Relevant Objectives and Policies

Regional Natural Resources Plan

Land Management

Objective LM 01
Land use and land management practices are appropriate to the environmental characteristics and limitations of the site, and avoid, remedy or mitigate adverse effects on the life-supporting capacity of soil resources, the receiving environment and heritage values.

Policy LM P3
To use a range of mechanisms, including education, and regulation where necessary and appropriate, to avoid, remedy or mitigate the adverse effects of land use activities on water quality, or for soil conservation purposes. In order to achieve stated environmental objectives. Areas of particular concern in the Bay of Plenty are riparian margins, steep slopes, erosion-prone soils, the recharge areas of potable groundwater supplies, and the catchments of the Rotorua lakes.

Discharges to Water and Land

Objective DW 08
Integrated and comprehensive management of stormwater within a catchment or sub-catchment framework, where practicable.

Objective DW 010
Erosion and scour caused or exacerbated by stormwater discharges is avoided, remedied or mitigated.

Policy DW P14
To require the appropriate management of stormwater quality, including:

a) The use of source controls to avoid the contamination of stormwater.

b) The use of best practicable options.

c) Treatment of stormwater to prevent the contamination of receiving environments.

Policy DW P18
To require stormwater discharge rates and volumes, and stormwater discharge outlet structures, to be designed and managed to avoid or mitigate erosion and scour.

Objective BW 04
Activities in, on, under or over the beds of streams, rivers and lakes:

a) Do not significantly impede the flow of flood waters, except where the activity is necessary for flood control purposes.

b) Provide for water flow and volume requirements in downstream areas, including authorised water abstractions and non-consumptive uses.

c) Avoid, remedy or mitigate adverse effects on natural hydrological processes of the stream, river or lake, or downstream areas.

d) Do not lead to accelerated erosion of the beds and banks of streams, rivers and lakes.
e) Maintain existing public access to and along the margins of rivers and lakes, where appropriate.
f) Avoid or mitigate the contamination of water by sediment.
g) Avoid adverse effects on areas of significant natural character.
h) Avoid, remedy or mitigate adverse effects on ecological values.

Policy BW P4

New structures in, on, under or over the beds of rivers, streams and lakes, and the reconstruction of existing structures, are to be designed, constructed and maintained to comply with the requirements of BW P2 and BW P3, and the following environmental standards:

(a) Designed to flood design standards that are appropriate to the Bay of Plenty region (refer to BW M6), and to the site of the structure. This does not apply to flood control structures (refer to WQ R15 and BW R1).

(b) Designed, constructed and maintained to appropriate standards to:
   (i) Withstand flood events.
   (ii) Ensure the integrity of the structure is maintained for its specified use.

(c) Located, designed, constructed and used a manner that accounts for the effect of natural lake water level fluctuations.

On-Site Effluent Treatment Regional Plan

Objective 3

Selection and/or design of on-site effluent treatment systems are appropriate to the environmental characteristics and limitations of the site, and installation materials and workmanship are of a high standard.

Objective 5

Adverse environmental effects of discharging greywater to land are avoided, remedied or mitigated.

Policy 11

To ensure that on-site effluent treatment systems are correctly sized to match any dwelling expansion or alteration that results in potential increase in discharge of domestic effluent.

Policy 18

To require resource consent for any discharge from an on-site effluent treatment system, including an aerated wastewater treatment system, that cannot comply with the permitted activity conditions.

Operative District Plan

Section 4B – Transportation, Access and Parking
4B.2.1 Objectives

1. To provide an integrated, efficient, safe and sustainable transportation network that supports the social and economic wellbeing, and land use pattern of the sub-region as defined in this District Plan and that maintains or enhances the regional strategic linkages.

4B.2.2 Policies

3. To manage the land use, development and subdivision of areas to achieve compatibility with the roads they front and the wider transportation network, with particular regard to the potential effects on that network, including, but not limited to, the safe and efficient provision of site access at the local level and intersections within the wider network and the effects of reverse sensitivity experienced between the operation and use of the transportation network and the establishment of adjacent land use.

11. Activities should be established and operate in a manner which ensures safe and effective on-site and off-site vehicle parking, manoeuvring and access and pedestrian access.


Section 6 – Landscape

6.2.1 Objective

The unique visual quality and character of the District’s outstanding natural features, landscapes and viewshafts are protected from inappropriate subdivision, use and development.

