*Scheme Plan Cut / Fill Volume*", Drawing 20253-01-PL-202 Revision 6 dated 4th October 2023.
 - (c) "*Earthworks Design Review*", Report prepared by LDE Limited referenced 19103 dated 24 November 2021.
- 8 Sediment control measures must be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "*2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*" (GD05). Where there are inconsistencies between any part of GD05 and the conditions of these consents, then the conditions of these consents prevail.
- 9 As part of the written notice required by Condition 1, the Consent Holder or its agent/contractor must submit an Erosion and Sediment Control Plan (ESCP) to the council for certification by the Council's assigned monitoring officer. As a minimum, the ESCP must include the following:

- (a) The expected duration (timing and staging) of earthworks, and details of locations of disposal sites for unsuitable materials, and clean water diversions if required;
- (b) Details of all erosion and sediment controls including diagrams and/or plans, of a scale suitable for on-site reference, showing the locations of the erosion and silt control structures/measures;
- (c) A Chemical Treatment Management Plan providing details of the flocculant and/or coagulant chemical treatment methodology to be implemented to treat sediment laden stormwater entering/within any sediment retention pond and any decanting earth bund;
- (d) The commencement and completion dates for the implementation of the proposed erosion and sediment controls;
- (e) Details of surface revegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction;
- (f) Measures to minimise sediment being deposited on public roads;
- (g) Measures to ensure dust discharge from the earthwork's activity does not create a nuisance on neighbouring properties;
- (h) Measures to prevent spillage of fuel, oil and similar contaminants;
- (i) Contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances;
- (j) Means of ensuring contractor compliance with the ESCP;
- (k) The name and contact telephone number of the person responsible for monitoring and maintaining all erosion and sediment control measures;
- (l) Contingency provisions for the potential effects of large/high intensity rain storm events.

10 As a minimum, the erosion and sediment control measures must be constructed and maintained in accordance with the ESCP prepared in accordance with Condition 10 above. The Consent Holder may amend the ESCP at any time with the prior approval of the council's assigned monitoring officer. The recent approved version of the ESCP must be used for compliance purposes.

11 Prior to the commencement of earthworks on-site, a stabilised construction entrance to the site must be installed to minimise the tracking of spoil or debris onto off-site public road surfaces. All material tracked onto off-site surfaces as a result of the exercise of these consents must be removed as soon as possible, but at least daily. The stabilised construction entrance must be maintained throughout the duration of earthworks operations.

- 12 Erosion and sediment controls must be installed prior to the commencement of earthworks (other than those required for the erosion and sediment controls) within an area of works.
- 13 The installation of all erosion and sediment controls must be supervised by an appropriately qualified and experienced person. The Consent Holder must provide to the council's assigned monitoring officer certification from the appropriately qualified and experienced person who supervised the installation of the erosion and sediment controls that they have been installed in accordance with the requirements of GD05.
- 14 No works may be carried out between 1 May and 30 September in any year unless the prior written agreement of the council's Compliance Manager has been obtained.
- 15 Any request to undertake works between 1 May and 30 September in any year must be in writing and must be made at least two weeks prior to the proposed date that the works are required to be undertake. This written request must include an amended ESCP for the works that has been prepared in accordance with Condition 10.
- 16 Drains and cut-offs constructed to divert stormwater must be capable of conveying stormwater during not less than the estimated 1 in 20 year rainfall event. All channels on grades greater than 2% must be protected to avoid erosion occurring.
- 17 All offsite stormwater must be directed away from earthworks areas and no drainage pathways must be constructed, or permitted to flow, over fill areas in a manner that creates erosion of the fill material.
- 18 No slash, soil, debris and detritus associated with the exercise of these consents must be placed in a position where it may be washed into any water body.
- 19 All bare areas of land and fill must be covered with aggregate or topsoiled and established with a suitable grass/legume mixture to achieve an 80% groundcover within one month of the completion of earthworks. Temporary mulching or other suitable groundcover material shall be applied to achieve total groundcover of any areas unable to achieve the above requirements.
- 20 The exercise of these consents must not give rise to any discharge of contaminants, including dust, which in the opinion of a monitoring officer of the council is noxious, dangerous, offensive or objectionable at or beyond the property boundary.

AUT.043305.04 - Stormwater Discharge

- 21 The stormwater structures must be constructed in general accordance with the Three Waters Design Report' prepared by LDE Limited dated 2nd February 2022 (updated report) and 'Civil RFI response' prepared by LDE Limited dated 31st August 2023
- 23 The stormwater discharge must not cause any erosion or scouring of overland flow paths or watercourses.
- 24 The stormwater system must be adequately maintained so that it operates effectively at all times.

EXPIRY DATE: 35 years from the date of commencement of these consents, as in accordance with section 116 of the RMA

Advice Note: *The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.*