

Appendix One
Panel's SMART review of applicant's draft proposed resource
consent conditions

Appendix 7: Proposed Conditions of Consent

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Archaeology	Error! Bookmark not defined.
Timatanga ceremony.....	Error! Bookmark not defined.
Cultural induction	Error! Bookmark not defined.
Stormwater consent conditions.....	Error! Bookmark not defined.
Detailed design.....	Error! Bookmark not defined.
Operation, Maintenance and Monitoring.....	Error! Bookmark not defined.

Commented [ML1]: Numbering, including internal cross referencing, needs a complete review. There are numerous errors in the sequential numbering. The extra conditions the applicant added threw it out further, and the Panel has also inserted additional separate conditions.

Commented [TM2R1]: Agree, noting future iterations through to decision will require further updates

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As-built plans	Error! Bookmark not defined.	Deleted: 55
Inspections and maintenance.....	Error! Bookmark not defined.	Deleted: 55
Copper and zinc.....	Error! Bookmark not defined.	Deleted: 56
Discharges from Soil Contamination	Error! Bookmark not defined.	Deleted: 56
Hydrological monitoring	Error! Bookmark not defined.	Deleted: 56
Wetland and Stream works consent conditions.....	Error! Bookmark not defined.	Deleted: 56
Landscape and Ecology Plan	Error! Bookmark not defined.	Deleted: 56
Freshwater fish.....	Error! Bookmark not defined.	Deleted: 58
Streamworks Construction Management Plan	Error! Bookmark not defined.	Deleted: 58
Temporary diversions within a stream channel	Error! Bookmark not defined.	Deleted: 59
Erosion/scour and revegetation	Error! Bookmark not defined.	Deleted: 59
Culvert Installation – NES-F Requirements	Error! Bookmark not defined.	Deleted: 59

General Conditions for all Consents

Activity in Accordance with the Application

1. The development must proceed in general accordance with the information and plans submitted with the application to the Environmental Protection Authority (EPA) on 1 April 2026 as set out in Attachment 1. Where there may be contradiction or inconsistencies between the application and further information provided by the Applicant on XX XXXX 2026, XX XXXX 2026 and XX XXXX 2026 as set out in Attachment 2, the most recent information must prevail.

In the event that any of the provisions of the documents set out in Attachments 1 and 2 conflict with the requirements of these conditions of consent, the conditions of consent must prevail.

In the event that the draft Management Plans lodged with the application conflict with the Management Plans certified under the conditions of this resource consent, the certified Management Plans must prevail.

In the event that the certified Management Plans conflict with these conditions of consent, the conditions of consent must prevail unless provided for in the relevant conditions.

Reference	Title	Author	Revision	Dated
Xx	Civil engineering plans	Envelope Engineering	xx	xx
Xx	Earthworks and construction management plan	Envelope Engineering	xx	xx
Xx	Stormwater impact assessment	Envelope Engineering	xx	xx
Xx	Stormwater management plan	Envelope Engineering	xx	xx
Xx	Infrastructure report	Envelope Engineering	xx	xx

Commented [ML3]: Typo?

Commented [TM4R3]: Agree

Commented [RS5R3]: Agree.

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Deleted: 16 March 2025

Commented [ML6]: Updated to refer to the second substantive application.

Commented [TM7R6]: Agree

Commented [RS8R6]: Agree.

Commented [ML9]: Currently there is no reference in ...

Commented [TM10R9]: Agree

Commented [RS11R9]: Agree.

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Commented [ML12]: It is recommended that the date ...

Commented [TM13R12]: Agree, attachment 2 created ...

Commented [RS14R12]: Agree.

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Commented [ML15]: Tightening of language and ...

Commented [TM16R15]: Agree

Commented [RS17R15]: Agree.

Commented [ML18]: Refer comment above.

Commented [TM19R18]: Agree

Deleted: following

Commented [RS20R18]: Agree.

Commented [ML21]: All references in the condition se ...

Commented [TM22R21]: Agree

Commented [RS23R21]: Agree.

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Commented [ML24]: Recommended that these claus ...

Commented [TM25R24]: Agree certified mgmt plans ...

Commented [RS26R24]: Agree. I consider this clause ...

Commented [TM27]: Unsure what this sentence mea ...

Commented [RS28R27]: I consider that the intention ...

Commented [ML29]: Recommended that this table is ...

Commented [TM30R29]: Agree, and missing ...

Commented [RS31R29]: Agree. There may be other ...

XX	Landscape and ecology plans	Blac	XX	XX
XX	Master Plan and Landscape and urban design strategy	Blac	XX	XX
XX	Ecological assessment	BlueGreen Ecology	XX	XX
XX	Hydrological impact assessment	PDP	XX	XX
XX	Water quality assessment	PDP	XX	XX
XX	Preliminary site investigation	PDP	XX	XX
XX	Contaminated site management plan	PDP	XX	XX
XX	Transport assessment	Stantec	XX	XX
XX	SH59 concept intersection designs	Stantec	XX	XX
XX	Geotechnical investigation report	ENGEO	XX	XX
XX	Streetlighting design	IBEX	XX	XX
XX	Archaeological assessment	Heritage & Archaeology Services	XX	XX

Interpretation and Definitions

2. For all conditions the below terms have the meaning as set out below:

Term	Definition
<u>Applicant</u>	<u>Pukerua Property Group Limited Partnership</u>
<u>Consent Holder</u>	<u>Pukerua Property Group Limited Partnership</u>
Council	Porirua City Council
<u>CNVMP</u>	<u>Construction Noise and Vibration Management Plan</u>
CSMP	Contaminated Site Management Plan
CTMP	Construction Traffic Management Plan
DOC	Department of Conservation
DSI	Detailed Site Investigation <u>Report</u>
FMP	Fish Management Plan
<u>GWRC</u>	<u>Greater Wellington Regional Council</u>
<u>HAIL</u>	<u>Hazardous Activities and Industries List</u>
HNZPT	Heritage New Zealand Pouhere Taonga

Deleted: shall

Commented [ML32]: Added with all references to the 'Applicant' in the condition set capitalised for consistency.

Commented [TM33R32]: Agree

Commented [RS34R32]: Agree.

Commented [ML35]: Added with all references to 'Consent Holder' in the condition set capitalised for consistency.

Commented [TM36R35]: Agree

Commented [RS37R35]: Agree.

Commented [ML38]: Missing from list

Commented [TM39R38]: Agree

Commented [RS40R38]: Agree.

Commented [ML41]: Suggest all refs to ECMP are altered to SSECMP which is the full title and is the same plan as co-certified by PCC & GWRC. Also removed ref to FLMP as its not used in the condition set (whereas SSCTMP is).

Commented [TM42R41]: Agree

Commented [RS43R41]: I consider that the listing of the ECMP may need to remain. See comments on the ECMP conditions below.

Deleted: ECMP

Deleted: Earthworks Construction Management Plan

Commented [TM45R44]: Agree

Commented [RS46R44]: I consider that the listing of the ESCP may need to remain. See comments on the ESCP conditions below.

Deleted: ESCP

Deleted: Erosion and Sediment Control Plan

Deleted: FLMP

Deleted: Flocculation Management Plan

Commented [ML47]: Although defined, this acronym is not used in the regional sub-set. Edits have been made so that it is, and so that 'Council' (and 'PCC') are only used in relation to the City Council.

Commented [TM48R47]: Conditions amended so that GWRC is used consistently

Commented [RS49R47]: Agree.

<u>LEMP</u>	<u>Landscape and Ecology Management Plan</u>
LEP	Landscape and Ecology Plans
Manager	Manager, Environmental Regulation, <u>GWRC</u>
Mana whenua	Ngāti Toa Rangatira through Te Rūnanga o Toa Rangatira
NES-F	National Environmental Standard for Freshwater (2020)
NZTA	Waka Kotahi New Zealand Transport Agency
PCC	Porirua City Council
<u>Regional Council</u>	<u>Greater Wellington Regional Council</u>
<u>SCMP</u>	<u>Streamworks Construction Management Plan</u>
SED	Specific Engineering Design
SH59	All land parcels to the west of the site identified as Road and administered by the New Zealand Transport Agency Waka Kotahi
Site	The site is legally described as: • Lot 1 DP 608433, Lot 1000 DP 608433 (34 Muri Road); • Lot 1 DP 534864 (422 SH59); • Lot 2 DP 534864 (422A SH59); • Lot 2 DP 89102 (422B SH59); • Part Lot 1 DP 89102 (422A SH59); and • The SH59 corridor adjacent to the site which is legally described as Road Reserve.
SMP	Stormwater Management Plan
SNAs	Significant Natural Areas

Commented [ML50]: Referenced in Condition 26

Commented [TM51R50]: Agree

Commented [RS52R50]: Agree.