6.2.2 Policies

1. Within areas identified as being outstanding natural features and landscapes, landscape character should be protected and enhanced by managing the adverse effects of inappropriate land use and development activities.

Section 12 – Subdivision and Development

12.2.1 Objectives

1. Subdivision and development that provides for and reinforces the existing built form and local character of an area.

2. Subdivision and development is planned in an integrated manner and provided with the necessary infrastructure and services to ensure that the land is able to be used for its intended purpose.

3. Infrastructure and services are designed and constructed to minimum standards which will result in improved environmental outcomes without significant additional cost to the community.
12.2.2 Policies

5. Require subdivision and development to comply with the minimum standards in the Development Code for the provision of infrastructure and services, or to an alternative standard which is as effective and efficient in the long term and results in improved environmental outcomes.

7. Subdivision and development practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater run-off.

9. Adverse effects of traffic generation from subdivision and development on the transport network will be avoided, remedied or mitigated.

Section 17 – Lifestyle

17.2.1 Objectives

1. Lifestyle development is accommodated in discrete areas, and effects, particularly on the road network, are concentrated in these areas where they can be effectively managed.

2. To promote high quality lifestyle character in a unique environment with alternative living options for people who wish to enjoy a high level of open space amenity while retaining the benefits of living close to established town centres.

3. To provide for a standard of infrastructure, recreational and amenity services that will be safe for pedestrians and cyclists and that complements the lifestyle character of the area.

4. To create a network of greenlanes in conjunction with lifestyle development.

5. To provide a lifestyle living environment which takes into consideration the geotechnical constraints and other effects of increased development.

17.2.2 Policies

1. Subdivision and development within the Lifestyle Zones shall be managed to match the capacity and functioning of the strategic roading network to accommodate additional vehicle movements likely to be generated.

2. Subdivision, use and development shall provide greenlane connectivity where relevant, and other high quality amenities or, where onsite provision of these amenities is not appropriate, shall integrate these elements into its own design.

3. Subdivision or development shall take into account site constraints including geotechnical and ecological limitations in determining an appropriate design that delivers a quality lifestyle environment.
8. Ensure the layout of roads, greenlanes and infrastructure are undertaken to best complement rural lifestyle character, merge into the existing rural environment and provide for safety and security.

12. To ensure the effective use of geotechnical information to dispose of stormwater and wastewater in avoiding effects on the environment due to increased development
Draft Conditions

ALL STAGES:

General

1. THAT the activity be carried out in accordance with the application submitted (subject to any changes required through compliance with the following conditions) including:
   a) Stratum Consultants Ltd Subdivision Consent Application Ref. 415542-P-C001, dated 16 August 2018.
   b) Stratum Consultants Ltd Subdivision Scheme Plan Ref. 415542-T-P-C001, Sheet 03, Issue C, dated 16 August 2018.
   d) Stratum Consultants Ltd Preliminary Site Investigation Ref. 415542-M-P-C001, dated 11 April 2018.
   g) Harrison Transportation Concept Stage Road Safety Audit REF. 275TA v1, dated August 2017.
   h) Stratum Consultants Ltd section 92 response Ref. 415542-M-P-C001, dated 28 October 2018.

2. Any staging of subdivision consent by way of s223 / 224 certificates issued on separate survey for this subdivision is appropriate subject to that staging complying with all relevant conditions as listed for that stage within this subdivision consent.

3. All easements required for underground services and rights of way serving lots within the subdivision shall be duly granted or reserved.

4. All costs associated with the conditions of this consent shall be met by the consent holder.

Engineering

5. THAT a Category 1 Geo-professional suitably experienced to the satisfaction of the Chief Executive Officer or duly authorised officer; shall supervise all earthworks and shall prepare a geotechnical completion report which describes the extent of the earthworks, the extent of inspection, provide copies of test data, including settlement monitoring, test bores test / compaction results achieved, test locations and a statement of professional opinion in respect to the following:
   a) That the earthworks construction has been undertaken in accordance with the recommendations of the Stratum Consultants reports dated 27 July and 11 December 2018 in respect to the construction of the proposed road including the embankments and the construction of the Privateway formations.
b) Any retaining structures required to support the proposed Roads, Privateways or to support the proposed building platforms.

