

PCC – Recommended Conditions of Consent

The Land Use Consent shall be subject to the conditions listed under A and the Subdivision Consent shall be subject to the conditions listed under B below:

A – Land Use Consent Conditions

1. That the development be in general accordance with the information and plans submitted with the application and held on Council file RC6922 and stamped 'Approved Plans for Resource Consent RC6922' except where superseded by further information and plans received on 15 September 2015 and superseded by the following information and plans;
 - *Report titled 'Site Liquefaction Potential for Proposed Subdivision Duck Creek North, Whitby, Porirua' by Abuild Consulting Engineers Ltd and dated 17 November 2015.*
 - *Draft Report titled 'Brookside Development Stormwater Model Review by Mott ~~MacDonald~~MacDonald dated February 2016.*
 - *Revised Rooding Layout plans Drawing No PL- C312-C314 Rev 3.*
 - *Site Areas and Coverage Provision Plan Drawing No SIZ – 1 Rev 04.*
 - *Traffic Management SH58 – Temporary Access Plan Figure 1 Rev 0 by Tonkin + Taylor Dated Feb 16*
 - *Report titled 'Brookside Development (GWRC WGN160028 and PCC RC6922-SL0046/15) – Response to Flooding, Erosion and Stormwater Comments' dated 29 February 2016 & 'Pond Efficiency Design Brookside Consent' dated 01 March 2016 by Cardno.*
 - *Stormwater Treatment Concept Plans Drawing No's PL-SK511r2, SK512 to SK514r1, SK515r2 and SK516 to SK517r110 and*
 - *10 Year Flood Event Velocities 2.7 & 4m/s & 100 Year Flood Event Velocities 4m/s Plans by Cardno*

Minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.

Prior to commencement of works

2. The consent holder shall provide a copy of this consent and any documents referred to in this consent to each operator or contractor undertaking works authorised by this consent, before that operator or contractor starts any works.
3. The consent holder shall ensure that a copy of this consent is kept in the office on site at all times and presented to any Porirua City Council officer on request.
4. That the consent holder shall contact the Council's compliance monitoring officer at least 48 hours prior to any physical work commencing on the site and advise the officer of the date upon which such works will commence.
5. Prior to the commencement of any works on the site, the applicant shall provide evidence to the Resource Consent Monitoring and Enforcement Team that a suitably

qualified chartered professional engineer experienced in geotechnical matters, including liquefaction, has been appointed to carry out the design, supervision and certification of earthworks.

6. Prior to the commencement of works, the consent holder shall appoint a representative to carry out the design and supervision of construction works, and certification upon completion, as provided by Sections 1.7 and 1.8 of NZS4404:2010. This representative shall carry out the duties described by Sections 1.7 and 1.8 of NZS4404:2010.

7. Prior to commencement of works to construct roads and pathways, the consent holder shall submit to the ~~General Manager~~ Manager Resource Consents, Policy, Planning & Regulatory Services, for approval a detailed streetscape planting plans for all hard (pathways and street furniture) and soft (vegetation) landscaping in general accordance with approved "Landscape Concept plans Sheets 1 to 6 and Urban Design & Landscape Management Plan by Cardno dated 1 September 2015"

Comment [AJ1]: The Manager Resource Consents now holds all RMA delegations, in addition to General Manger, and is considered the most readily available person to certify conditions.

8. Prior to commencement of works, the native vegetation outside of the proposed earthwork areas adjacent to The Yardarm Bush, Duck Creek Saltmarsh and Duck Creek Bush Ecological Sites, and the native vegetation located within proposed Reserve Area 2, shall be clearly demarcated with a high visibility material such as fluorescent netting and waratah fencing.

~~8-9.~~ Prior to the commencement of clearance of any vegetation adjacent to The Yardarm Bush and Duck Creek Bush Ecological sites, the consent holder shall ensure that a lizard survey and rescue operation of potential lizards onsite is be undertaken. The survey and any rescue operation shall be undertaken by a suitably qualified and experienced herpetologist. at the areas of vegetation to be cleared adjacent to The Yardarm Bush and Duck Creek Bush Ecological sites.

Comment [AJ2]: Condition inserted as recommended in the hearing and in accordance with recommendation by Mr D Miller.

~~9-10.~~ Prior to commencement of each stage of earthworks, the consent holder shall submit an Erosion and Sediment Control Plan specific to that stage, to the ~~General Manager~~ Manager Resource Consents, Policy, Planning & Regulatory Services.

~~10-11.~~ The consent holder shall ensure that prior to the commencement of any works on the site that all silt and sediment control measures are in place in accordance with the Erosion and Sediment Control Plan approved in accordance with Condition 9-10 of this resource consent.

~~11-12.~~ Prior to any construction vehicles entering the site over the access road to the Duck Creek Pumping Station off State Highway 58, the consent holder shall provide a CCTV record and a condition report of the rising sewer main along the proposed access road to the Duck Creek Pumping Station.

~~12-13.~~ Prior to commencement of works the applicant shall provide an updated "Environmental Management Plan for Construction" which shall include details of proposed measures to mitigate adverse effects on the sewer network from construction traffic accessing the site over the access road to the Duck Creek Pumping Station off State Highway 58, and shall include procedures to be followed in the event any historic or cultural artefacts are disturbed including addressing any accidental

discoveries, provisions for archaeology, including whether an archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 and/or procedures to be followed in the event that archaeological or cultural material is discovered.

14. Prior to the commencement of construction, the consent holder shall construct temporary stabilised entrance crossings to be used by vehicles to enter and exit the construction site.

~~13,15.~~ Prior to commencement of the civil works, the consent holder shall submit for approval by the Manager Resource Consents, Policy, Planning & Regulatory Services, the consent holder shall submit design details and a plan of the road markings for right turn bay in James Cook Drive and the intersection the entrance to Road 1, to the satisfaction of Manager Resource Consents, Policy, Planning & Regulatory Services.

Comment [AJ3]: RE: Comment [GS13]
Subdivision consent conditions 56 & 103
replicated to land use conditions as advised.

During construction

~~14,16.~~ The hours of construction shall be limited to Monday to Friday between the hours of 7.30am and 6.00pm and Saturday 8.00am to 4.00pm. These hours include warm-up of machinery. Exceptions include:

- (i) Heavy machinery or plant may only access/exit the site and operate on the site between 8.00am and 6.00pm Monday to Friday and between 8.00am and 4.00pm Saturday.
- (ii) No construction works shall be permitted outside of these times or on Sundays or public holidays.

~~15,17.~~ Mufflers shall be used on all earthworking machinery to reduce the noise emanating from these machines and thus the effect on residents.

~~16,18.~~ For the duration of the construction, the consent holder shall ensure that a person is available to respond to any reasonable requests and/or complaints made by the public and that a phone number at which that person can be contacted will be advised to the Porirua City Council Monitoring and Enforcement Officer prior to any construction commencing

~~17,19.~~ For the purpose of compliance with Condition 186, the consent holder shall ensure that a sign, measuring 1m², shall be placed in a prominent position on the boundary of the site. The sign shall contain 24 hour contact details of persons who shall be available to respond to any reasonable requests and/or complaints made and shall be maintained throughout the construction period. A register of all such complaints shall be maintained on site and shall be available for inspection during normal office hours.

~~18,20.~~ For the duration of the construction, the native vegetation outside of the fill areas as demarcated in accordance with Condition 8 shall not be damaged or removed.

~~19,21.~~ If Taonga (treasure or prized possessions, including a natural resource, having tangible or intangible value and being irreplaceable in a spiritual sense) is discovered in any area or if any skeletal remains or similar material are uncovered, the applicant

or the applicant's representative are to contact the Ngati Toa Rangatira (through Te Runanga O Te Rangatira Incorporated), the New Zealand Historic Places Trust and Porirua City Council. All work in that area is to cease until a site inspection is carried out by Ngati Toa representatives and Council staff and approval to continue is given by the ~~General Manager~~[Manager Resource Consents](#), Policy, Planning & Regulatory Services, Porirua City Council.

~~20.~~22. The consent holder shall follow all recommendations contained within the geotechnical assessments held on resource consent file RC6922 titled "*Geotechnical Assessment For Proposed Subdivision Duck Creek North Whitby, Porirua Ref 10113 Rev B Dated August 2015*" and "*Site Liquefaction Potential For Proposed Subdivision Duck Creek North Whitby, Porirua Ref 10113 Dated November 17 2015*" by ABuild Consulting Engineers Ltd.

~~21.~~23. All fills, excluding temporary stockpile areas, are to be compacted in accordance with the Code of Practice for Earth Fill for Residential Development, NZS 4431:1989, except as recommended by the engineering assessments detailed under condition 20 above.