Deleted: Wellington Regional Council

Commented [ML53]: Employed in the condition set but not included in this list.

Commented [TM54R53]: Agree

Commented [RS55R53]: Agree.

SOMP	Stormwater Operation and Maintenance Plan
<u>SSCTMP</u>	<u>Stage-Specific Chemical Treatment Management Plan</u>
<u>SSECMP</u>	<u>Stage-Specific Earthworks and Construction Management Plan</u>
<u>SSESCP</u>	<u>Stage-Specific Erosion and Sediment Control Plan</u>
Stabilised	The earthworks area site is inherently resistant to erosion or rendered resistant to erosion through the application of the methods of stabilisation specified in Section E3 of the <u>Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (February 2021)</u> , unless alternative methods are provided for by the <u>SSESCP</u>
SQEP	Suitably Qualified and Experienced Person
<u>Suitably Qualified and Experienced Person</u> <u>[specialisation]</u>	An individual who can provide sufficient evidence of their suitability, experience, and competence in the relevant field of expertise.
SVR	Site Validation Report
<u>Tiaki Wai</u>	<u>Tiaki Wai Metro Water Ltd</u>
Winter Works Period	Period between 1 June and 30 September inclusive each year.
Working Days	Working days as defined in <u>section 2</u> of the Resource Management Act <u>1991</u>

Lapse date for giving effect to all consents

- All consents will lapse within 15 years of this decision provided conditions 4 and 5 are complied with.

Commented [ML56]: Employed in the condition set but not included in the list.

Commented [TM57R56]: Agree

Commented [RS58R56]: Agree.

Commented [ML59]: Employed in the condition set but not included in the list.

Commented [TM60R59]: Agree

Commented [RS61R59]: Agree.

Commented [ML62]: Employed in this condition set but not included in the list.

Commented [TM63R62]: Agree

Commented [RS64R62]: Agree.

Commented [ML65]: It is recommended that a suitable definition for 'Site' is included in this list, with thought being given by the Applicant to all instances where it is used in the condition set to assure itself that the entire application site (and not some specific sub-area or stage) is being referred to.

Commented [TM66R65]: Agree, although consider 'area' should be used here now site defined

Commented [RS67R65]: Agree.

Deleted: ESC

Commented [ML68]: Multiple references to this Guide in the condition set have been standardised for consistency.

Commented [TM69R68]: Agree

Commented [RS70R68]: Agree.

Commented [ML71]: This term (and its associated acronym) are not used consistently across the condition set (e.g. sometimes persons are to be 'suitably qualified' but not 'experienced'. Amendments have been made for consistency.

Commented [TM72R71]: Agree, have made further ...

Commented [RS73R71]: Support, noting that further ...

Deleted: Experience

Commented [ML74]: All refers to Wellington Water ha ...

Commented [TM75R74]: Agree

Commented [RS76R74]: Agree.

Deleted: Section

Commented [ML77]: Not employed in this condition ...

Commented [TM78R77]: Agree deletion of WWESCP ...

Commented [RS79R77]: Agree.

Deleted: WWESCP

Deleted: Winter Works Erosion and Sediment Control Plan

Deleted: WWL

District Consent Conditions

These conditions resource consent for:

Land use conditions

4. This consent will lapse 5 years after the date that consent is granted, unless:
 - a. A survey plan giving effect to Stage 1 is submitted by the Consent Holder to PCC for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within 3 years of the approval date in accordance with Section 224 of the RMA; or
 - b. An application under section 125 of the RMA is made by the Consent Holder to PCC before the consent lapses to extend the period after which the consent lapses and PCC grants an extension.
5. If Stage 1 is given effect to before the end of the lapse period specified in condition 4, then the balance of this consent (being all subsequent stages) will lapse 15 years after the date that consent is granted as specified in [table] unless:
 - a. A survey plan for the relevant subsequent stage(s) is submitted by the Consent Holder to PCC for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within 3 years of the approval date in accordance with section 224 of the RMA; or
 - b. An application under section 125 of the RMA is made by the Consent Holder to PCC before the consent lapses to extend the period after which the consent lapses and PCC grants an extension.

Advice Note: For the avoidance of doubt, if Stage 1 is not given effect to (or an extension granted) within 5 years, this consent lapses in its entirety.

Prior to commencement of construction

6. All management plans must be prepared by a SQEP.
7. Management plans may be submitted by the Consent Holder in parts or in stages to address particular activities or to reflect the staged implementation of the project. Management plans submitted by the Consent Holder for certification by the Council must clearly show the integration of activities and their management with adjacent stages and interrelated activities.
8. Management plans required under the following conditions must be submitted by the Consent Holder to Council in electronic copy form for certification by the Council that the management

Commented [RS80]: It appears that this has been added by the Applicant; however, it is not clear what this text is for. Potentially, this relates to the concise statement of the proposed activities, as addressed below.

Commented [ML81]: Placeholder for a concise statement of the activities for which approval is sought within PCC's jurisdiction that the Panel has requested from the Applicant (Minute 2). This will likely require the renumbering of all successive conditions which is best undertaken by the Applicant.

Commented [TM82R81]: Agree, added above condition 1

Commented [RS83R81]: It is not clear where the concise statement of the activities for which approval is sought has been included by the applicant. I consider that a location above condition 1 is not appropriate, as Condition 1 relates to both district and regional consents.

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Commented [ML84]: Throughout the condition set references to the 'Consent Holder' have been made to provide further clarity as to where the responsibility lies.

Commented [TM85R84]: Agree

Commented [RS86R84]: Agree.

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Commented [ML87]: "If Stage 1 is given effect to in accordance with condition 4" doesn't work because Condition 4 doesn't provide when/how Stage 1 might be given effect.

Commented [TM88R87]: Agree

Commented [RS89R87]: Agree.

Deleted: in accordance with condition 4

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Commented [RS90]: For clarity, it may be useful to include a placeholder for specification of the date of granting of consent that can be referred to in the conditions. This may be best located in a table with the concise statement of the activities for which approval is sought.

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Commented [ML91]: Some conditions relating to MPs specify that they must be prepared by SQEPs in particular fields, others do not. It would be clearer if each of the 'founding' conditions specified that the MP in question must be prepared by a SQEP (including from a particular field, if warranted). Changes are suggested to

Commented [TM92R91]: Agree

Commented [RS93R91]: Agree.

Deleted: suitably qualified and experienced person(s)

plan(s) meet the objectives specified and contain adequate detail to achieve the relevant conditions of the consent to which each plan relates:

- a. Stage-Specific Earthworks and Construction Management Plan (SSECMP) – refer Condition 16;
- b. Stage-Specific Erosion and Sediment Control Plan (SSESCP) – refer Condition 19;
- c. Construction Traffic Management Plan (CTMP) – refer Condition 22;
- d. Construction Noise and Vibration Management Plan (CNVMP) – refer Condition 24;
- e. Landscape and Ecology Plans (LEP) – refer Condition 25;
- f. Landscape and Ecology Management Plan (LEMP) – refer Condition 26; and
- g. Contaminated Site Management Plan (CSMP) – refer Condition 35.

Advice note:

- i. *The Consent Holder is encouraged to discuss the certification of any management plans with its allocated monitoring officer as early as possible. Any management plans submitted under this condition must be sent to the Consent Holder's allocated PCC monitoring officer and to the compliance.monitoring@porirua.govt.nz inbox. The Consent Holder should seek confirmation from the monitoring officer that the management plan has been received.*
9. Works to which a management plan relate must not commence until the Consent Holder has received written certification from Council.
10. If upon receipt of a management plan(s) submitted by the Consent Holder for certification by the Council, the Council requests changes to the management plan(s), then the Consent Holder must resubmit an amended management plan for certification by the Council, including written reasons where any requested amendments have not been included.