c) That earthworks shall be undertaken as required to provide a building platform for each allotment which is suitable for the erection thereon of residential buildings providing ultimate bearing capacities greater than 300 kPa in accordance with NZS 3604 and/or that certification for each residential Lot is provided in accordance with NZS 4404 (Appendix B). At the discretion of the Chief Executive Officer or duly authorized officer, consent notices may be registered on the Lots where specific foundation type such as piles are required because of UBC is less than 300 kpa.

d) Allotments which are subject to building restriction lines which will shall be shown on the Land Transfer Plan.

e) Recommendations in respect to the location of soak holes to embankments.

f) Where a consent notices pursuant to Section 221 of the Resource Management Act 1991 is required, the notice shall state that all future development be in accordance with the relevant geotechnical report (or subsequent approved report) and include clear reference to the report including date, author, reference and revision numbers as applicable.

6. THAT an accurate Council issued RAPID (Rural Address Property IDentification) plate be displayed at the vehicle entrance for each new Lot created in accordance with Western Bay of Plenty District Council’s Rural Property Numbering Bylaw 2005. This condition shall be satisfied prior to the application for 224c certification from Council.

7. THAT design and construction shall be carried out to ensure that stormwater overland flow paths are provided clear of the buildable area of each Lot and to take into account the runoff from areas of road, including adjacent catchment where relevant.

8. THAT power and telecommunications reticulation shall be installed to serve the development with the capacity and ability to later provide all proposed Rural lots with individual connections (lead in's). Letters are required from power and telecom authorities confirming that this condition has been met to their satisfaction.

9. THAT the consent holder’s representative shall submit to the Chief Executive Officer or duly Authorised Officer for approval, with the appropriate engineering inspection fee; construction drawings, specifications, calculations and project cost estimate; covering all sections of work which it is proposed to be built in accordance with Council’s Development Code and vest in Council. Construction shall not commence until written approval of the plans and specification has been provided by Council. Where watermains are to be vested in Council, the disinfection methodology to be used shall be incorporated in the engineering specifications. No pressure testing of watermains or sewer pipes, which are to be vested in Council, shall be observed by a Council official, unless prior written approval of the plans and specification have been provided by Council.

10. THAT the consent holder’s representative shall submit to the Chief Executive Officer or duly Authorised Officer, all quality assurance and testing records that are required in accordance with Council’s Development Code, including sealing records.
11. THAT as-built information and drawings shall be provided for all vested assets and service connections (or other works that may be required to be as-built - eg: earthworks–[the Development Engineer to specify]) in accordance with Council’s Development Code.

12. THAT a 5 percent maintenance bond calculated from the approved asset schedule (Cert 1c) shall be paid in respect to the additional Council assets created by this subdivision, in accordance with the requirements of Council’s Development Code.

13. THAT at the end of the maintenance period, all maintenance items are required to be certified as complete including that the berms have been mown, carriageways and footpath swept and catchpits cleaned by the consent holder’s representative.

STAGE 1:

Financial Contributions

14. THAT the following financial contributions be paid in respect of the subdivision:

a) Rural Roading (Te Puke Ward) 13 x $8763 $113,919 (+ GST)
b) District Wide Roading 13 x $1385 $18,005 (+ GST)
c) Recreation and Leisure 13 x $7423 $96,499 (+ GST)
d) Ecological 13 x 501 $6513 (+ GST)

15. THAT with regard to Condition (12), the financial contributions calculated in accordance with the provisions of the Operative District Plan, shall be paid within full within two years of the date of commencement of the consent provided that:

a) Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set out in Council’s Annual Plan current at the date of payment.

b) Any financial contributions not paid within two years from the date of the commencement of the consent shall be (where applicable) paid prior to the issue of a Building Consent under the Building Act 2004, subject to the adjustments referred to in sub-paragraph (a) herein.

Easements, Covenants and Vesting

16. The consent holder shall register an easement in gross in favour of the Council over Lot 7 within the area shown as Area ‘CE’, ‘CF’ and ‘CG’, as shown on the plan of subdivision.

The easements in gross shall be shown on the survey plan prior to certification pursuant to Section 223 of the Resource Management Act 1991 and shall be shown as a “Right of Way” and be registered on the survey plan under a “Memorandum of Easements in Gross.”