~~22.~~24. The consent holder shall follow all recommendations contained within the 'Environmental Management Plan for Construction' as approved under Condition ~~12~~13.

~~23.~~25. The consent holder shall take all practicable steps to ensure that all storm water run-off from the site is treated in accordance with the Erosion and Sediment Control Plan specific to that stage as approved under condition 109, so that sediment is retained on site and the discharge does not cause adverse effects on the environment (after a reasonable mixing zone) by entering either the kerb and channel, the storm water system, or a natural watercourse.

~~24.~~26. The consent holder shall take all practicable steps to ensure that land disturbed by earthworks, trenching or building activities shall be regularly wetted to ensure that dust nuisance is maintained within the site.

~~25.~~27. If earthworked materials are carried onto the surrounding road network, the consent holder shall be responsible for cleaning and repairing the road back to its original condition each evening during the earthworks period. In doing this, the consent holder shall ensure that no materials are washed or swept into any stormwater drains or natural drainage systems.

Following construction

~~26.~~28. Within 6 months of completion of the earthworks or prior to an application of Section 224 certification for each stage, whichever occurs first, plans are to be supplied to the ~~General Manager~~[Manager Resource Consents](#), Policy, Planning & Regulatory Services showing the location of all fill compaction tests, together with a certificate prepared by a chartered engineer appointed under condition 5 above stating the suitability of the earthworks for residential development (Statement of Professional Opinion as to Suitability of Land for Building Construction).

Advice note

Where the report identifies development limitations, the ~~General Manager~~Manager Resource Consents, Policy, Planning & Regulatory Services may require that a consent notice be imposed on Computer Freehold Register/s giving notice of the limitations or specific development requirements relating thereto. The costs associated with the preparation and registration of any consent notices are to be met by the consent holder.

~~27.~~29. Within 6 months of the completion of the works or prior to any application for Section 224 certification for each stage, whichever occurs first, and prior to buildings being constructed on the land, the consent holder shall provide to the satisfaction of the ~~General Manager~~Manager Resource Consents, Policy, Planning & Regulatory Services, a geotechnical completion report from a Chartered Professional Engineer with geotechnical & liquefaction experience, stating the suitability of residential lot development, including

- Confirmation that land consolidation is completed.
- Confirmation that earthworks and/or building platforms have been constructed to comply with the New Zealand Building Code requirements, and recommend foundation requirements (in accordance with Ministry of Business, Innovation and Employment's (MBIE) technical guidelines)
- ~~Determine~~Identifying the final position of all building restriction areas, ~~where applicable~~if any.
- ~~Confirm~~Identifying any lots, or parts of lots, that are unsuitable for building development, if any.

Advice note

~~Where~~If the report identifies any significant development limitations, ~~that would be matters of ongoing compliance, the~~ ~~General Manager~~Manager Resource Consents, Policy, Planning & Regulatory Services may require that a consent notice be imposed on Computer Freehold Register/s giving notice of the ongoing limitations or specific development requirements relating thereto. The costs associated with the preparation and registration of any consent notices are to be met by the consent holder

~~28.~~30. Within 6 months of completion of the earthworks or prior to an application for Section 224 certification of any subsequent subdivision consent stage, whichever occurs first, (or, if deemed necessary by Council, during the earthworks period) the consent holder shall provide to the satisfaction of the ~~General Manager~~Manager Resource Consents, Policy, Planning & Regulatory Services, a report from a chartered engineer with geotechnical experience addressing the stability of the constructed cut batters. This report shall give specific reference to section C2.6 of Porirua City Council's Code of Land Development 2010.

Where the report identifies development limitations, the ~~General Manager~~Manager Resource Consents, Policy, Planning & Regulatory Services may require that a consent notice be imposed on Computer Freehold Register/s giving notice of the limitations or specific development requirements relating thereto. The costs associated with the preparation and registration of any consent notices are to be met by the consent holder

Comment [AJ4]: AREA OF DISAGREEMENT WITH APPLICANT AS PER SUBDIVISION CONDITION 102

Comment [BH5]:

Comment [BH6]: BH RECOMMENDS THE LAST 2 BULLET POINTS AND THE NOTE UNDER CONDITION 29 ARE DELETED FROM THIS CONDITION. THE SAME AMENDMENT IS RECOMMENDED FOR CONDITION 112 OF THE SUBDIVISION CONSENT.

~~29.~~31. If cuts are stabilised by retaining walls within 6 months of the commencement of earthworks or prior to application for Section 224 certification for each stage, whichever occurs first, then the requirement for a report from a Chartered Professional Engineer shall not apply (as per condition ~~298~~). Where retained cuts are over 1.5m in height, a Producer Statement – Construction Review (PS4) for the retaining walls shall be provided to the satisfaction of the ~~General Manager~~ Manager Resource Consents, Policy, Planning & Regulatory Services.

~~30.~~32. Upon completion of construction or prior to an application for Section 224 certification for each stage, whichever occurs first, the consent holder shall provide to the ~~General Manager~~ Manager Resource Consents, Policy, Planning & Regulatory Services, a report from a suitably qualified Chartered Engineer stating the suitability of the retaining walls if required to be constructed (except those walls covered by condition ~~3126~~) for residential development. This shall be in the form of a Producer Statement – Construction Review (PS4).

Advice note

This condition pertains to any retaining walls that are constructed as part of the earthworks irrespective of their height and/or whether taking surcharge at the time of construction. This will ensure that the walls have been suitably constructed for future potential use of the approved allotments of any subsequent subdivision consent.

~~31.~~33. All areas exposed by earthworks, trenching or building activities are to be re-grassed/hydro-seeded at the earliest possible opportunity following excavation or at the latest within 1 month after completion of earthworks for that stage.

~~32.~~34. All silt and sediment control measures shall be decommissioned upon stabilisation of the earthworked areas. However, the silt and sediment control measures need not be decommissioned where Greater Wellington Regional Council and Porirua City Council require these measures to remain in use for future construction activities, provided they are not located within residential allotments at the time of application for Section 224 certification.

~~35.~~35. Upon completion of earthworks for Stage 1, the consent holder shall submit to the ~~Parks Manager~~ Manager Parks, City and Community Infrastructure, a detailed enhancement planting plan for the Duck Creek Saltmarsh Ecological Site to mitigate any native vegetation removal in the Ecological Site. The plan shall be in accordance with the recommendations made at paragraph 94 of the Evidence in Chief of Dean Craig Miller dated 18 March 2016.

Comment [AJ7]: Conditions 35 inserted as recommended during hearing and in accordance with evidence from Mr D Miller.

~~33.~~36. Upon completion of earthworks for Stages 1 and 3, the consent holder shall submit to the Manager Parks, City and Community Infrastructure, a detailed planting plan for for the tops of cut faces adjoining or in Significant Ecological Sites to mitigate edge effects and erosion, for each stage.

Comment [BH8]: Change made to give guidance on the plan.

~~37.~~37. The consent holder shall undertake the landscape planting as approved in the planting plan required under Conditions 7, ~~353~~ & 36, as soon as seasonably practicable or prior to application for Section 224 approval for each stage whichever comes first, unless

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authorised in writing by the ~~General Manager~~ Manager Resource Consents, Policy, Planning & Regulatory Services.

38. Upon completion of landscape planting for each applicable stage, the applicant shall submit a Practical Completion Certificate to the Manager Resource Consents, Policy, Planning & Regulatory Services. The consent holder shall ensure that any dead or dying plants of planting as required under conditions 7, 35 & 36 are replaced for 3-year maintenance period from the date of Practical Completion.

Advice Note:

Council will monitor compliance with this condition every six months from 3 years the date the planting is first implemented on site.

Comment [AJ9]: RE: Comment [GS6] & [GS7]. Conditions 37 amended and 38 inserted to enable landscape planting maintenance timeframe.

~~34.~~39. Upon completion of works, the consent holder shall ensure the existing post and wire fence between the application site and Local Purpose Reserve of Lot 1 DP 62004, Lot 2 DP 62004 and Lot 2 DP 60877 is maintained or reinstated.

~~35.~~40. Any dwelling (excluding garage or parking building) that has frontage with a road shall be setback a minimum distance of 3m from the road frontage boundary.

Advice Note:

Eaves (of up to 600mm) are permitted to extend into the 3m front yard.

~~36.~~41. Any garage building (either attached to a dwelling or detached) or a carport or parking space for a residential dwelling on 1 -5, 15, 32 -34, 50, 58 - 66, 77 – 80, 96 – 99, 101 – 104, 116 – 117, 119 – 122, 125 – 126, 129 -130, 134 – 135, 137 – 143 shall be setback a minimum distance of 5m from the road frontage boundary.