If upon resubmission of the management plan, the Council is not able to certify the plan, the Consent Holder may request the Council to appoint an independent and SQEP suitably qualified person, at the Consent Holder's cost. The independent person must be agreed between the Consent Holder and the Council. The Consent Holder must commission the independent person to provide a recommendation on the certification of the management plan within 5 Working Days of their appointment or within a period otherwise agreed between the Consent Holder and the Council.
11. The Consent Holder must implement the certified management plan(s), and all works must be carried out in accordance with the certified management plan(s).
12. The Consent Holder may amend a certified management plan(s) to provide updated information or reflect changes in design, construction methods or the management of effects.

Commented [RS94]: I note that the ECMP submitted with the application was in draft. This is addressed further below.

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Commented [ML95]: Appears to be missing from list and should be added as it is an MP to be submitted for certification.

Commented [TM96R95]: Agree

Commented [RS97R95]: Agree.

Deleted: *their*

Commented [ML98]: Change recommended to narrow the avenues for requested changes.

Commented [TM99R98]: Agree

Commented [RS100R98]: Agree.

Deleted: . I

Commented [ML101]: Arbitration of a (re)certification requirement is inappropriate- see Woodstock Quarries v CRC [2026] NZEnvC 128 at [222]

Commented [TM102R101]: Applicant considers condition should be retained. This condition does not provide for arbitration given the third party only makes a recommendation. The Applicant considers it a useful process to provide a way forward.

Commented [RS103R101]: While a condition setting out a pathway for certifying management plans that are in dispute is not opposed in principle, I consider that the proposed clause is confusing. The wording requires the Consent Holder to request the Council appoint the person, but also states that the Consent Holder is to commission the person. It is also not clear what either party is meant to do with the recommendation from the appointed person. If this or a similar clause is to remain, it needs to much more clearly set out the intended process.

Any material change must be consistent with the objective of the relevant management plan and the requirements of the relevant conditions of this consent and must be submitted by the Consent Holder to Council for certification.

- i. Minor alterations to plans, reports, or management plans listed in Condition 8 4 must be submitted by the Consent Holder for information, without the need for recertification, unless the Council advises within 5 working days that recertification is necessary, 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.

13. The Consent Holder must ensure that copies of all certified management plans are available on Site and can be provided to Council officers on request.

14. The certification process in Condition 6-11 13 above applies to the certification requirements for all documents requiring certification under conditions of this consent regardless of whether they are labelled as 'management plans' or otherwise. Condition 25 and 59 as if references to management plans were instead references to matters in Condition 25 and 59.

15. At least 10 working days prior to being submitted to Council for certification, the Consent Holder must make all reasonable attempts to engage with Te Rūnanga o Toa Rangitira to provide input in terms of Mātauranga Māori into:

- Stage-Specific Earthworks and Construction Management Plan (SSECM);
- Stage-Specific Erosion and Sediment Control Plan (SSESC);
- Landscape and Ecology Plans (LEP); and
- Landscape and Ecology Management Plan (LEMP).

- i. Reasonable attempts to make contact must include two attempts via phone and two attempts via email. The consent condition is deemed to be complied with if no input is provided.
- ii. Any plans, reports or management plans subsequently submitted by the Consent Holder to Council must include a copy of any input provided from Te Rūnanga o Toa Rangitira.

Stage-Specific Earthworks and Construction Management Plan

16. At least 20 working days prior to the commencement of each stage of earthworks, the Consent Holder must submit a Stage-Specific Earthworks and Construction Management Plan (SSECM) to the Manager of Resource Consents and Monitoring for certification by the Council

Commented [RS104]: It is noted that this wording introduces a subjective evaluation of the changes proposed and does not include any consultation with Council on whether the proposed changes require recertification, which is not consistent with the advice note.

Deleted: Advice note:

Commented [ML105]: Not all the documents listed in Condition 1 require certification whereas those in Condition 8 do. Is that the correct reference?

Commented [TM106R105]: Should be condition 8 which are plans or management plans

Deleted: may

Commented [ML107]: This Advice Note is intended to have legal effect, so should be recast as a condition [the first of many examples].

Commented [TM108R107]: Agree

Commented [RS109R107]: Agree.

Commented [ML110]: Beyond our general comment that all numbering and cross-referencing of conditions needs to be reviewed, this cross-reference does not appear to be correct in any case. The Applicant should check all cross-references and make corrections as required.

Commented [TM111R110]: Condition has been reworded for clarity

Commented [RS112R110]: The revised wording refers to condition 13. Condition 13 does not include a certification process. The correct reference may be condition 8.

Commented [ML113]: Query if 10WD is sufficient given that these will be substantial documents.

Commented [TM114R113]: This timeframe was supported by TROT refer to para 273 of Appendix 2 to the Substantive Application

Commented [RS115R113]: It is assumed that the Applicant means page 273 of Appendix 2. While Te Rūnanga has previously stated support for the condition, I consider that this should not preclude improvements

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Commented [ML116]: These should be recast as

Commented [TM117R116]: Agree

Commented [RS118R116]: Agree. It does not appear

Commented [TM119]: SSECM is a recommendation

Commented [RS120R119]: The relationship between

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in accordance with Condition 8. The SSECMP must be prepared by a SQEP with expertise in earthworks management.

17. The objective of the SSECMP is to:

- a. Identify the Best Practicable Option (within the limits set under the conditions of consent) and define the procedures to ensure adverse effects associated with construction activities are minimised; and
- b. Inform the duration, frequency and timing of works to manage disruption.

18. The SSECMP must include site specific details relating to avoiding, remedying or mitigating adverse effects on the environment and neighbouring properties from demolition and construction, and management of all works associated with this development (where they are not already managed by other management plans) as follows:

- a. Contact details of the appointed contractor or project manager (phone number, email, posted address);
- b. General outline of the construction programme for each stage;
- c. Applicable conditions relating to the management of construction matters;
- d. Programme of works and hours of operation;
- e. Relevant details for the management of dust on Site (as per the guidance of Appendix 4 of the Ministry for the Environment's Good Practice Guide for Assessment and Managing Dust, 2016); and
- f. Details of the approach to be undertaken for the unloading and stockpiling of materials on Site (including any necessary reference to the CTMP).

Stage-Specific Erosion and Sediment Control Plan

19. At least 20 working days prior to the commencement of each stage of earthworks, the Consent Holder must submit to the Manager, Resource Consents and Monitoring, for certification by the Council, a Stage-Specific Erosion and Sediment Control Plan (SSESCP) in accordance with Condition 8. The SSESCP must be prepared by a SQEP with expertise in earthworks management. The objective of the SSESCP is to reduce the rate of erosion and minimise the amount of sediment discharged from bare earth surfaces, while providing practical measures to reduce the total amount of sediment leaving the site.

20. The SSESCP must contain sufficient detail to address the following matters:

- a. Compliance with Geotechnical and Earthworks During Works Conditions 48 – 62;
- b. Specific erosion and sediment control works (location, dimensions, and capacity);
- c. Supporting calculation and design drawings;
- d. Catchment boundaries and contour information;

Commented [TM121]: SSESCP is a recommendation from Draft ECMP (Appendix 10 section 8.3)

Commented [RS122R121]: The relationship between the SSESCPs and the SSECMPs is not clear.

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Commented [ML123]: Duplication removed.

Commented [TM124R123]: Agree

Deleted: while providing practical measures to reduce the total amount of sediment leaving

- e. Details of construction methods;
- f. Timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks);
- g. Details relating to the management of exposed areas (e.g. grassing or mulching);
- h. Monitoring and maintenance requirements;
- i. Details of the stormwater treatment device that will be utilised on Site including sizing calculations; and
- j. Finalised erosion and sediment control drawings.

21. Within 10 working days following implementation and completion of the specific erosion and sediment controls required by the certified SSESCP and prior to commencement of the earthworks activities, the Consent Holder must provide written certification from a SQEP with expertise in earthworks management to the Council that the erosion and sediment control measures have been constructed in accordance with the certified SSECSP (Condition 19), and the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (February 2021).

- i. Certification of the sediment and erosion structure(s) must contain sufficient detail to address the following matters:
 - Details on the contributing catchment area;
 - Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);
 - Dimensions and shape of structure; and
 - Position of inlets/outlets.