17. THAT a land covenant be registered over Pt Sec 28 SO 7648 BLK 1 Maketu SD (Identifier 28A/526) to include Covenant Area ‘A’ shown on the scheme plan. The land covenant
shall be submitted to the Chief Executive Officer, or duly authorised officer, for approval and be worded to ensure that:

a) The owner of Pt Sec 28 SO 7648 BLK 1 Maketu SD cannot undertake activities within the covenanted area that would interfere with the intersection sight distances shown on Stratum Consultants Ltd Te Puke Quarry Road and Road 1 Intersection Sight Lines Plan Dwg. No. 415542-M-E-D002, Sheet 03A, Issue B, dated 23 July 2018; and

b) That the Council is able to maintain the covenanted area as required to ensure intersection sight distances are maintained.

18. THAT a land covenant be registered over Lot 32 to include Covenant Area 'B' shown on the scheme plan. The land covenant shall be submitted to the Chief Executive Officer, or duly authorised officer, for approval and be worded to ensure that:

a) The owner of Lot 32 cannot undertake activities within the covenanted area that would interfere with the sight distances shown on Stratum Consultants Ltd Road 1 Layout Plan Dwg. No. 415542-M-E-D002, Sheet 04, Issue C, dated 26 October 2018; and

b) That the Council is able to maintain the covenanted area as required to ensure intersection sight distances are maintained.

19. The Lot 33 shall be vested in the Council as Recreation Reserve and be shown on the survey prior to certification pursuant to section 223 of the Resource Management Act 1991.

20. The Lot 34 shall be vested in the Council as Road and be shown on the survey prior to certification pursuant to section 223 of the Resource Management Act 1991.

21. The Lots 50, 51, 53, 54 and 55 shall be vested in the Council as Local Purpose (Access) Reserve and be shown on the survey prior to certification pursuant to section 223 of the Resource Management Act 1991 shown on the scheme plan as.

Consent Notices

22. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 23, 24 and 25 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis

For Lots 23, 24 and 25:

a) All buildings and rain tanks shall be designed to have a light reflectance value (LRV) that does not exceed the following:
   i) 40% LRV and limited to Groups A & B of BS 5252

b) A landscape plan shall be submitted at building consent stage for approval in general accordance with the Richard Hart Ltd, Assessment of Landscape and Visual Effects (Lots 23-29), unreferenced and dated 31 July 2018 and include trees and massed plantings that integrate the house sites into the landscape.
Landscaping shall be implemented in the next available planting season and maintained in perpetuity in accordance with the approved plan.

For Lot 25 only:

c) Buildings on this lot shall not exceed a height of 6 metres.

23. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 31 and 32 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

This lot includes land covered under Regulation 5(7) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). Disturbance of soil on the lot shall not occur unless:

a) A preliminary site investigation or detailed site investigation is submitted to the Council to confirm soil contamination levels do not exceed NESCS levels; or

b) A consent for soil disturbance has been issued pursuant to the NESCS by the Council.

24. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 1 – 6, 11, 12, 20, 22 - 25 and 30 – 32 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

a) That any earthworks on the lot and the design and construction of any building or structure requiring a building consent in accordance with the Building Act 2004 shall comply with the recommendations in the Stratum Consultants Ltd Geotechnical Assessment Report Ref. 415542-M-E--C001, dated 27 July 2018;

b) The design and construction of any building or structure requiring a building consent in accordance with the Building Act 2004 shall demonstrate that firefighting capability is provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or any relevant superseding code).

25. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 5, 6, 7, 11, 12, 20, 30 and 31 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

The owners of this lot are required to meet the full cost of any fencing along the common boundary between the lot and the adjoining land used for reserve purposes.

Engineering

26. THAT street signs shall be erected at approved locations naming all proposed new roads in accordance with Council’s Development Code. The proposed street names will also require formal pre-approval from Council.

27. THAT the proposed intersection of Lot 34 to Te Pupe Quarry Road shall be constructed to a design to be submitted to the Chief Executive Officer, or duly authorised officer, for
approval including construction drawings and specifications prior to commencing any work on site.

28. THAT street lighting shall be provided at the proposed intersection of Lot 34 to Te Puke Quarry Road or at any other location recommended in the design safety audit in accordance with AS/NZS 1158 2005 Road Lighting, as modified by NZTA specification M30 (LED luminaires) and in accordance with Auckland Transport’s approved Streetlight List. The design shall be certified to comply with the above requirements by a suitably qualified person to the satisfaction of the Chief Executive Officer or duly authorised officer prior to construction. Confirmation is also required from the power supply authority that the street lights are operational.