~~37.~~ All residential lots (but not including lot 6) shall contain a single storey dwelling.

Comment [AJ10]: Condition no longer considered required as per Mr A Gray evidence during hearing.

42. All residential lots shall contain a dwelling with a roof cladding painted or coating system in a recessive colour, with the paint having a reflective light reflective value percentage less than or equal to 30%.

Comment [AJ11]: RE: Comment [KM8] - This is also Consent Notice Condition.

~~38.~~43. The consent holder shall ensure bare galvanised, zinc alum or unpainted metal that would lead to contamination of stormwater runoff upon corrosion shall not be used for roofing or building materials.

44. Residential lots 27, 28, 29, 132, 137, 141 and 142, that exceed site coverage, shall be restricted to a maximum of 40% site coverage and dwellings/buildings shall be single storey.

Note: Residential dwellings/buildings with permitted site coverage are not restricted to single storey.

Comment [BH12]: WITH THE ADDITION OF THE NOTE BELOW CONDITION 44 THE ONLY SUGGESTED AMENDMENT IS DELETING 40% AND REPLACING IT WITH 45%

~~39.~~45. Residential lots 1, 2, 5, 7 – 16, 19, 22 – 24, 43, 44, 46, 48 – 57, 58 – 66, 68, 73, 75 – 79, 82, 92, 95 – 97, 103 – 105, 109 -111, 114, 116 – 122, 125, 126, 129, 130, 132, 134 – 136, 143 – 144 shall be restricted to a maximum of 45% site coverage.

Comment [AJ13]: AREA OF DISAGEMENT BETWEEN PCC & APPLICANT. [BH TO INSERT APPLICANT CONDITION].

46. The consent holder shall ensure no fence is constructed between ROW No 11 and Walkway Reserve 2.

Comment [AJ14]: •This condition has been added to subdivision conditions, including a new prior to s223 condition to determine the Servient Tenement required for Consent Notice condition.

47. Prior to construction of any dwelling in Stage 1 or prior to approval under Section 224 of the Resource Management Act 1991 for Stage 1, whichever occurs first, the consent holder shall install the flush median right turn bay in James Cook Drive at the intersection with Road 1 as per plan submitted under condition 15.

Duck Creek Wastewater Pump Station Condition

47A. If the scheduled noise and odour improvement works (see email attached to the section 42A report for RC 6922 from Sheryl Barker to Phillip Rhodes dated 8 March 2016 3:47pm) have not been completed prior to completion of stage 1 of the subdivision, then a section 224 certificate will not be issued for lots 7, 9 and 10 and those lots will be certified as part of Stage 2. This restriction also applies to the construction of a dwelling on lots 7, 9 and 10.

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Comment [BH15]: This condition has been proffered by the Applicant to address the potential vires issues identified by PCC. The condition is consistent with the evidence of Mr O'Callaghan.

NZTA Traffic Conditions

40.48. Construction Traffic Management Plan

The consent holder shall submit a Construction Traffic Management Plan (CTMP) to the Manager for certification, at least 15 working days prior to the commencement of construction on site. The purpose of the CTMP is to outline the proposed procedures, requirements and standards necessary for safely managing the traffic effects of construction. The CTMP shall be consistent with the version of the NZ Transport Agency Code of Practice for Temporary Traffic Management which applies at the time the CTMP is prepared, and include:

- i. Temporary traffic management measures required to manage the impacts on road users during the proposed working hours, including details confirming that the stop/go controls required to establish and remove the temporary access will only operate at night between Sunday and Thursday during the hours of 19.00 - 05.30;
- ii. Confirmation that access into the site off State Highway 58 will be no longer than 12 weeks in duration and only within off peak hours as defined by Capital Journeys for heavy vehicles;
- iii. Measures to maintain safe cyclist access along State Highway 58, including the widening of State Highway 58, and appropriate signage identifying the hazard at each end of the effect section of State Highway 58;
- iv. Any proposed temporary changes in speed limit, the length of which shall comply with the Setting of Speed Limits 2003 Section 5;
- v. Provision for safe and efficient access of construction vehicles to and from the construction site, exclusively the allowance for a left in and left out route only from State Highway 58 using safe hit posts as shown on Plan Traffic Management SH 58 – Temporary Access February 2016 including widening to accommodate the safe hit posts;
- vi. Measures that will be undertaken to communicate traffic management measures to affected road users and stakeholders;
- vii. Measures for any road reinstatement to its original form prior to construction works commencing in the event that there is damage during construction works;
and

- viii. Measures for the management of road drainage during construction works; this shall include photographing the drain once the road widening has been constructed and .
- ix. Any extension to the 12 week timeframe in (ii) above will need to seek approval from the Manager, including details of consultation with the NZ Transport Agency.

49. Postgate Drive Roundabout and Pauatahanui Roundabout

- a. The consent holder shall submit a survey, jointly prepared with the NZ Transport Agency, of the precondition of Postgate Drive Roundabout and Pauatahanui Roundabout to the Manager stating the precondition of both roundabouts. The survey shall:
 - i. Be undertaken prior to any construction work being carried out on the temporary access off State Highway 58;
 - ii. Include photos of the condition of both Postgate Drive Roundabout and Pauatahanui Roundabout;
 - iii. Include the location of signs in the immediate vicinity of both Postgate Drive Roundabout and Pauatahanui Roundabout; and
 - iv. Include details of the pavement condition of both Postgate Drive Roundabout and Pauatahanui Roundabout.
- b. Immediately following the 12 week period permitted for access to the site from State Highway 58, the consent holder shall submit a final survey, jointly with the NZ Transport Agency, to the Manager of both Postgate Drive Roundabout and Pauatahanui Roundabout. The survey shall include the same data required in the precondition survey.
- c. Should there be a detrimental change to the condition of the roundabouts attributable to the vehicles operating under the CTMP mentioned in condition 1 above between the precondition survey required by Condition 2(a) and the final joint survey required by Condition 2(b), then the consent holder shall reinstate the road and Roundabouts, at their own costs, to its original form within six weeks of report being submitted.
- d. In the event of any divergence of views between the NZ Transport Agency and the consent holder, Porirua City Council shall have the final say.

~~44.~~50. Traffic Model Calibration

The consent holder shall submit to the Manager, in consultation with the NZ Transport Agency, an update to the SIDRA model for information purposes prior to construction commencing. The purpose of the update is to calibrate the model with actual on-site traffic counts provided by the consent holder.

51. Review Condition

- a. Pursuant to section 128 of the Resource Management Act 1991 the consent holder shall submit to the Manager, in consultation with the NZ Transport Agency, two reviews of the operational safety of the State Highway 58/James Cook Drive intersection. These reviews shall be submitted within three months of 50% of the development being occupied and 75% of the development being occupied. The reviews shall address the following matters:
 - i. Crash history, anecdotal and recorded. In calculating crash rates/history a moving 10 year period shall be analysed and used in the review;

- ii. Capacity of the intersection, and its performance compared to the SIDRA model calibration required by Condition 3 above. In determining performance of the intersection, other growth in the traffic catchment shall be accounted for and considered in relation to the Brookside development through a record of turning movements associated with Proposed Road 1 at its intersection with James Cook Drive; and
- iii. The potential for impacts on the safety of the intersection.
- b. In the event that the Manager, in consultation with the NZ Transport Agency, determines that the intersection is no longer operating safely, the following shall occur:
 - i. No further dwellings of the Brookside development shall be occupied until the Transmission Gully Expressway is operating; or
 - ii. Works to the existing road network to provide for enhanced safety of the SH58/JCD intersection.

Advice note: The consent holder is also required to seek approval from the NZ Transport Agency pursuant to the Government Rounding Powers Act 1989 for any works on the State Highway

Boundary Fill Condition

Note: Should it be confirmed ~~during the hearing~~ that the filling on any of the following properties of 15, 21, 23, 25 and 29 Observatory Close will not proceed then the following condition is recommended.

- 42.52. Prior to commencement of earthworks in Stage 2, the consent holder shall submit a revised earthworks plan and cross sections displaying earthworks contained within the application site adjacent to the boundary shared with any of the following properties of 15, 21, 23, 25 and 29 Observatory Close, who do not agree to filling on their land. The submitted information shall display accompanying drainage within the application site to manage overland flow.

Financial Contribution

Note: Should a development agreement between the applicant and Council not be agreed and signed by both parties prior to the completion of any stage of subdivision hearing then the following condition ~~is recommended~~ shall apply.

- 43.53. Prior to the construction of each dwelling or approval under section 224 of the Resource Management Act for each stage, whichever comes first, the consent holder shall pay a Recreation and Civic Development Contribution for each new allotment being created in the suburban zone pursuant to Section E1.3.2 (a)(i) of the Porirua District Plan. The rate payable is the rate at the time 224C certification – the rate from 1 July 2015 to 30 June 2016 is \$6535.04 (incl GST) per allotment (this is adjusted with CPI each year).