Construction Traffic Management Plan

22. At least 20 working days prior to works commencing, the Consent Holder must submit a final Construction Traffic Management Plan (CTMP) for certification by Council in accordance with Condition 8. The CTMP must be prepared by a SQEP with expertise in traffic management. The objective of the CTMP is to ensure that the surrounding transport networks operate safely and efficiently for all road users during demolition, earthworks, and construction activities on the site.

- i. The Consent Holder must consult NZTA during the preparation of the final CTMP for all works within the state highway road corridor. The Consent Holder must include a copy of any input provided from NZTA to Council.

23. The CTMP must include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from demolition, earthworks, construction and management of all works associated with this development, and set out procedures to be followed which ensure compliance with the conditions of consent, as follows:

Deleted: plans

Deleted: Greater Wellington Regional Council

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Deleted: should

Commented [ML125]: Advice Note should be recast as a condition

Commented [TM126R125]: Agree

Commented [RS127R125]: Agree. This part of the condition could use further tweaks to blend it into the existing condition.

Commented [TM128]: CTMP is a recommendation from ITA (Appendix 13 section 13)

Commented [RS129R128]: The relationship between the SSECMPs and the CTMP is not clear. The wording of the condition appears to require a site-wide CTMP for the entirety of the construction period. Stage or site specific CTMPs may be necessary, given the 10-15 year construction period and construction locations within SH59.

Deleted: consent

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Deleted: during demolition, earthworks, and construction

Deleted: activities on

Deleted: road

Commented [ML130]: Moved to improve clarity.

Commented [TM131R130]: Agree

Commented [RS132R130]: I consider that additional changes are necessary, as it is the effects of the activities on the safety and efficiency of the transport networks that are to be managed, including the active transport networks, not activities on those networks.

Deleted: Advice note: 1

Commented [ML133]: Advice Note should be recast as a condition.

Commented [TM134R133]: Agree, added requirement to provide feedback to PCC to make condition more robust.

Commented [RS135R133]: Agree.

- a. Contact details of the appointed contractor or project manager (phone number, email, postal address);
- b. General outline of the construction programme for each stage;
- c. Details of Site access / egress for the relevant stage of construction and any limitations on truck movements. All egress points must be positioned to achieve appropriate sight distances;
- d. Plans showing the location of any site offices, workers facilities, and worker car parking required during the relevant stage of construction;
- e. An overview of measures that will be adopted to prevent unauthorised public access during the construction period;
- f. Construction dates, hours of operation and any restrictions on Site access at certain times;
- g. Temporary protection measures to be installed to minimise any damage to public roads, footpaths, berms, kerbs, reserves or other public assets as a result of demolition, earthworks, and construction activities;
- h. Provision for maintaining safe active mode movements on the Ara Harakeke in the vicinity of the new roundabout when this is under construction; and
- i. Identification of haulage routes for both large trucks and any over-sized vehicles.

Deleted: should

Commented [ML136]: What is the basis for determining what appropriate sight distances are?

Commented [TM137R136]: The Applicant considers that if the CTMP is prepared by SQEP and reviewed by Council the sight distances would be appropriate

Commented [RS138R136]: I consider that specific sight distance parameters should be included, given that access to the site is limited to SH59. These could be based on those in TR-Table 5 of the PDP.

Noise and Vibration

24. At least 20 working days prior to works commencing, the Consent Holder must submit a final Construction Noise and Vibration Management Plan (CNVMP) to Manager, Resource Consents and Monitoring for certification by the Council in accordance with Condition 8. The CNVMP must be prepared by a SQEP with expertise in acoustics. The objectives of the CNVMP are to:

Commented [TM139]: CNVMP recommendation from Marshall Day Noise Report (section 8.2)

Deleted: consent

Deleted: holder

Deleted: shall

- a. Identify Best Practicable Options for managing all construction noise and vibration to avoid, remedy or mitigate adverse effects;
- b. Define the procedures to be followed, and the alternative strategies to be adopted, if construction activities cannot practically achieve full compliance with the District Plan's construction noise and vibration standards (refer NOISE-R2);
- c. Set out procedures for monitoring and assessing potential vibration-related damage to property not owned by the consent holder arising from construction activities
Ensure that any ~~third party~~ property damage caused by vibration from construction activities is identified and repaired;
- d. Inform the duration, frequency, and timing of the works to manage disruption; and

Commented [ML140]: Added to provide greater specificity.

Commented [TM141R140]: Condition further reworded as an objective as per chapeau, keeping in mind item (a) in the list requires avoidance, remedy or mitigation

Commented [RS142R140]: While the change is not opposed, because of the requirement in condition 25(h) I consider that the objectives should be clear that damage to third party property should be avoided through construction management practices in the first instance, with monitoring and assessment undertaken to ensure that those practices are effective.

- e. Require frequent and effective engagement with affected receivers and timely management of complaints.

25. The CNVMP must include specific details as follows:

- a. Contact details of the appointed contractor or project manager (phone number, email, postal address);
- b. A general outline of the construction programme for each stage;
- c. The applicable Site noise and vibration criteria set out in Condition 22;
- d. Identification of surrounding noise and / or vibration sensitive receivers (if any);
- e. Specific identification of vibration sensitive receivers where there is a risk of exceeding the vibration criteria set out in the District Plan vibration standards in respect of which, subject to reasonable access being provided by the building owner/occupier building condition survey reports must be prepared by the Consent Holder, prior to and after the completion of earthworks activities;
- f. Details about the works, including:
 - i. When the higher noise and vibration levels can be expected;
 - ii. The likely sources or causes of noise and vibration and a description of the anticipated equipment and processes;
 - iii. Methods for monitoring and reporting on noise and vibration; and
 - iv. Working hours;
- g. The procedure for monitoring construction noise and vibration at the most exposed surrounding buildings and structures;
- h. The process for repairing any damage caused by construction activities;
- i. Requirements and specifications for acoustically effective barriers at and/or within Site boundaries and/or additional localised screening around individual noisy machinery;
- j. Details of practicable noise and vibration mitigation measures to be applied during the various stages of the construction period;
- k. Procedures for ensuring that all contractors and operators on Site are aware of the requirements to minimise noise and vibration effects as far as practicable on neighbouring sites;

Commented [ML143]: Moved and amended for clarity.

Commented [TM144R143]: Agree

Commented [RS145R143]: Agree.

Deleted: if reasonable access is provided by the building owner/occupier,

Deleted: Sit

I. The process to record and investigate all reasonable construction noise and/or vibration complaints that includes the following steps being taken as soon as practicable:

v. Acknowledge receipt of the concern or complaint within 48 hours and record:

1. Time and date the complaint was received and who received it;
2. Time and date of the activity subject to the complaint (estimated where not known);
3. The name, address and contact details of the complainant (unless they elect not to provide them);
4. The complainants' description of the activity and its resulting effects; and
5. Any relief sought by the complainant (e.g. scheduling of the activity).

vi. Identify the relevant activity and the nature of the works at the time of the complaint;

vii. If a complaint relates to building damage, inform the on-duty Site manager as soon as practicable;

viii. Review the activity noise and/or vibration levels and the mitigation and management measures in place;

ix. Record the findings and recommendations in a complaints register that is provided to the Project Manager after every complaint and ~~made~~ available to Council upon request; and

x. Report the outcomes of the investigation to the complainant within 10 Working Days of the complaint being received, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise.

Suitably Qualified and Experienced Engineer

26. The Consent Holder must engage a ~~SQEP in geotechnical engineering~~ to supervise all excavations, retaining and foundation construction. The supervising engineer's contact details must be provided in writing to the Resource Consent Monitoring and Enforcement Team (via email: rmamonitoring@pcc.govt.nz) at least 10 Working Days prior to commencement of any excavations, retaining or foundation construction on Site.

Landscaping and Ecology

27. ~~At least 20 working days prior~~ to the commencement of any landscape and ecological planting activities for a given subdivision stage, the Consent Holder ~~must~~ submit a ~~updated~~ Stage-

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Commented [RS146]: These amendments bring the condition into line with the changes to the definitions above. I consider that additional condition wording or an advice note stating that an SQEP is a Chartered Professional Engineer as included on the Engineering New Zealand CPEng register with a Geotechnical Engineering Practice field would be beneficial.