29. THAT a minimum 15m wide road reserve corridor shall be vested over the proposed road alignment but the width shall also include all existing / proposed cut and fill batters and any sight distance splays in accordance along the road alignment with Council’s Development Code. This may require the proposed road reserve boundary to be moved to accommodate the above criteria.

30. The design of the proposed Road Lot 34 shall comply with Council’s District Plan and Development Code requirements as follows:

   a) Carriageway widths. A 5.5m carriageway can only serve a maximum ADT of 200 vehicle movements per day.
   b) A road with a centre line and 2-way cross fall shall be provided in accordance with Council’s standard drawing number W417.

31. THAT a guard rail design be provided with the engineering documents in accordance with the Development Code requirements.

32. THAT a sealed car parking area be constructed within the road reserve near the proposed cul-de-sac head. The final location shall be determine at the engineering design stage. The depth of the pavement shall be designed for the potential traffic loadings.

33. THAT the road design shall be subject to a road design safety audit which shall review as a minimum the road geometry, sight distance requirements, K values for the vertical curves, guard rail design, pavement marking and speed advisory signage requirements.

34. THAT sealed vehicle entrances to serve all confined vehicle entrance locations, all the existing entrances served from Lot 34 and all the proposed private ways in accordance with Council’s Standard Specification Drawing No’s W436 and W437. The entrance shall be sized in accordance with Drawing number W437. A culvert shall be installed to convey stormwater and to protect the Council road, alternatively at the developer’s representative discretion and approved by Council, the culvert can be substituted by a swale being constructed to the same contour as the existing table drain. Where the vehicle entrance adjoins a kerb and channelling a 1.2m deep Commercial apron shall be provided in accordance with drawing number W435 and W436.

35. THAT the existing vehicle crossing serving Lot 22 shall be relocated clear of the proposed intersection Lot 34 in accordance with Council’s standard drawing number.
W414. The owner shall be advised 10 working days in advance of the proposed works and those works shall be undertaken at the consent holder’s expense.

36. THAT all proposed or relocated vehicle entrance to be served from the proposed road Lot 34 shall be assessed in the design safety audit review.

37. THAT an easement be created over proposed Lot 32 and any other allotment to include the clear line of sight from the proposed vehicle entrances to serve Privatway EA by Transfer in accordance with the approved format.

38. THAT the proposed Privatways identified on the scheme plan as ‘BA’, ‘BC’, ‘CA’, ‘CB’, ‘CC’, ‘CD’, ‘CG’, ‘CH’, ‘DA’, ‘DB’, ‘DC’, ‘DD’ and ‘EA’ shall be constructed in accordance with Council’s Standard Specification Drawing No’s W439 and W440. The type of surface to be provided (sealed or unsealed) shall be assessed at the engineering documents stage and shall comply with Council Minden Lifestyle rules and shall comply with the District Plan Rule in respect to neighbours consent to unsealed surfaces.

39. THAT design and construction shall be carried out to ensure that stormwater overland flow paths are provided clear of the buildable area of each Lot and to take into account the runoff from areas of road, including adjacent catchment where relevant.

40. THAT a storm water easement shall be created over the storm water main on the affected allotments in favour of Council as dominant tenement and that this be shown on the survey plan.

41. THAT the consent holder shall submit confirmation from the Bay of Plenty Regional Council, that all necessary consents in relation to the subdivision have been granted. In the case where the Western Bay of Plenty District Council shall become the consent holder, any conditions of the consent will be subject to the approval of Council’s Chief Executive Officer or duly Authorised Officer (This approval shall not be withheld unless the consent conditions are considered to be either unworkable or cost prohibitive in respect of future maintenance). That written confirmation shall be provided from the Bay of Plenty Regional Council that the works required by this condition have been completed to their satisfaction.

42. THAT consent to discharge stormwater on to private land shall be obtained from affected landowners prior to construction of discharge points from proposed road.

43. THAT a catchment analysis shall be undertaken and provided to Council to determine the size of the culvert required to serve the proposed Road Lot 34 and all culvert on the proposed privatways to cope with the appropriate design storm and be in accordance with Council’s Development Code.

44. THAT stormwater discharge from the proposed public road culvert onto the consent holder’s land shall be legalised by Council’s consent form “Consent to Discharge of Stormwater onto Adjoining Land”, which shall be completed and signed by the consent holder and/or the owner of the land onto which the storm water is discharged.