Lapse Period

- 44.54. Unless given effect to, this consent shall lapse after a period of 10 years. If any of the stages of development proposed have not been given effect to pursuant to the relevant

tests under Section 125 of the Resource Management Act 1991 within this 10 year period, the ability of the consent holder to undertake these works in any such stage shall lapse (Unless an extension is sought and granted under section 125(1A)(b) of the Act).

B – Subdivision Consent Conditions

45.55. That the development be in general accordance with the information and plans submitted with the application and held on Council file RC6922 and stamped 'Approved Plans for Resource Consent RC6922' except where superseded by further information and plans received on 15 September 2015 and superseded by the following information and plans;

- *Report titled 'Site Liquefaction Potential for Proposed Subdivision Duck Creek North, Whitby, Porirua' by Abuild Consulting Engineers Ltd and dated 17 November 2015.*
- *Draft Report titled 'Brookside Development Stormwater Model Review by Mott MacDoanld dated February 2016.*
- *Revised Roading Layout plans Drawing No PL- C312-C314 Rev 3.*
- *Site Areas and Coverage Provision Plan Drawing No SIZ – 1 Rev 04.*
- *Traffic Management SH58 – Temporary Access Plan Figure 1 Rev 0 by Tonkin +Taylor Dated Feb 16*
- *Report titled 'Brookside Development (GWRC WGN160028 and PCC RC6922-SL0046/15) – Response to Flooding, Erosion and Stormwater Comments' dated 29 February 2016 & 'Pond Efficiency Design Brookside Consent' dated 01 March 2016 by Cardno.*
- *Stormwater Treatment Concept Plans Drawing No's PL-SK511r2, SK512 to SK514r1, SK515r2 and SK516 to SK517r110 and*
- *10 Year Flood Event Velocities 2.7 & 4m/s & 100 Year Flood Event Velocities 4m/s Plans by Cardno*

Minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.

46.56. Individual certifications pursuant to sections 223 and 224(c) of the RMA may be issued for this subdivision in a series of stages, generally in accordance with the staging proposed on approved plan "Brookside Estate Staging Plan Drawing No STG -1 Re 01 2, Dated 6/7/15" as follows:

Stage 1 – 56 Lots

- Residential Lots 1-42, 44-57;
- Roads to be vested being part of Road 1, Road 2 and Road 3;
- Access Lots 201 and 202;
- Walkway Reserve 1;
- Balance Lot for Stages 2-4.

Stage 2 – 43 Lots

- Residential Lots 43, 58-99;

- Roads to be vested being part of Road 1, Road 4 and Road 6;
- Access Lot 203;
- Reserve Area 1;
- Walkway Reserve 2;
- Balance Lot for Stages 3-4.

Stage 3 – 28 Lots

- Residential Lots 122-149;
- Roads to be vested being part of Road 1 and Road 5;
- Reserve Areas 2 & 3;
- Access Lot 205;
- Balance Lot for Stage 4;

Stage 4 – 21 Lots

- Residential Lots 1-42, 44-57;
- Roads to be vested being part of Road 1, Road 2 and Road 3;
- Access Lot 204;
- Reserve Area 4;
- Walkway Reserve 3.
- Drainage Reserves to be vested being Lots 302 & 304;

Provided that:

- Each individual allotment must be consistent with the proposal as approved;
- Each residential allotment shown on any survey plan, must be adequately serviced as required by, and in terms of, these conditions and it must be demonstrated that adequate provision has been made to enable the servicing of the balance allotments;
- All conditions pertaining to the specific allotments shown in the particular stage on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the RMA in respect of that stage. Council will retain discretion as to what conditions are applicable to each stage.

Prior to commencement of construction

~~47.57.~~ The consent holder shall provide a copy of this consent and any documents referred to in this consent to each operator or contractor undertaking works authorised by this consent, before that operator or contractor starts any works.

~~48.58.~~ The consent holder shall ensure that a copy of this consent is kept in the office on site at all times and presented to any Porirua City Council officer on request.

~~49.59.~~ That the consent holder shall contact the Council's compliance monitoring officer at least 48 hours prior to any physical work commencing on the site and advise the officer of the date upon which such works will commence.

~~50.60.~~ Prior to commencement of works within Council's road reserve, the consent holder shall ensure a Corridor Access Request (CAR) and a Traffic Management Plan (TMP) is submitted for approval to the satisfaction of the ~~General Manager~~[Chief Operating Officer, Asset Management and Operations](#)~~City & Community Infrastructure~~.

Note: An application for a Corridor Access Request can be made through Porirua City Council's public website.

~~51-61.~~ Prior to the commencement of construction of civil works, a Services Plan along with any supporting calculations, showing the layout and position of proposed roading and services (water, storm water and sewer), and any site works and construction (other than residential buildings), shall be submitted for Pre-Engineering Acceptance to the satisfaction of the ~~General Manager~~[Manager Resource Consents](#), Policy, Planning & Regulatory Services. All works shall be carried out in accordance with the approved plan. Easements shall be specified on the Services Plan. The services plan shall include confirmation of the services material specification and connection details for the reticulated service network including for liquefaction prone land. These plans shall include details on the location of vehicle crossings to be constructed over swales.

~~52-62.~~ Prior to commencement of the civil works, the consent holder shall submit a Streetscape Planting Plan, at the same time as submitting the Services Plan (in accordance with Condition ~~6153~~), to the ~~Parks Manager~~[Manager Parks](#), City and Community Infrastructure. The Streetscape Planting Plan shall display the layout and spacing of street trees, the varieties to be planted and any other planting including gardens within the Road to Vest. The Streetscape Planting Plan shall include the position of street lights and parking bays.

~~53-63.~~ Prior to commencement of the civil works for each stage, the consent holder shall submit for approval by the ~~General Manager~~[Manager Resource Consents](#), Policy, Planning & Regulatory Services, detailed engineering design of the filtration basin (dry pond) and stormwater treatment devices, shown on *Stormwater Treatment Concept Plans Drawing No's PL-SK511r2, SK512 to SK514r1, SK515r2 and SK516 to SK517r1*.

~~54-64.~~ Prior to commencement of the civil works, the consent holder shall submit for approval by the ~~General Manager~~[Manager Resource Consents](#), Policy, Planning & Regulatory Services, the consent holder shall submit design details and a plan of the road markings for ~~right no~~-right turn bay in James Cook Drive and the intersection the entrance to Road 1, to the satisfaction of ~~General Manager~~[Manager Resource Consents](#), Policy, Planning & Regulatory Services,

~~55-65.~~ All contractors laying water supply or drainage services that are to become public must either hold the National Certificate in Civil Construction Works (Infrastructure Pipelaying) – Level 3, or be working towards that.

Prior to certification under Section 223 of the Resource Management Act

~~56-66.~~ Prior to approval under Section 223 of the Resource Management Act 1991 for each stage of the subdivision, the easements specified services plan approved under condition 42 shall be created or reserved for the purposes specified and endorsed in a memorandum on the Land Transfer Plan. Any other easements for conveying water, draining water and sewage and overland flow paths shall also be created or reserved for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.

Easements for public services are to be shown on a plan with a minimum 3m in width centered over the services, and shall be shown in gross with Porirua City Council as grantee.

~~57-67.~~ The Land Transfer Plan shall show Road No. 1-6 noted as "Roads to Vest in Porirua City Council" as applicable for each stage of the subdivision.

~~58-68.~~ The Land Transfer Plan shall show Reserves 1, 2 & 4 noted as "Local Purpose Reserves (Flood Protection, Ecology and Pathways) to Vest in Porirua City Council"

~~59-69.~~ The Land Transfer Plan shall show Reserve 3 noted as "Local Purpose Reserves (Stormwater Detention and Landscape Protection) to Vest in Porirua City Council".

~~60-70.~~ The Land Transfer Plan shall show Walkway Reserves 1, 2 & 3 noted as "Local Purpose Reserves (Walkway) to Vest in Porirua City Council"

~~61-71.~~ Prior to approval under Section 223 of the Resource Management Act 1991, the Flood Management Areas (subject to a consent notice under conditions 120 and 121) identified as N, O, P, Q, R, and S on the Scheme Plan (Sheets 3 & 4 of 5), shall be identified on the Land Transfer Plan.

72. Prior to approval under Section 223 of the Resource Management Act 1991 for each stage, the consent holder shall identify on The Land Transfer Plan of Lots 6, 147, 148 and 149, native vegetation within significant ecological sites 16 and 151 but outside the building platform areas of these lots, for its ongoing protection (as required under consent notice condition ~~124~~133).