Deleted: Suitably Qualified and Experienced

Deleted: suitably qualified and experienced

Deleted: engineer

Commented [TM147]: LEP is a recommendation from both Ecology Report and LVEA (Appendices 15 and 21)

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Commented [RS148]: Consequential change.

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Specific Landscape and Ecology Plan (LEP) to the Manager, Resource Consents and Monitoring for certification by the Council, in accordance with Condition 8. The LEP must be jointly prepared by a SQEP in landscape architecture and a SQEP in ecology. The Stage-Specific LEP must be in general accordance with the LEPs submitted with the application [date]. The objective of the LEP is to show the planting that will occur in each part of the site.

28. At least 20 working days prior to the commencement of any landscape and ecological planting activities for a given subdivision stage, the Consent Holder must submit a Landscape and Ecology Management Plan (LEMP) for that stage to the Manager, Resource Consents and Monitoring for certification by the Council, in accordance with Condition 8. The LEMP must be jointly prepared by a SQEP in landscape architecture and a SQEP in ecology. The objective of the LEMP is to set out the methodologies for planting, monitoring and reporting to be followed to deliver the LEP. The LEMP must include:

a. Planting methodology including:

- i. Methods for site preparation and planting (e.g. soil preparation, timing, plant sourcing, mulching, plant protection, fencing etc);
- ii. Maintenance requirements (e.g. weed and pest control, irrigation, mulch maintenance, pruning, replacement planting etc);
- iii. Planting Plan and Monitoring and Maintenance Programme for SNA buffer areas and ecological corridor (this must be generally consistent with Appendix 5 of the Ecological Assessment prepared by BlueGreen Ecology); and
- iv. Any specific requirements for wetland and swale planting and maintenance (e.g. performance management, sediment and debris management etc).

b. Monitoring and reporting including:

- i. Inspection and reporting frequency and methodology; and
- ii. Rectification procedures and handover.

Detailed Engineering and Services Plan Approval

29. The Consent Holder must comply with the design, construction and as-built requirements, unless otherwise modified by condition(s) of this consent, or agreed in writing by the Manager Resource Consents and Monitoring and the Tiaki Wai Land Development Team, of the:

- a. PCC Code of Land Development and Subdivision Engineering 2010;
- b. Land Development and Subdivision Infrastructure – NZS4404:2010;
- c. Wellington Water Limited Regional Standard for Water Services December 2021 V3.0;

Commented [RS150]: From the wording of the proposed condition, it appears that these are supposed to be specific to the stage.

Commented [ML151]: Suggested framing of condition to provide additional clarity.

Commented [TM152R151]: Agree

Commented [ML155]: An additional sentence is needed here to set out the objective of the LEP. Further, why is the LEP separate from the LEMP?

Commented [TM156R155]: Agree, added. These are two separate documents, one is a plan set the other is a methodology, akin to an ESCMP and ESC plan set.

Deleted: at least 20 days

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Commented [RS157]: Amendments to bring this condition in line with the changes to the definitions.

Deleted: Suitably Qualified and Experienced suitably qualified and experienced landscape architect

Deleted: Suitably Qualified and Experienced suitably qualified and experienced ecologist, and

Commented [RS158]: The proposed wording appears ...

Deleted: shall

Deleted: generally consistent

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Commented [RS159]: This wording appears to introduce ...

Deleted: Prior

Commented [ML160]: Suggested framing of condition ...

Commented [TM161R160]: Agree

Commented [RS162R160]: Agree.

Commented [ML163]: An additional sentence is needed ...

Commented [TM164R163]: Agree, added

Commented [RS165R163]: I consider additional ...

Deleted: at least 20 days prior to works commencing

Deleted: shall

Commented [RS166]: Amendments to bring this in line ...

Deleted: Suitably Qualified and Experienced suitably ...

Deleted: Suitably Qualified and Experienced suitably ...

Deleted: will

Commented [RS168]: I think this should be under (b) ...

Commented [RS169]: I think 'generally consistent' is ...

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Deleted: Porirua City Council

- d. Wellington Water Limited Regional Specification for Water Services December 2021 V3.0; and
- e. Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2019 Version 1.1.

Advice note:

- i. The PCC Code of Land Development and Subdivision Engineering 2010 specifies the land development engineering standards for mitigating adverse effects on the environment from earthworks, traffic (roading and vehicle access), wastewater and stormwater drainage, water supply and utility structures.

30. ~~Where any conditions of consent as set out below require the approval of plans that may be inconsistent with the standards specified in Condition 27, the approved plans approved under that condition must prevail.~~

31. At least 20 working days prior to commencement of any earthworks within a particular stage, the Consent Holder must submit to the Manager Resource Consents and Monitoring a Cut and Fill Slope Plan including any temporary slopes for that stage for certification by the Council. The Cut and Fill Slope Plan must be prepared by a Chartered Professional Engineer as included on the Engineering New Zealand CPEng register with a Geotechnical Engineering Practice field. The purpose of the Cut and Fill Slope Plan is to identify any proposed cut and fill slopes on the site that require a Geotechnical Assessment as part of the Engineering Approval of earthworks undertaken on the site. The slopes identified in the final Cut and Fill Slope Plan must include, but not be limited to:

- a. Fill embankments on existing in-situ materials, and cut slopes greater than 3m in height;
- b. Fill embankments and cut slopes with gradients of 1V:2H or steeper; and
- c. Fill embankments on weak or soft or liquefiable ground.

32. At least 20 working days prior to commencement of any earthworks within a particular stage, the Consent Holder must submit to the Manager Resource Consents and Monitoring a geotechnical design of permanent fill embankments and cut slopes labelled on the certified Cut and Fill Slope Plan for that stage for certification by the Council. The design must be prepared by a Chartered Professional Engineer as included on the Engineering New Zealand CPEng register with a Geotechnical Engineering Practice field. The geotechnical design must include:

- a. Drawings, including details of surface and subsurface drainage;
- b. Calculations; and
- c. Slope stability analysis that identifies mitigation measures for both the local and global stability of the proposed fill embankments and cut slopes under static and seismic load

Commented [RS172R170]: It appears that the plans prevailing over condition 27 has been retained in this recast condition. This should be reversed, as indicated by the Panel's comment.

Deleted: ~~<#>Where any conditions of consent as set out below require the approval of plans that may be inconsistent with the standards specified in this condition, the plans approved under that condition shall prevail....~~

Deleted: ~~<#>¶~~

Commented [RS173]: Note that the consent number is incorrect here. I would suggest using the cross-reference feature in Word so that these automatically update as numbering changes.

Commented [ML174]: This advice note should be recast as a condition. Suggested wording included. Renumbering of subsequent conditions (and cross-references) required.

Commented [TM175R174]: Agree

Commented [RS176R174]: Agree.

Commented [TM177]: Note that the provisions documents in these are not always expressed as black and white standards, but rather guidelines that require interpretation, or menus of potential approaches.

Commented [RS178R177]: This puts greater emphasis on the need for clear engineering approval conditions in an approved consent which set out the required standards, rather than reliance solely on these documents. Otherwise, there is a likelihood of disputes as to the necessary design standards.

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Deleted: experienced in geotechnical engineering

Commented [ML179]: This condition may need to state who can prepare this plan as per Condition 30 below. Applicant to draft appropriate reference.

Commented [TM180R179]: Agree, added

Commented [RS181R179]: Amendments made to clarify the CPEng requirement.

Commented [ML182]: What does 'existing in situ' ...

Commented [TM183R182]: The items in this list are ...

Commented [ML184]: Should this condition be ...

Commented [TM185R184]: Applicant considers ...

Commented [RS186R184]: I consider that additional ...

Commented [ML187]: What is Council certifying given ...

Commented [TM188R187]: More detail in this conditi ...

Commented [RS189R187]: These conditions could be ...

Deleted: SQEP

Commented [RS190]: Amended consistent with the ...

Deleted: experienced in geotechnical engineering

conditions, as may be required by NZS4404 and the PCC Code of Land Development and Subdivision Engineering 2010.