45. THAT the work required by conditions (26) and (44) shall be supervised and certified as complete in accordance with the conditions by the consent holder’s representative (refer Section 12.3.9a) to the satisfaction of the Chief Executive Officer or duly Authorised Officer, except that a Chartered Professional Engineer shall be responsible for providing
certification of earthworks and road pavement construction in accordance with Council's Development Code.

**STAGE 2:**

**Financial Contributions**

46. THAT the following financial contributions be paid in respect of the subdivision:

   a) Rural Roading (Te Puke Ward) 4 x $8763 $35,052(+ GST)
   b) District Wide Roading 4 x $1385 $5,540(+ GST)
   c) Recreation and Leisure 4 x $7423 $29,962(+ GST)
   d) Ecological 4 x 501 $2004(+ GST)

47. THAT with regard to Condition (31), the financial contributions calculated in accordance with the provisions of the Operative District Plan, shall be paid within full within two years of the date of commencement of the consent provided that:

a) Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set out in Council’s Annual Plan current at the date of payment.

b) Any financial contributions not paid within two years from the date of the commencement of the consent shall be (where applicable) paid prior to the issue of a Building Consent under the Building Act 2004, subject to the adjustments referred to in sub-paragraph (a) herein.

**Easements**

48. The consent holder shall register an easement in gross in favour of the Council over Lot 7 within the area shown as Area ‘CE’, ‘CF’, ‘CG’ and ‘CH’ as shown on the plan of subdivision.

The easements in gross shall be shown on the survey plan prior to certification pursuant to Section 223 of the Resource Management Act 1991 and shall be shown as a “Right of Way” and be registered on the survey plan under a “Memorandum of Easements in Gross.”

**Consent Notices**

49. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 26, 27, 28 and 29 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis.

For Lots 26, 27, 28 and 29:

a) All buildings and rain tanks shall be designed to have a light reflectance value (LRV) that does not exceed the following:

   i) 40% LRV and limited to Groups A & B of BS 5252.
b) A landscape plan shall be submitted at building consent stage for approval in general accordance with the Richard Hart Ltd, Assessment of Landscape and Visual Effects (Lots 23-29), unreferenced and dated 31 July 2018 and include trees and massed plantings that integrate the house sites into the landscape.

Landscaping shall be implemented in the next available planting season and maintained in perpetuity in accordance with the approved plan.

For Lots 27 and 28 only:

c) Buildings on this lot shall not exceed a height of 6 metres.

50. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 26, 27, 28 and 29 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

a) The design and construction of any building or structure requiring a building consent in accordance with the Building Act 2004 shall comply with the recommendations Stratum Consultants Ltd Geotechnical Assessment Report Ref. 415542-M-E--C001, dated 27 July 2018.

b) The design and construction of any building or structure requiring a building consent in accordance with the Building Act 2004 shall demonstrate that firefighting capability provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or any relevant superseding code).

51. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 26 and 29 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

The owners of this lot are required to meet the full cost of any fencing along the common boundary between the lot and the adjoining land used for reserve purposes.

Engineering

52. THAT sealed vehicle entrances to serve all confined vehicle entrance locations, all the existing entrances served from Lot 34 and all the proposed privateways in accordance with Council’s Standard Specification Drawing No’s W436 and W437. The entrance shall be sized in accordance with Drawing number W437. A culvert shall be installed to convey stormwater and to protect the Council road, alternatively at the developer’s representative discretion and approved by Council, the culvert can be substituted by a swale being constructed to the same contour as the existing table drain. Where the vehicle entrance adjoins a kerb and channelling a 1.2m deep Commercial apron shall be provided in accordance with drawing number W435 and W436.

53. THAT the proposed Privateways identified on the scheme plan as ‘DE’, ‘DF’, ‘DG’, ‘DH’, and ‘DI’ shall be constructed in accordance with Council’s Standard Specification Drawing No’s W439 and W440. The type of surface to be provided (sealed or unsealed) shall be assessed at the engineering documents stage and shall comply with Council Minden Lifestyle rules and shall comply with the District Plan Rule in respect to neighbours consent to unsealed surfaces.
54. THAT design and construction shall be carried out to ensure that stormwater overland flow paths are provided clear of the buildable area of each Lot and to take into account the runoff from areas of road, including adjacent catchment where relevant.