~~62-73.~~ Prior to approval under Section 223 of the Resource Management Act 1991 the consent holder shall identify on The Land Transfer Plan a Memorandum of Easements confirming the servient and dominant tenements for rights of way 5-8 and 10-12.

Prior to certification under Section 223 of the Resource Management Act - Amalgamation Conditions

~~63-74.~~ That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, Lot 200 hereon (access lot) be held as four undivided one fourth shares by the owners of Lots 9 - 12 as tenants in common in the said shares and that individual computer freehold registers be issued in accordance therewith (Request #).

~~64-75.~~ That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, Lot 201 hereon (access lot) be held as eleven undivided one eleventh shares by the owners of Lots 20 - 30 as tenants in common in the said shares and that individual computer freehold registers be issued in accordance therewith (Request #).

~~65-76.~~ That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, Lot 202 hereon (access lot) be held as seven undivided one seventh shares by the owners of Lots 39 - 45 as tenants in common in the said shares and that individual computer freehold registers be issued in accordance therewith (Request #).

~~66-77.~~ That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, Lot 203 hereon (access lot) be held as four undivided one quarter shares by the owners of

Lots 84 - 87 as tenants in common in the said shares and that individual computer freehold registers be issued in accordance therewith (Request #).

~~67~~.78. That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, Lot 204 hereon (access lot) be held as nine undivided one ninth shares by the owners of Lots 105 - 113 as tenants in common in the said shares and that individual computer freehold registers be issued in accordance therewith (Request #).

~~68~~.79. That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, Lot 205 hereon (access lot) be held as six undivided one sixth shares by the owners of Lots 144 -149 as tenants in common in the said shares and that individual computer freehold registers be issued in accordance therewith (Request #).

Prior to certification under Section 224 of the Resource Management Act

~~69~~.80. Prior to approval under Section 224 of the Resource Management Act 1991, all related works as applicable for each stage shall comply with New Zealand Standard: Land Development and Subdivision Infrastructure NZS 4404:2010, and the PCC Code of Land Development and Subdivision Engineering 2010, except as approved by this resource consent or the engineering construction plans approved under conditions ~~5361~~ & ~~5563~~.

~~70~~.81. All materials, testing and workmanship shall be in accordance with the PCC Code of Land Development and Subdivision Engineering 2010 and the Regional Standard for Water Services.

~~71~~.82. Prior to approval under Section 224 of the Resource Management Act, Certification is to be supplied to the satisfaction of the ~~General Manager~~ Manager Resource Consents, Policy, Planning & Regulatory Services and shall comprise:

- (i) NZS4404:2010 Schedule 1A (Design Certificate – Land Development/Subdivision) signed by a suitably qualified professional;
- (ii) NZS4404:2010 Schedule 1B (Contractors Certificate upon completion of Land development/Subdivision) signed by the Contractor;
- (iii) NZS4404:2010 Schedule 1C (Certification upon completion of Land development/Subdivision of Person Responsible for Inspection and Review of Construction) signed by a suitably qualified professional;
- (iv) NZS4404:2010 Schedule 2A (Statement of Professional Opinion as to Suitability of Land for Building Construction), signed by a Chartered Professional Engineer experienced in geotechnical matters.

~~72~~.83. Prior to approval under Section 224 of the Resource Management Act, all services works as applicable for each stage shall be carried out in accordance with the services plans approved under conditions ~~6153~~ & ~~6355~~ as applicable for each stage.

~~73~~.84. Prior to approval under Section 224 of the Resource Management Act 1991 as applicable for each stage, Lots 1-99 and Lots 101-149 shall be supplied with an individual water supply and toby. Council will carry out connections to the Council main after payment of all associated costs. The consent holder shall arrange for all trenches to be opened (including obtaining a trench opening notice if required) and reinstated to a satisfactory condition.

- ~~74~~.85. Prior to approval under Section 224 of the Resource Management Act 1991 as applicable for each stage, Lots 1-99 and Lots 101-149 shall be supplied with an individual, 100mm diameter, sanitary sewer connection within the lot. Laterals shall be provided by the consent holder, with the final connections to the mains provided by the Council of which the actual cost shall be met by the consent holder.
- ~~75~~.86. Prior to approval under Section 224 of the Resource Management Act 1991 as applicable for each stage, Lots 1-99 and Lots 101-149 shall be provided with a means of disposing of stormwater, either by an individual 100mm diameter stormwater connection to the kerb and channel or Council main.
- ~~76~~.87. Prior to the issue of a 224c certificate the applicant shall install marker posts at the termination point of all sewer and stormwater connections within private lots. The marker posts shall be 50mm by 50mm treated timber posts no less than 0.5m high and shall be painted red for sewer and green for stormwater.
- ~~77~~.88. Prior to approval under Section 224 of the Resource Management Act 1991 as applicable for each stage, all utility services (with the exception of cabinets) shall be installed underground.
- ~~78~~.89. Prior to approval under Section 224 of the Resource Management Act 1991 as applicable for each stage, it shall be shown that the street lighting network has been installed and is functioning to the requirements of AS/NZ 1158.3.1:1999, to the satisfaction of the [General Manager/Manager Resource Consents](#), Policy, Planning & Regulatory Services.
- ~~79~~.90. Section 224 certification under the Resource Management Act 1991 for each stage will not be considered until "as built" drawings of the completed subdivision have been submitted for approval to the satisfaction of the [General Manager/Manager Resource Consents](#), Policy, Planning & Regulatory Services by the consent holder or his representative. Positions of all Porirua City Council utility service connections for every proposed lot shall be shown on the "as built" drawings either by a set of coordinates in terms of LINZ Datum NZGD2000, or by at least two measurements from known points e.g. boundary pegs or manholes. In all cases the depth to the connection point, measured from ground level, of all Porirua City Council service connections shall be shown on the "as built" drawings.
- ~~80~~.91. Prior to approval under Section 224 of the Resource Management Act, the consent holder shall provide Council with a Road Assessment and Maintenance Management (RAMM) inventory of Assets to be handed over to Council ownership. The information shall be provided in an appropriate form to the satisfaction of the [General Manager/Manager Resource Consents](#), Policy, Planning & Regulatory Services and be submitted by a person suitably qualified in RAMM data collection and analysis.
- ~~81~~.92. Prior to approval under Section 224 of the Resource Management Act the consent holder shall install suitable underground ducting for the national broadband reticulation.

- ~~82.93.~~ Prior to approval under Section 224 of the Resource Management Act for each stage the consent holder shall submit a CCTV record of all constructed sewer mains.
- ~~83.94.~~ Prior to approval under Section 224 of the Resource Management Act for stage 4 the consent holder shall submit a CCTV record and condition report of the existing sewer main at the access road to Duck Creek Pumping Station off SH58 and must make any repairs as required.
- ~~84.95.~~ Prior to approval under Section 224 of the Resource Management Act 1991, all stormwater outlets to Duck Creek shall be constructed in accordance with the approved plans under conditions [5361](#) & [5563](#) so as to prevent long term erosion and scour.
- ~~85.96.~~ Prior to Section 224 certification, the consent holder shall construct new vehicle crossings to 1 -5, 15, 32 -34, 50, 58 - 66, 77 – 80, 96 – 99, 101 – 104, 116 – 117, 119 – 122, 125 – 126, 129 -130, 134 – 135, 137 – 143 in compliance with PCC specification 12b as outlined in PCC's Code of Land Development and Subdivision 2010, and/or in accordance with the roading plans approved under condition ~~5361~~.
- ~~86.97.~~ Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall enter into a legal agreement with Council to continue to maintain the stormwater treatment devices for a period of three years following approval under Section 224 of the Resource Management 1991. All costs associated with the preparation of the agreement shall be met by the consent holder.
- ~~87.98.~~ Prior to Section 224 certification for stage 4, water quality treatment shall be provided within the subdivision in accordance with the services plans approved under condition 53 & 55 which provides a minimum of 75% removal of total suspended solids (TSS). This will be deemed to have been achieved if the average level of suspended solids in the final discharges to Duck Creek does not exceed 100g/m³ (100ppm) in the first flush event and a water quality monitoring report shall be provided demonstrating compliance with this standard. The water quality monitoring report shall include a minimum of two water sampling periods after a significant rainfall event of greater than 20 mm in a 24 hour period, or 4 mm in a one hour period.
- ~~88.99.~~ Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall enter into a legal agreement with Council to monitor the stream banks of Duck Creek (including any tributaries) and outlets to Duck Creek for potential scour/erosion for three years following approval under Section 224 of the Resource Management 1991. The agreement shall include the provision that if areas of scour/erosion are found then the consent holder shall take appropriate measures to minimise further scour/erosion of Duck Creek. All costs associated with the preparation of the agreement shall be met by the consent holder.
- ~~89.100.~~ Prior to Section 224 certification, Proposed Roads 1-6 shall be constructed, sealed and drained, as relevant for each stage, in accordance with the PCC Code of Land Development and Subdivision 2010, Land Development and Subdivision Infrastructure - NZS 4404: 2010, and Part H of the District Plan (except as approved by this resource consent) and approved plans (*Ref; Roading Consent Application*

Comment [BH16]: The Applicant accepts this addition to the condition.