33. At least 20 working days prior to commencement of any works for the construction of a Retention Wetland Bund, the Consent Holder must submit to the Manager Resource Consents and Monitoring detailed design of the Retention Wetland Bund for that stage for certification by the Council that it meets the requirements of this condition. The Retention Wetland Bund must be specifically investigated, designed, and inspected during construction by, or under the direction of, the SQEP in geotechnical engineering engaged in accordance with condition [...]. The detailed design must include:

- Drawings;
- Calculations;
- Slope stability analysis;
- Settlement analysis;
- Specifications;
- Construction methodology and plans;
- Evidence that the design of the Retention Wetland Bund has appropriately considered and responded to the identified liquefaction hazard on site including detailed liquefaction and lateral spread analysis;
- Evidence that the design of the Retention Wetland Bund has appropriately considered design water levels; and
- Evidence that the construction of the bund will not adversely affect State Highway 59 or other services and utilities within State Highway 59 under all design seismic cases (Operating Basis Earthquake and Safety Evaluation Earthquake events).

34. Prior to the commencement of the construction of any new public assets to be vested in Council, the Consent Holder must obtain Engineering Plan Approval from Council for those assets.

Roading

35. Prior to the commencement of construction works for each stage, the Consent Holder must provide details of road layout, signage and markings, streetlighting, and other utility locations at detailed design level with engineering drawings for review and certification by the Council's Development Engineer that it meets the requirements of this condition. These must be in general accordance with the roading plans prepared by Envelope Engineering Limited and approved under Condition xx 27. Specific items to be included in the engineering drawings include:

Deleted: Porirua City Council

Commented [ML191]: Should this condition be reframed as an engineering approval?

Commented [TM192R191]: Applicant considers current framing is appropriate and consistent with established practice

Commented [RS193R191]: I consider that additional wording would improve the condition to clarify that it is included for the engineering approval process.

Commented [ML194]: As above, what is the Council being asked to certify?

Commented [TM195R194]: Added wording that Council certifying that it meets the requirements of this condition

Commented [RS196R194]: I consider that the additional wording does not address the query, as the condition does not actually set out standards for the detailed design of the bund to meet.

Deleted: Suitably Qualified and Experienced Geotechnical Professional...

Commented [ML197]: These should be spelt out in full - they are not acronyms used elsewhere.

Commented [TM198R197]: Agree, set out in full

Commented [RS199R197]: I could not see the changes in this version of the document.

Commented [RS200]: This condition is open ended and does not provide any parameters for the Engineering Plan Approval process to be undertaken by Council. It is not clear whether this process is associated with the ...

Commented [ML201]: Should this condition be ...

Commented [TM202R201]: Applicant considers ...

Commented [RS203R201]: I consider that additional ...

Deleted: consent

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Deleted: ensure that

Deleted: shall

Deleted: must be supplied

Commented [RS204]: Amendments so that the ...

Deleted: from

Commented [ML205]: As above, what is the Council ...

Commented [TM206R205]: Added wording that Cour ...

Commented [RS207R205]: I consider that the ...

Deleted: will

Commented [ML208]: Either provide full name of ...

Commented [TM209R208]: Agree, added

Commented [RS210R208]: Supported.

- a. Details of the 'interim' and 'final' Site intersection connection to SH59; and
- b. Provision for future bus stops and shelters along the Site's internal Collector Roads.

Safe System Audit

36. The ~~Consent Holder must~~ submit to Council's Development Engineer a road safety audit prepared in accordance with the New Zealand Transport Agency's publication 'Road Safety Audit Procedures for Projects Guidelines' for the development during the following stages of construction:

- a. Detailed design stage when engineering drawings are submitted for certification approval. The detailed design of the road and intersections ~~must~~ take into account the findings of the road safety audit report; and
- b. Post construction stage, when a post construction road safety audit report ~~must~~ be submitted for certification ~~by the Council~~ prior to the issue of the ~~section 224(c)~~ certificate.

The Road Safety Audit reports prepared under this condition ~~must~~ be undertaken by a ~~SQEP with expertise in traffic management~~ and audit recommendations incorporated into the works, unless otherwise agreed by the Council's Development Engineer.

Vehicle crossings

31. Individual lot vehicle crossings shall be designed to be in accordance with the standards included under TR-S5.5 of the Porirua District Plan with regard to intersection separation where practicable. Where full compliance with separation distances is not practicable, vehicle crossings shall be located so as to maximise separation as far as practicable.

37. Individual lot vehicle crossings ~~must~~ be designed in accordance with the standards included under TR-S5 of the Porirua District Plan. Where full compliance is not achieved, vehicle crossings ~~must~~ be subject to specific assessment by a ~~SQEP in Transportation Engineering~~ as follows:

- a. ~~to identify and incorporate any appropriate mitigations~~
- b. ~~to locate~~ vehicle crossings so as to maximise separation as far as practicable where separation distances under TR-S5.5 cannot be complied with; ~~and~~
- c. ~~to confirm that identified non-compliances with the Council standard relating to vehicle crossing sightlines under TR-S5.7 where the crossing is located on the inside of a bend with a change of angle of 45 degrees or more, will not result in unacceptable safety effects. Following an assessment of the associated Austroads Stopping Sight Distance (with a reaction time of 1.5 seconds) for the estimated operating speed of the road where the vehicle crossing connects.~~

Deleted: ~~consent~~

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Deleted: ~~shall~~

Commented [ML211]: Such this be for certification?

Commented [TM212R211]: Applicant considers that this condition can be deleted as cover by engineering approval (see conditions 29.a and 34)

Commented [RS213R211]: I do not consider deletion of this condition is appropriate. Doing so would go beyond the 'mechanical' scope of this review by seeking to delete conditions that were proposed in the application. This appears to be seeking to 'walk back' the proposed conditions based on a substantive matter rather than mechanical, as conditions 29(a) and 34 do not address Safe System Audits.

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Deleted: ~~shall~~

Deleted: ~~suitably qualified person~~

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Commented [TM214]: Condition recommended by ITA (Appendix 15 section 14), further wording changes recommended by Stantec in Appendix H to Applicant Response to Minute 4

Commented [RS215R214]: It is not clear that the Consent Holder will construct the vehicle crossings, so how this condition will be implemented is also not clear. As such, I consider that this should be reframed as a consent notice.

Commented [ML216]: This replacement condition has been revised to improve clarity and certainty.

Commented [TM217R216]: Agree

Deleted: ~~shall~~

Deleted: ~~to be~~

Commented [RS218]: Amendment to clarify this requirement. This could also be further detailed by

Deleted: ~~will~~

Deleted: ~~either be designed to incorporate any~~

Deleted: ~~suitably~~

Deleted: ~~Suitably qualified Qualified and Experienced~~

Commented [RS219]: It is noted that the revised

Deleted: ~~shall be located~~

Deleted: ~~where~~

Deleted: ~~cannot be complied with and the~~

Deleted: ~~shall be undertaken~~

Deleted: ~~The traffic engineer shall confirm that non-~~

d. ~~Where TR-S5.6 cannot be complied with, consent notices must be placed on lots placing restrictions on boundary fencing arrangements and landscaping, to ensure sightline splays are not adversely impacted.~~

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Deleted: where TR-S5.6 cannot be complied with

Archaeology

38. ~~The Consent Holder must follow the conditions of the Archaeological Authority (Authority no: 20xx/xxx) issued by Heritage New Zealand Pouhere Taonga and the associated Archaeological Management Plan.~~

Commented [ML220]: Duplicating HNZPT Act? Necessary?

Commented [TM221R220]: Agree

Commented [RS222R220]: Support.

Commented [TM223]: Condition supported by TROTR (Appendix 2 page 31)

Deleted: shall

Commented [ML224]: Presumably this is not intended at each stage? Clarification suggested. Applicant to confirm correct.

Commented [TM225R224]: Agree

Commented [RS226R224]: I consider that this should be agreed with Te Rūnanga.

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Commented [ML227]: This should be recast as a condition.

Commented [TM228R227]: Agree in terms of item 'i', but Applicant considers item 'ii' best as advice note as outside control of Council

Commented [RS229R227]: I disagree with the response from the Applicant in relation to the meeting of costs specified in (ii). This aspect of the advice note should be included as a condition.

Commented [TM230]: Condition supported by TROTR (Appendix 2 page 31)

Commented [ML231]: As above.

Commented [TM232R231]: Agree

Commented [RS233R231]: I consider that this should be agreed with Te Rūnanga. Additionally, it may be the case that the contractors used for various stages will not be constant over the 10-15 year construction period. Cultural induction may be appropriate at each stage. As such, subject to the views of Te Rūnanga being sought, I do not agree with the proposed change.