55. THAT the work required by conditions (52) and (54) shall be supervised and certified as complete in accordance with the conditions by the consent holder’s representative (refer Section 12.3.9a) to the satisfaction of the Chief Executive Officer or duly Authorised Officer, except that a Chartered Professional Engineer shall be responsible for providing certification of earthworks and road pavement construction in accordance with Council’s Development Code.

STAGE 3:

Financial Contributions

56. THAT the following financial contributions be paid in respect of the subdivision:

   a) Rural Roading (Te Puke Ward)  6 x $8763  $52,578(+ GST)
   b) District Wide Roading  6 x $1385  $8,310(+ GST)
   c) Recreation and Leisure  6 x $7423  $44,538(+ GST)
   d) Ecological  6 x 501  $3,006(+ GST)

57. THAT with regard to Condition (50), the financial contributions calculated in accordance with the provisions of the Operative District Plan, shall be paid within full within two years of the date of commencement of the consent provided that:

   a) Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set out in Council’s Annual Plan current at the date of payment.

   b) Any financial contributions not paid within two years from the date of the commencement of the consent shall be (where applicable) paid prior to the issue of a Building Consent under the Building Act 2004, subject to the adjustments referred to in sub-paragraph (a) herein.

Easements and Vesting

58. The consent holder shall register an easement in gross in favour of the Council over Lot 18 and 21 within the area shown as Area ‘DK’, ‘EC’, ‘ED’, ‘EF’, ‘FA’, ‘FC’ and ‘FB’ as shown on the plan of subdivision.

   The easements in gross shall be shown on the survey plan prior to certification pursuant to Section 223 of the Resource Management Act 1991 and shall be shown as a “Right of Way” and be registered on the survey plan under a “Memorandum of Easements in Gross.”

59. The Lot 52 shall be vested in the Council as Local Purpose (Access) Reserve and be shown on the survey prior to certification pursuant to section 223 of the Resource Management Act 1991 shown on the scheme plan as.
Consent Notices

60. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lot 17, 18 and 19 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

This lot includes land covered under Regulation 5(7) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). Disturbance of soil on the lot shall not occur unless:

a) A preliminary site investigation or detailed site investigation is submitted to the Council to confirm soil contamination levels do not exceed NESCS levels; or

b) A consent for soil disturbance has been issued pursuant to the NESCS by the Council.

61. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 8, 9, 10, 17, 18 and 19 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

a) The design and construction of any building or structure requiring a building consent in accordance with the Building Act 2004 shall comply with the recommendations Stratum Consultants Ltd Geotechnical Assessment Report Ref. 415542-M-E--C001, dated 27 July 2018.

b) The design and construction of any building or structure requiring a building consent in accordance with the Building Act 2004 shall demonstrate that firefighting capability is provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or any relevant superseding code).

62. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 9, 10 and 21 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

The owners of this lot are required to meet the full cost of any fencing along the common boundary between the lot and the adjoining land used for reserve purposes.

Engineering

63. THAT sealed vehicle entrances to serve all confined vehicle entrance locations, all the existing entrances served from Lot 34 and all the proposed private ways in accordance with Council’s Standard Specification Drawing No’s W436 and W437. The entrance shall be sized in accordance with Drawing number W437. A culvert shall be installed to convey stormwater and to protect the Council road, alternatively at the developer’s representative discretion and approved by Council, the culvert can be substituted by a swale being constructed to the same contour as the existing table drain. Where the vehicle entrance adjoins a kerb and channelling a 1.2m deep Commercial apron shall be provided in accordance with drawing number W435 and W436.
64. THAT the proposed privateways identified on the scheme plan as 'EA', 'EB', 'EC', 'ED', and 'EF' shall be constructed in accordance with Council's Standard Specification Drawing No's W439 and W440. The type of surface to be provided (sealed or unsealed) shall be assessed at the engineering documents stage and shall comply with Council Minden Lifestyle rules and shall comply with the District Plan Rule in respect to neighbours consent to unsealed surfaces.

65. THAT the bridge located on the proposed Privateway EC shall be replaced by an approved structure designed for the appropriate axle loads, handrail requirements, the appropriate storm environmental factors and to comply with the Building Act.

66. THAT design and construction shall be carried out to ensure that stormwater overland flow paths are provided clear of the buildable area of each Lot and to take into account the runoff from areas of road, including adjacent catchment where relevant.