Plans 1:500 Series Layout Plan – Sheet 1 Drawing No PL-C311 Rev 1 & Sheets 2-4 Drawing No's PL-C312-314 Rev 3).

- ~~90~~.101. Prior to Section 224 certification, proposed Lots 200-205 hereon (legal access) shall be constructed and sealed, as relevant for each stage, in accordance with the PCC Code of Land Development and Subdivision 2010, Land Development and Subdivision Infrastructure - NZS 4404: 2010, and Part H of the District Plan (except as approved by this consent).
- ~~91~~.102. Prior to the issue of a Section 224(c) certificate, all street berms and lots are to be topsoiled to a minimum depth of 100mm and grassed/planted as soon as practicable after completion of topsoil laying and trimming. All road metal and other foreign material shall be removed from the berms prior to the final topsoil layer being laid. Soil shall be free draining and free of stones rocks or other foreign material and of a quality to ensure good grass growth. All swales are to be topsoiled to a minimum depth of 300mm and grassed/planted as soon as practicable after completion of topsoil laying and trimming.
- ~~92~~.103. Prior to approval under Section 224 of the Resource Management Act 1991, all areas exposed by earthworks, trenching or subdivision construction activities are to be re-grassed/hydro-seeded.
- ~~93~~.104. Prior to approval under Section 224 of the Resource Management Act 1991 [as applicable for each stage](#), the consent holder shall have installed and completed all hard (pathways and street furniture) and soft (vegetation) landscaping in accordance with approved detailed [landscape plans](#) approved under conditions 7 & [5462 and mitigation planting in accordance with approved planting plans in condition 35 & 36](#).
- ~~94~~.105. Prior to the issue of a Section 224c certificate Stage 1, the [consent holder](#)~~applicant~~ shall install barriers preventing pedestrian access over any PCC sewer main crossing Duck Creek.
- ~~95~~.106. Prior to approval under Section 224 of the Resource Management Act 1991 for Stage 4, a structural condition assessment shall be provided by a suitably qualified chartered professional engineer of the existing culvert at Stage 4 Duck Creek. The culvert must meet Grade 2 (Good – Nams Guideline).
- ~~96~~.107. In the event that application is made to the Council for certification pursuant to Section 224 of the Resource Management Act 1991 before condition [92101](#) & [95104](#) of this consent have been complied with, then the consent holder shall pay to Porirua City Council a bond in the form of a refundable cash deposit or a secured bank bond. The purpose of the bond shall be for ensuring compliance with conditions [92-101](#) & [95-104](#) and shall only be entered into if the Council is satisfied that the amount of the bond is sufficient to achieve this purpose, and that 50% of the estimated cost has been added.
- ~~97~~.108. All fills, excluding temporary stockpile areas, are to be compacted in accordance with the Code of Practice for Earth Fill for Residential Development, NZS 4431:1989. Within 6 months of completion of the earthworks or prior to section 224 certification as applicable for each stage whichever occurs first, plans are to be

Comment [AJ17]: RE: Comment [KM12] -The Landscape Plans required by conditions 7 & 60 refer to the subdivision streetscape & associated amenity planting

supplied to the satisfaction of the ~~General Manager~~Manager Resource Consents, Policy, Planning & Regulatory Services showing the location of all compaction tests, together with a certificate prepared by an inspecting chartered engineer stating the suitability of the earthworks for residential development (Statement of Professional Opinion as to Suitability of Land for Building Construction) as applicable for each stage.

If accordance with NZS 4431:1989 is achieved and limitations need to be raised with future property owners the consent holder shall apply for consent notices at the time of Section 224 certification. The limitations and ability to identify the limitations on consent notices will be considered by Council at the time of Section 224 certification and the ~~General Manager~~Manager Resource Consents, Policy, Planning & Regulatory Services ~~Environment and Regulatory Services~~ shall retain discretion of whether consent notices are applicable in this regard.

Duck Creek Wastewater Pump Station Condition

108A. If the scheduled noise and odour improvement works (see email attached to the section 42A report for RC 6922 from Sheryl Barker to Phillip Rhodes dated 8 March 2016 3:47pm) have not been completed prior to completion of stage 1 of the subdivision, then a section 224 certificate will not be issued for lots 7, 9 and 10 and those lots will be certified as part of Stage 2. This restriction also applies to the construction of a dwelling on lots 7, 9 and 10.

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Comment [BH18]: This condition has been proffered by the Applicant to address the potential vires issues identified by PCC. The condition is consistent with the evidence of Mr O'Callaghan.

~~98~~109. Within 6 months of completion of the earthworks or prior to section 224 certification as applicable for each stage, whichever occurs first, (or, if deemed necessary by Council, during the earthworks period) the consent holder shall provide to the satisfaction of the ~~General Manager~~Manager Resource Consents Policy, Planning & Regulatory Services, a report from a chartered engineer with geotechnical experience addressing the stability of the constructed cut batters. This report shall give specific reference to NZS4404:2010 Land Development and Subdivision Infrastructure. The report shall also include an NZS 4404:2010 Schedule 2A certificate (Statement of Professional Opinion as to Suitability of the Land for Building Construction) signed by a chartered professional engineer experienced in geotechnical matters.

Where the report identifies development limitations, the ~~General Manager~~Manager Resource Consents Policy, Planning & Regulatory Services may require that a consent notice be imposed on Computer Freehold Register/s giving notice of the limitations or specific development requirements relating thereto. The costs associated with the preparation and registration of any consent notices are to be met by the consent holder

~~99~~110. If cuts are stabilised by retaining walls within 6 months of the commencement of earthworks or prior to section 224 certification as applicable for each stage, whichever occurs first, then the requirement for a report from a Chartered Professional Engineer shall not apply (as per condition ~~101~~109). Where retained cuts are over 1.5m in height, a producer statement – construction review (PS4) for the retaining walls shall be provided to the satisfaction of the ~~General Manager~~Manager Resource Consents Policy, Planning & Regulatory Services.

~~100-~~111. Upon completion of construction or prior to section 224 certification, whichever occurs first as applicable for each stage, the consent holder shall provide to the ~~General Manager~~Manager Resource Consents Policy, Planning & Regulatory Services, a report from a suitably qualified chartered engineer stating the suitability of the constructed retaining walls (except those walls covered by condition ~~101~~110) for residential development. This shall be in the form of a Producer Statement – Construction Review (PS4).

Advice note

This condition pertains to any retaining walls that are constructed as part of the earthworks irrespective of their height and/or whether taking surcharge at the time of construction. This will ensure that the walls have been suitably constructed for future potential use of the approved allotments.

~~101-~~112. Within 6 months of the completion of the works or prior to any application for Section 224 certification for each stage, whichever occurs first, and prior to buildings being constructed on the land, the consent holder shall provide to the satisfaction of the ~~General Manager~~Manager Resource Consents Policy, Planning & Regulatory Services, a geotechnical completion report from a Chartered Professional Engineer with geotechnical & liquefaction experience, stating the suitability of residential lot development, including

- Confirmation ation that consolidation settlement is completed.
- Confirmation ation that earthworks and/or building platforms have been constructed to comply with the New Zealand Building Code requirements, and recommend foundation requirements (in accordance with Ministry of Business, Innovation and Employment's (MBIE) technical guidelines)
- ~~Determine-Identifying~~ the final position of all building restriction areas, if anywhere applicable.
- ~~Confirm-Identifying~~ any lots, or parts of lots, that are unsuitable for building development, if any.

Advice note

~~Where-If~~ the report identifies development limitations that would be matters of ongoing compliance, the ~~-General Manager~~Manager Resource Consents Policy, Planning & Regulatory ~~Services-may~~Services may require that a consent notice be imposed on Computer Freehold Register/s giving notice of the ongoing limitations or specific development requirements relating thereto. The costs associated with the preparation and registration of any consent notices are to be met by the consent holder

~~102-~~113. Prior to approval under Section 224 of the Resource Management Act 1991 for stage 1, the consent holder shall install the flush median right turn bay in James Cook Drive at the intersection with Road 1 as per plans submitted under condition ~~5364.~~

114. Prior to approval under Section 224 of the Resource Management Act, any erosion and sediment control measures including, but not limited to, sediment ponds and decanting earth bunds located within any residential allotments that are the subject of the application for Section 224 approval, shall be decommissioned and all associated 'restorative' ground works shall be completed.