Commented [TM234]: Recommended by CSMP (Appendix 28 section 2), further wording changes recommended by Applicant in Response to Minute 4

Deleted: shall

Timatanga ceremony

39. The Consent Holder must invite, with a minimum of 15 working days' notice prior to commencing earthworks associated with the first subdivision stage, Te Rūnanga o Toa Rangatira to undertake a timatanga (karakia) ceremony in a location agreed between Te Rūnanga o Toa Rangatira and the Consent Holder. In the case that a representative of Te Rūnanga o Toa Rangatira does not attend, or no response to the invitation is received after 15 working days, the Consent Holder will be deemed to have complied with this condition, provided the invitation requirement is met.

40.

Advice Note:

- i. ~~In the case that a representative of Te Rūnanga o Toa Rangatira does not attend, or no response to the invitation is received after 15 working days, the Consent Holder will be deemed to have complied with this condition, provided the invitation requirement is met.~~
- ii. It is expected that the timatanga ceremony will involve a karakia by kaumatua facilitated by the Te Rūnanga o Toa Rangatira and will occur at the beginning of the project before any works occur on the site. The timatanga would finish with kai (morning tea). It is expected that the Consent Holder will meet the cost of the timatanga ceremony as agreed with Te Rūnanga o Toa Rangatira.

Cultural induction

41. At least 15 working days' prior to the commencement of earthworks associated with the first subdivision stage, and on further occasions as may be agreed by the Consent Holder and Te Rūnanga o Toa Rangatira, the Consent Holder must invite Te Rūnanga o Toa Rangatira to give a cultural induction to the Site and all relevant contractors involved with earthworks and construction associated with this development.

Soil Contamination

42. At least 2040 working days prior to the commencement of construction works on stages where potential HAIL sites are located in the Preliminary Site Investigation (PSI) in Condition 1, the Consent Holder must provide a Sampling and Analysis Quality Plan detailing the requirements

of the Detailed Site Investigation (DSI) Report ~~and asbestos surveys of the buildings in Lot 1 DP 534864, as well as submit At least 20 working days prior to the commencement of construction works, the Consent Holder must submit the DSI Report and~~ a final Contaminated Site Management Plan (CSMP) to the Manager, Resource Consents and Monitoring for certification by the Council in accordance with Condition 8. The CSMP must be prepared by a SQEP with expertise in contaminated site management. The DSI must detail the findings of onsite investigation works (including soil sampling and asbestos surveys) undertaken following the demolition of any existing buildings. The CSMP must outline procedures that must be followed for the disturbance, handling and disposal of soil. The DSI and CSMP must address the matters outlined in the Ministry for the Environment's Contaminated Land Management Guidelines (Revised 2021).

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Commented [ML235]: A more definitive reference to the guidelines is needed.

Commented [TM236R235]: Agree

Commented [RS237R235]: The intention of the amendments proposed is agreed; however, I note that more substantive changes are required which are outside of the scope of this review.

Pre-commencement meeting

43. Prior to commencement of works for each stage on Site, the Consent Holder must hold a pre-commencement meeting that:
 - a. Is located on the Site;
 - b. Is scheduled not less than 5 Working Days before the anticipated commencement of any works for that stage;
 - c. Includes representation from the contractors who will undertake the work;
 - d. Includes the Council Compliance and Monitoring officer(s);
 - e. Includes the project ornithologist (if relevant for the stage);
 - f. Includes the project herpetologist (if relevant for the stage);
 - g. Includes the project archaeologist; and
 - h. Includes the project geotechnical engineer.
44. The purpose of this meeting is to review and record condition of existing local assets and discuss the erosion and sediment control measures, earthworks methodologies, Archaeological Authority conditions, stormwater management, relevant management plans, timeframes for the work, and to ensure all parties are aware of and familiar with the necessary Conditions of this consent.
45. The following information must be made available by the Consent Holder at the pre-start meeting(s):
 - a. Timeframes for key stages of the works authorised under this consent;
 - b. Name and telephone number of the project manager and the Site owner for monitoring and communication purposes;
 - c. Resource consent conditions;
 - d. SSECMP;

- e. ~~SS~~ESCP;
- f. CTMP;
- g. CSMP;
- h. CNVMP;
- i. Geotechnical designs (if relevant);
- j. Contact details of the Site contractor and Site civil engineer;
- k. Engineering plans approved (signed/stamped) by the Council, if applicable;
- l. A copy of the Wildlife Approvals (Ref: xx) and associated Lizard Management Plan (if relevant to stage);
- m. A copy of the Wildlife Approval (Ref: xx); and
- n. A copy of HNZPT Authority (no: 20xx/xxx) and associated Archaeological Management Plan.

Advice note:

- i. ~~To arrange the pre-construction meeting please contact the Manager Resource Consents and Monitoring.~~ An invite must be sent to all parties at least 10 working days in advance of the anticipated commencement of works.
- ii. All information listed in this condition must be provided two (2) working days prior to the meeting.
- iii. In the case that any of the invited parties listed in this condition, other than the representative of the Consent Holder, does not attend this meeting, the Consent Holder will be deemed to have complied with this condition, provided the invitation requirement is met.

During Construction

Lizards and birds

- 46. Lizard relocation must be undertaken in accordance with Wildlife Approval (Ref: xx).
- 47. Prior to vegetation clearance and earthworks commencing within the site, lizard salvage and relocation must be undertaken by the project herpetologist in accordance with the Lizard Management Plan prepared by Blueprint Ecology dated xx.

Advice note: lizard salvage within SH59 corridor and translocation can be completed under a separate salvage process.

- 48. Prior to vegetation clearance and earthworks commencing, the project herpetologist must have a toolbox meeting with contractors to describe the process outlined in the Lizard Management Plan if any lizards are accidentally encountered during construction.

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Commented [ML238]: These advice notes should be recast as conditions.

Commented [TM239R238]: Agree

Commented [RS240R238]: Support recasting these as conditions.

Commented [TM241]: Recommendations from Ecology Assessment and LMP (Appendices 15 and 16)

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Commented [ML242]: Reference to the author and issue date should be included.

Commented [TM243R242]: Agree, although LMP being reviewed following comments from DOC and further iteration(s) likely, as such date should be confirmed at time of decision

Commented [RS244R242]: Support.

Commented [ML245]: Advice Note should reference condition providing for that. If there isn't one, there should be.

Commented [TM246R245]: Advice note can be removed

Commented [RS247R245]: It is not clear what this advice note is saying. Support removal.

Deleted: will

49. If any lizards are accidentally encountered during vegetation clearance and earthworks, works must cease immediately in that immediate area, and the project herpetologist must undertake the necessary lizard salvage and relocation in accordance with the Lizard Management Plan.

50. Vegetation clearance within the SH59 corridor and SNA027 must be avoided through the native bird nesting season (1 September to 28 February) where practicable. Where it is necessary to undertake vegetation clearance in this period, the vegetation must be trimmed/thinned prior to the native bird nesting season and a pre-clearance avian survey must be undertaken by the project SQEP ornithologist to ensure there are no active native bird nests in any clearance area. Where native nesting birds are found, then clearance must be halted for those trees in and adjacent to the nest until such time as the chicks have fledged or the nest has failed as determined by the project a SQEP ornithologist. Pre-clearance survey reports must be provided to Council within 5 working days of clearance works commencing within the SH59 corridor and SNA027.

51. Within 20 working days of lizard relocation being completed, a completion report prepared by a SQEP with expertise in lizard relocation must be provided to Council and Te Rūnanga o Toa Rangatira to confirm that the lizard relocation was undertaken in accordance with the Wildlife Approval (Ref: xx).

52. The Consent Holder must provide confirmation to the Manager Resource Consents and Monitoring that the vegetation clearance works referred to in Conditions 47 to 50 will be have been overseen by a SQEP with expertise in arboriculture within 20 working days of vegetation clearance works being completed.

53. The Consent Holder must notify NZTA 20 working days prior to the removal of any trees in the State Highway 59 corridor.

54. The Consent Holder must engage a Suitably Qualified and Experienced arborist to complete all tree removal within the Stage Highway 59 corridor.