67. THAT the consent holder shall submit confirmation from the Bay of Plenty Regional Council, that all necessary consents in relation to the subdivision have been granted. In the case where the Western Bay of Plenty District Council shall become the consent holder, any conditions of the consent will be subject to the approval of Council’s Chief Executive Officer or duly Authorised Officer (This approval shall not be withheld unless the consent conditions are considered to be either unworkable or cost prohibitive in respect of future maintenance). That written confirmation shall be provided from the Bay of Plenty Regional Council that the works required by this condition have been completed to their satisfaction.

68. THAT the work required by conditions (63) and (66) shall be supervised and certified as complete in accordance with the conditions by the consent holder’s representative (refer Section 12.3.9a) to the satisfaction of the Chief Executive Officer or duly Authorised Officer, except that a Chartered Professional Engineer shall be responsible for providing certification of earthworks and road pavement construction in accordance with Council’s Development Code.

STAGE 4:

Financial Contributions

69. THAT the following financial contributions be paid in respect of the subdivision:

   a) Rural Roading (Te Puke Ward) 4 x $8763 $35,052(+ GST)
   b) District Wide Roading 4 x $1385 $5,540(+ GST)
   c) Recreation and Leisure 4 x $7423 $29,962(+ GST)
   d) Ecological 4 x 501 $2004(+GST)

70. THAT with regard to Condition (50), the financial contributions calculated in accordance with the provisions of the Operative District Plan, shall be paid within full within two years of the date of commencement of the consent provided that:

   a) Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set out in Council’s Annual Plan current at the date of payment.
d) Any financial contributions not paid within two years from the date of the commencement of the consent shall be (where applicable) paid prior to the issue of a Building Consent under the Building Act 2004, subject to the adjustments referred to in sub-paragraph (a) herein.

Easements and Vesting

71. The consent holder shall register an easement in gross in favour of the Council over Lot 7 the area shown as Area 'AA' and 'AB', as shown on the plan of subdivision.

The easements in gross shall be shown on the survey plan prior to certification pursuant to Section 223 of the Resource Management Act 1991 and shall be shown as a "Right of Way" and be registered on the survey plan under a "Memorandum of Easements in Gross."

Consent Notices

72. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lots 13, 14, 15 and 16 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

   a) The design and construction of any building or structure requiring a building consent in accordance with the Building Act 2004 shall comply with the recommendations Stratum Consultants Ltd Geotechnical Assessment Report Ref. 415342-M-E--C001, dated 27 July 2018.

   b) The design and construction of any building or structure requiring a building consent in accordance with the Building Act 2004 shall demonstrate that firefighting capability is provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or any relevant superseding code).

73. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Certificate of Titles for Lot 15 advising the owners and subsequent owners thereof, of the following requirement to be complied with on a continuing basis:

The owners of this lot are required to meet the full cost of any fencing along the common boundary between the lot and the adjoining land used for reserve purposes.

Engineering

74. THAT the existing sealed vehicle entrances to serve proposed Privateway AA shall be upgraded so as to be in accordance with Council's Standard Specification Drawing No's W436 and W437. The entrance shall be sized in accordance with Drawing number W437. A culvert shall be installed to convey stormwater and to protect the Council road, alternatively at the developer's representative discretion and approved by Council, the culvert can be substituted by a swale being constructed to the same contour as the existing table drain.

75. THAT the proposed privateways identified on the scheme plan as 'AA', 'AB', 'AC', 'AD', 'AE' and 'AF' shall be constructed in accordance with Council's Standard Specification
The type of surface to be provided (sealed or unsealed) shall be assessed at the engineering documents stage and shall comply with Council Minden Lifestyle rules and shall comply with the District Plan Rule in respect to neighbours consent to unsealed surfaces.

76. THAT design and construction shall be carried out to ensure that stormwater overland flow paths are provided clear of the buildable area of each Lot and to take into account the runoff from areas of road, including adjacent catchment where relevant.

77. THAT a storm water connection shall be provided within the property boundary of proposed Lots 13 and 14 or any other allotments which can not dispose of storm water on site in accordance with Council’s Development Code.

78. THAT storm water easement be created over private storm water connections where they cross over lots and that this be shown on the survey plan.

79. THAT the work required by conditions (74) and (78) shall be supervised and certified as complete in accordance with the conditions by the consent holder’s representative (refer Section 12.3.9a) to the satisfaction of the Chief Executive Officer or duly Authorised Officer, except that a Chartered Professional Engineer shall be responsible for providing certification of earthworks and road pavement construction in accordance with Council’s Development Code.