Comment [AJ19]: AREA OF DISAGREEMENT (CONDITION 102 IN S42A REPORT)

~~103.~~ The consent holder or future owners of Lots 1-5, 7-99 and 101-149 shall comply with the following:

~~“Any dwelling constructed on this allotment shall be restricted to being single level”~~

~~104.~~ Condition ~~106~~ shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for Lots 1-5, 7-99 and 101-149 and shall be prepared by Council at the cost of the consent holder.

~~105.~~ 115. The consent holder or future owners of Lot 6 shall comply with the following:

“As part of the approval of this subdivision consent, landuse consent has been issued for any dwelling constructed on Lot 6 to contain an outdoor living area that may not be directly accessible to the dwelling and/or may have a gradient steeper than 1 in 20 and/or no permeable areas.”

~~106.~~ 116. Condition ~~108~~115 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for Lot 6 and shall be prepared by Council at the cost of the consent holder.

~~107.~~ 117. The consent holder or future owners of Lots 1-99 and 101-149 shall comply with the following:

“All residential lots shall contain a dwelling with a roof cladding painted or coating system in a recessive colour, with the paint having a light reflective value percentage less than or equal to 30%. Colour confirmation with its relative reflective percentage shall be forwarded to Porirua City Council with a Building Consent Application.”

Comment [AJ20]: Proposed wording as recommended by Mr Gray during the hearing.

“Bare galvanised, zinc alum or unpainted metal that would lead to contamination of stormwater runoff upon corrosion shall not be used for roofing or building materials”.

~~108.~~ 118. Condition ~~110~~117 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for Lots 1-99 and 101-149 and shall be prepared by Council at the cost of the consent holder.

~~109.~~ 119. The consent holder or future owners of Lots 27-29, 132, 137, 141 and 142 shall comply with the following:

“Residential lots 27, 28, 29, 132, 137, 141 and 142, that exceed site coverage, shall be restricted to a maximum of 40 [45%] % site coverage and dwellings/buildings shall be single storey.”

Comment [AJ21]: AREA OF DISAGREEMENT BETWEEN PCC & APPLICANT. [BH TO INSERT APPLICANT CONDITION].

Note: Residential dwellings/buildings with permitted site coverage are not restricted to single storey.”

Comment [BH22]: WITH THE ADDITION OF THE NOTE BELOW CONDITION 44 THE ONLY SUGGESTED AMENDMENT IS DELETING 40% AND REPLACING IT WITH 45%

~~110.~~ 120. Condition ~~112~~119 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold

Register for lots 27-29, 132, 137, 141 and 142 and shall be prepared by Council at the cost of the consent holder.

~~111~~121. The consent holder or future owners of lots 1, 2, 5, 7 – 16, 19, 22 – 24, 43, 44, 46, 48 – 57, 58 – 66, 68, 73, 75 – 79, 82, 92, 95 – 97, 103 – 105, 109 -111, 114, 116 – 122, 125, 126, 129, 130, 132, 134 – 136, 143 – 144 shall comply with the following:

“Residential lots 1, 2, 5, 7 – 16, 19, 22 – 24, 43, 44, 46, 48 – 57, 58 – 66, 68, 73, 75 – 79, 82, 92, 95 – 97, 103 – 105, 109 -111, 114, 116 – 122, 125, 126, 129, 130, 132, 134 – 136, 143 – 144 shall be restricted to a maximum of 45% site coverage.”

~~112~~122. Condition ~~114~~ 121 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for lots 27-29, 132, 137, 141 and 142 and shall be prepared by Council at the cost of the consent holder.

~~113~~123. The consent holder or future owners of Lots 1 -5, 15, 32 -34, 50, 58 - 66, 77 – 80, 96 – 99, 101 – 104, 116 – 117, 119 – 122, 125 – 126, 129 -130, 134 – 135, 137 – 143 shall comply with the following:

“Any dwelling (excluding garage or parking building) on Lots 1 -5, 15, 32 -34, 50, 58 - 66, 77 – 80, 96 – 99, 101 – 104, 116 – 117, 119 – 122, 125 – 126, 129 -130, 134 – 135, 137 – 143 shall be setback a minimum distance of 3m from the road frontage boundary.

Any garage building (either attached to a dwelling or detached) or a carport or parking space for a residential dwelling on Lots 1 -5, 15, 32 -34, 50, 58 - 66, 77 – 80, 96 – 99, 101 – 104, 116 – 117, 119 – 122, 125 – 126, 129 -130, 134 – 135, 137 – 143 shall be setback a minimum distance of 5m from the road frontage boundary.”

~~114~~124. Condition ~~116~~123 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for 1 -5, 15, 32 -34, 50, 58 - 66, 77 – 80, 96 – 99, 101 – 104, 116 – 117, 119 – 122, 125 – 126, 129 -130, 134 – 135, 137 – 143 and shall be prepared by Council at the cost of the consent holder.

~~115~~125. The consent holder or future owners of Lots identified under condition 55 shall comply with the following:

“This subdivision includes the use of Low Impact Urban Design and Development principles for collection, treatment and disposal of stormwater. In particular, the public road design includes the use of rain gardens and drainage swales beside the road carriageway in front of these lots. In this respect, the developer has constructed a vehicle crossing in a nominated location and in a specific manner for each lot that accords with and maintains the functions of the stormwater system. Consequently, the owner of each lot must maintain the vehicle crossing in its existing location. As such the design of any future buildings and parking areas of these lots must only utilise the nominated vehicle crossing or access lot. No additional vehicle crossings shall be constructed for these lots ”.

~~116~~126. Condition ~~118~~125 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for Lots identified under condition 55 and shall be prepared by Council at the cost of the consent holder.

~~117~~127. The consent holder or future owners of Lots 70-72, 74, 75 and 149 shall be aware of and comply with the following:

*"The areas shown on the Land Transfer Plans **** as N, O, P, Q, R, and S (flood management areas) [as required to be identified by condition 63] are below the 2090 100 year flood level and the following shall be complied with at all times:*

- (1) *No buildings, structures, fences, or earthworks shall be located within the flood management areas.*
- (2) *The flood management areas shall be managed so as to allow free passage of floodwaters and to preserve the riparian environment.*
- (3) *No person shall:*
 - (i) *remove, prune or destroy any vegetation, except that minor trimming or pruning may be undertaken for maintenance.*
 - (ii) *undertake any activity that may reduce or impede the ability of the area to convey floodwaters.*
 - (iii) *dump, pile or store any rubbish or waste materials, including but not limited to grass clippings, prunings, logs and household waste.*
 - (iv) *allow animal pests or pest plants to take residence or grow, as identified in the Regional Pest Management Strategy for Wellington Region.*
 - (v) *mark, paint, deface, blast or remove any stone or rock in a way that would disturb the ground unless for the purpose of ecological restoration."*

Advice note

Necessary modifications to the above consent notice may be made by Council in consultation with the consent holder prior to section 224 certification.

~~118~~128. Condition ~~127~~9 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for Lots 70-72, 74, 75 and 149 and shall be prepared by Council at the cost of the consent holder.

~~119~~129. The consent holder or future owners of Lots 1, 3-7, 9-11, 17, 18, 20-25, 35, 36, 42-45, 57, 58, 69-72, 74, 75, 80, 86-89, 94, 95, 96-99, 101-116, 118, 119-124 and 149, shall comply with the following:

"The Porirua City Council shall not be responsible for the cost of erecting or maintaining any fence along a boundary of any land vested in the Council as reserve or any other land owned by the Council."

~~120~~130. Condition ~~129~~22 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Registers for Lots 1, 3-7, 9-11, 17, 18, 20-25, 35, 36, 42-45, 57, 58, 69-72, 74, 75, 80,

Comment [AJ23]: RE: Comment [GS14] – This is correct, only Lot 100 has been deleted and all other lots remain numbered as proposed.

86-89, 94, 95, 96-99, 101-116, 118, 119-124 and 149 and shall be prepared by Council at the cost of the consent holder.

~~121~~,131. The consent holder or future owners of Lots 6 and 147-149 shall comply with the following:

“The native vegetation identified as areas ... on Land Transfer Plan No-Drawing No.....[as required under condition 55] shall not be damaged or removed by the owner except for such pruning and removal of parts of the protected native plants as is required for their continued health. The owner shall not construct, erect or allow to be erected any new buildings or structures within this area. The owner shall replace any native plants either accidentally or intentionally damaged or removed from the above identified areas with ecosourced native plants.”

~~122~~,132. Condition ~~124~~131 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Registers for Lots 846, 847 & 850-61 and shall be prepared by Council at the cost of the consent holder.

~~123~~,133. The consent holder or future owners of Lots 1-5, 42, 43, 70-75, 80, 109-112, 114-117, 119-121, 134-136, 138-146 and 149 shall comply with the following:

“The following minimum finished floor levels shall apply to any dwelling constructed on Lots 1-5, 42, 43, 70-75, 80, 109-112, 114-117, 119-121, 134-136, 138-146 and 149”

Comment [AJ24]: RE: Comment [KM15] - PCC currently do not control animal pests or pest plants in adjacent reserves and therefore consider this would be unreasonable to require the owners to do something not undertaken by Council on a smaller land portion of land.

FLOOD MODEL LEVELS AND PROPOSED MINIMUM FLOOR LEVELS							
LOT	GRD LEVEL (UPSTREAM)	2090H (UPSTREAM)	2090E (UPSTREAM)	DELTA TO (2090H)	MIN FFL (m)	FREEBOARD TO 2090H	FREEBOARD TO 2090E
LOT 001	3.45	3.20	3.35	0.25	3.7	0.50	0.35
LOT 002	3.60	3.25	3.45	0.35	3.7	0.45	0.25
LOT 003	3.60	3.25	3.45	0.35	3.7	0.45	0.25
LOT 004	3.50	3.28	3.55	0.22	3.7	0.42	0.15
LOT 005	3.60	3.35	3.58	0.25	3.8	0.45	0.22
LOT 042	6.27	5.16	5.49	1.11	5.7	0.54	0.21
LOT 043	5.58	5.14	5.44	0.44	5.6	0.46	0.16
LOT 070	5.32	5.01	5.28	0.31	5.5	0.49	0.22
LOT 071	5.22	5.06	5.37	0.16	5.4	0.34	0.03
LOT 072	5.40	5.29	5.50	0.11	5.7	0.41	0.20
LOT 073	6.30	6.12	6.33	0.18	6.5	0.38	0.17
LOT 074	6.30	6.19	6.39	0.11	6.5	0.31	0.11
LOT 075	6.72	6.30	6.57	0.42	6.7	0.40	0.13
LOT 080	7.45	6.59	6.87	0.86	7.0	0.41	0.13
LOT 109	10.37	9.75	10.08	0.62	10.2	0.45	0.12
LOT 110	10.22	9.52	9.70	0.70	10.0	0.48	0.30
LOT 111	10.03	9.69	9.97	0.34	10.1	0.41	0.13
LOT 112	9.80	9.06	9.32	0.74	9.5	0.44	0.18
LOT 114	9.47	8.76	8.98	0.71	9.3	0.54	0.32
LOT 115	9.25	8.65	8.87	0.60	9.3	0.60	0.38
LOT 116	9.07	8.46	8.64	0.61	9.0	0.54	0.36
LOT 117	8.88	8.57	8.76	0.31	9.0	0.43	0.24
LOT 119	8.27	7.78	8.12	0.49	8.2	0.42	0.08
LOT 120	8.00	7.81	8.13	0.19	8.2	0.39	0.07
LOT 121	8.03	7.80	8.13	0.23	8.2	0.40	0.07
LOT 134	8.16	7.81	8.29	0.35	8.3	0.49	0.01
LOT 135	8.20	8.02	8.35	0.18	8.4	0.38	0.05
LOT 136	8.30	8.10	8.42	0.20	8.5	0.40	0.08
LOT 138	8.40	8.10	8.45	0.30	8.5	0.40	0.05
LOT 139	8.47	8.15	8.46	0.32	8.6	0.45	0.14
LOT 140	8.50	8.34	8.58	0.16	8.8	0.46	0.22
LOT 141	8.71	8.49	8.70	0.22	8.9	0.41	0.20
LOT 142	8.78	8.56	8.75	0.22	8.9	0.34	0.15
LOT 143	8.64	8.58	8.75	0.06	8.9	0.32	0.15
LOT 144	8.71	8.56	8.72	0.15	8.9	0.34	0.18
LOT 145 (N)	8.70	8.56	8.73	0.14	8.9	0.34	0.17
LOT 145 (S)	9.45	9.44	9.64	0.01	9.8	0.36	0.16
LOT 146 (N)	9.60	9.53	9.73	0.07	9.9	0.37	0.17
LOT 146 (S)	10.81	9.50	9.76	1.31	9.9	0.40	0.14
LOT 149	11.75	11.73	12.11	0.02	12.2	0.47	0.09

134. Condition ~~126~~133 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for Lots 1-5, 42, 43, 70-75, 80, 109-112, 114-117, 119-121, 134-136, 138-146 and 149 and shall be prepared by Council at the cost of the consent holder.

135. The consent holder or future owners of Lot ... (as identified as Servient Tenement of ROW No 11 under condition 73) shall comply with the following:

The owner of Lot ... shall ensure no fence is constructed between ROW No 11 and Walkway Reserve 2.

~~124,~~136. Condition 135 shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for Lot as identified as the Servient Tenement of ROW No 11 under condition 73) and shall be prepared by Council at the cost of the consent holder.

~~125,~~137. Pursuant to Section 221(3) of the Resource Management Act 1991, consent notice 9231374.7 shall be cancelled from Computer Freehold Register 599007 (Lot 101 DP 459040), at the time of Section 224 approval for Stages 1-4.

Advice note

Council will issue the appropriate notice under Section 221(5) in association with the Section 224 of the Resource Management Act 1991.

Financial Contribution

Note: Should a development agreement between the applicant and Council not be agreed and signed by both parties prior to the hearing then the following condition is recommended.

~~126,138.~~ Prior to the construction of each dwelling or approval under section 224 of the Resource Management Act for each stage, whichever comes first, the consent holder shall pay a Recreation and Civic Development Contribution ~~of~~ for each new allotment being created in the Ssuburban Zzone pursuant to Section E1.3.2 (a)(i) of the Porirua District Plan. The rate payable is the rate at the time 224C certification – the rate from 1 July 2015 to 30 June 2016 is \$6535.04 (incl GST) per allotment (this is adjusted with CPI each year).

Lapse Period

~~127,139.~~ Unless given effect to, this consent shall lapse after a period of 10 years. If any of the stages of development proposed have not been given effect to pursuant to the relevant tests under Section 125 of the Resource Management Act 1991 within this 10 year period, the ability of the consent holder to ~~undertake works~~ obtain s223 certification in any such stage shall lapse.

Note: Should a development agreement between the applicant and Council not be agreed and signed by both parties prior to the hearing then the following Advice Note is recommended.

DEVELOPMENT CONTRIBUTIONS ADVICE NOTE

Local Government Act 2002

Pursuant to s.198 and s.208 of the Local Government Act 2002 and the Council's adopted 'Development Contributions Policy' 201509, please be advised that prior to certification under s.224 of the Resource Management Act 1991, Council requires that the consent holder pay a Development Contribution of \$540,621.90 incl. GST or at any other rate for this area that is applicable at the time of payment.

This amount due is made up of the following:

- *Roading (\$1799 per lot)*
\$264,453.00 plus GST (\$304,120.95 incl GST)
- *Stormwater*
Nil
- *Wastewater Treatment Plant (\$1129 plus GST per lot)*
\$165,963.00 plus GST (\$190,857.45 incl GST)
- *Water Supply (\$270 per lot)*
\$39,690.00 plus GST (45,643.50 incl GST)

Total **\$434,106.00 plus GST (\$540,621.90 incl GST)**

HERITAGE ADVICE NOTE

Recorded archaeological sites in the vicinity of the subdivision indicate the possibility of further unrecorded archaeological sites that may be disturbed by soil disturbance associated with development of the new lots. An application for an Archaeological Authority must be made to Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy any archaeological site or if there is reasonable cause to suspect that an archaeological site may be modified or destroyed. It is an offence to modify or destroy a site for any purpose without an authority and the Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. These provisions apply irrespective of whether the works are permitted under the Resource Management Act 1991 by the provisions of plan or resource consent. Seeking advice from Heritage New Zealand is recommended when planning for any soil disturbances, such as building platforms, fencing and landscaping

THE APPLICANT IS TO NOTE:

Building Act

This is NOT Building Consent. The Building Act 1991 contains provisions relating to the construction, alteration, and demolition of buildings. The Act requires building consents to be obtained where relevant, and for all such work to comply with the building code.

Appeal

The right and procedure for appeal can be found under Sections 120 and 121 of the Resource Management Act 1991(hereafter called the Act) and should be received by the Environment Court, and served on the Council and any other relevant parties identified within Section 120 of the Act within 15 working days of the notice of decision being received in accordance with the Act.

Easements

No structure shall be allowed over any easement.