Geotechnical

55. All earthworks must be managed by the Consent Holder to ensure that they do not lead to any uncontrolled instability or collapse affecting either the Site or adversely affecting any neighbouring properties. In the event that uncontrolled collapse or instability does occur, it must be rectified and remediated as soon as reasonably practicable at the Consent Holder's expense. These rectification and remediation works must be undertaken under the direction of a Suitably Qualified and Experienced Geotechnical Professional. The SQEP must provide written confirmation to the Council that the rectification and remediation works have been completed and that the nature and extent of works undertaken are appropriate.

Earthworks

56. The Consent Holder must, at a minimum of 20 working days prior to commencement of bulk earthworks and on an ongoing basis for that activity, invite an iwi monitoring representative

Commented [ML248]: Is this across the entire site or only within an (as yet unspecified) distance from the discovery? Recommend that the Applicant consider any necessary changes.

Commented [TM249R248]: Agree, wording added

Commented [RS250R248]: I consider that the proposed additional wording introduces a subjective assessment. In such cases, the distance should either be specified in the condition or an SQEP needs to be engaged to determine what the appropriate distance is in the context. In either case, the conditions need to spell this out.

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Commented [ML251]: Presumably it is only native birds that are the focus? Some changes are recommended to ...

Commented [TM252R251]: Agree, confirming only ...

Commented [RS253R251]: Support proposed change ...

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Commented [ML254]: When is this supposed to occur?

Commented [TM255R254]: Timeframe added

Commented [RS256R254]: The response from the ...

Commented [ML257]: Appropriate reference to ...

Commented [TM258R257]: Agree, added

Commented [RS259R257]: I note that it is likely these ...

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Deleted: suitably experienced and qualified

Deleted:

Commented [ML260]: 'Satisfaction' is too subjective; ...

Commented [TM261R260]: Agree

Commented [RS262]: For consistency, this should ...

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Commented [RS263]: Timeframe needed here.

Commented [RS264]: Additional wording to make it ...

Commented [RS265]: This may still be subjective.

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of Te Rūnanga o Toa Rangatira to undertake cultural Iwi and Kaitiaki Taonga Tuku iho monitoring of:

a. earthworks in areas where there is the potential to affect pre-1900 archaeological features. The details of such monitoring may be agreed as between the Consent Holder and Te Rūnanga o Toa Rangatira; and

b. earthworks within streams or wetlands associated with restoration and offsetting.

The iwi monitor(s) may be present at any time throughout the duration of relevant works. The Consent Holder must ensure appropriate access is provided to the site and any areas of works being undertaken on the site for kaitiaki monitoring to take place.

57. The Consent Holder must ensure that there is no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the Site. In the event that such deposition does occur, it must immediately be removed. In no instance may roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses and / or receiving waters.

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58. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the SS&ECMP and SS&ESCP must be maintained by the Consent Holder throughout the duration of the earthworks activity, or until the Site is permanently stabilised against erosion. A record of any maintenance work must be kept by the Consent Holder and be supplied to Council on request.

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59. The Consent Holder must provide notice to the Council at least two (2) Working Days prior to the removal of any erosion and sediment control works specifically required by the SS&ESCP (Condition 19).

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60. Upon completion of earthworks on the Site, the Consent Holder must ensure that all areas of bare earth are permanently stabilised against erosion in accordance with GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (February 2021).

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61. All earthworks must be managed by the Consent Holder to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged beyond the Site to either land or the stormwater drainage network. In the event that a discharge occurs, works must cease immediately, and the discharge mitigated and / or rectified. These mitigation and rectification works must be undertaken under the direction of a SQEP with expertise in earthworks management, who must provide written confirmation to the Council that the nature and extent of works undertaken is appropriate within 20 working days of the mitigation and remediation works being completed.

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62. Any damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks and construction activity (including rock-breaking) must be repaired and restored by the Consent Holder to the original condition of the asset as established during

Commented [ML266]: 'Satisfaction' is too subjective; an alternative wording is suggested.

Commented [TM267R266]: Agree, also added timeframe

Commented [RS268R266]: Support, while noting that 'is appropriate' may still be subjective.

pre-construction meeting (Condition 37). The costs of rectifying such damage and restoring the assets to their original condition must be met by the Consent Holder.

63. All machinery associated with the earthworks activity must be operated by the Consent Holder in a way which ensures that spillages of hazardous substances such as fuel, oil, grout, concrete products and any other contaminants are prevented from entering a water body.

64. During earthworks (including where rock-breaking is undertaken), all necessary action must be taken by the Consent Holder to minimise dust generation and sufficient water must be available and used where needed to dampen exposed soil, and / or other dust suppressing measures must be available to minimise dust formation and discharge beyond the Site boundaries.

65. Except as otherwise provided for in the CNVMP, noise arising from construction work activities on the Site must not exceed the noise limits specified in the District Plan. Noise from construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.

66. The Consent Holder must undertake noise and vibration monitoring during the first use of high noise and high vibration causing construction activities (e.g. excavators operating within 35m of a dwelling or compactors operating within 20m of a building) in each stage of construction, and in response to any subsequent a reasonable complaint being received. Monitoring must be undertaken by a SQEP with expertise in acoustics and results must be made available to PCC upon written request.

67. The hours for earthworks and operation of heavy earthworks equipment must be restricted to those certified within the SSECMP (Condition 16). The time restrictions do not apply to low noise creating activities (such as pre-start meetings, set up, pack down, etc) which may occur outside of these hours providing the works comply with the CNVMP noise limits specified in Conditions 22 and 23.

~~68. All construction works on the Site must be designed and conducted to ensure that construction vibration from the Site does not exceed the guideline vibration limits set out in German Standard DIN 4150-3:1999 Structural Vibration – Effects of vibration on structures when measured from any adjacent building in accordance with the DIN Standard.~~

69. The Consent Holder must maintain a complaints register that is to be made available to Council on request. The complaints register must record any complaints and require the following steps to be taken as soon as practicable:

- a. Acknowledge receipt of the concern or complaint within 48 hours and record;
 - i. Time and date the complaint was received and who received it;
 - ii. Time and date of the activity subject to the complaint (estimated where not known);

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Deleted: except as otherwise provided for in the CNVMP,

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Commented [ML269]: Clarify if the response to complaint requirement is cumulative with 'first use' requirement, or a separate requirement post first use?

Commented [TM270R269]: Agree, wording added

Commented [RS271R269]: Support.

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Commented [ML272]: This term is not explained and likely needs a definition.

Commented [TM273R272]: Agree, does not need formal definition as term only used once, have added further explanation in brackets to assist user

Commented [RS274R272]: I consider that the Applicant's proposed wording is too loose. The 'low noise creating activities' should have a clear definition as suggested by the Panel, otherwise reliance is being placed on interpretation decisions being made by contractors.

Commented [ML275]: Query inconsistency with conditions #22 and #23 that anticipate standard might be exceeded (e.g. 23.e.)

Commented [TM276R275]: Agree, condition should be removed as addressed by conditions 22 and 23

Commented [RS277R275]: I do not consider deletion of this condition is appropriate. Doing so would go beyond the 'mechanical' scope of this review by seeking to delete conditions that were proposed in the application.

- iii. The name, address and contact details of the complainant (unless they elect not to provide this);
- iv. The complainants' description of the activity and its resulting effects; and
- v. Any relief sought by the complainant (e.g. scheduling of the activity).
- b. Identify the relevant activity and the nature of the works at the time of the complaint;
- c. Review the management measures in place;
- d. Record the findings and recommendations; and
- e. Report the outcomes of the review to the complainant within 10 working days of the complaint being received.

The complaints register must be maintained until construction works are completed on the Site, and Council sign-off has been provided confirming that all construction-related consent conditions have been met.

Advice note:

- i. A complaints register maintained in accordance with this condition may be used to demonstrate compliance with the complaints-related requirements of the SS&ECMP and CNVMP conditions.

Certified Lighting Plan

70. As part of the construction and development, and prior to the occupation of any dwelling within a stage of the development, the Consent Holder must provide and implement and maintain thereafter a final Lighting Plan prepared by a Suitably Qualified and Experienced lighting engineer for certification by the Council that lighting design / levels prescribed in that Lighting Plan meet the following:

- a. Lighting levels must be in accordance with the applicable standards in the District Plan; and
- b. Appropriate levels of lighting are provided in all accessible areas of the development where movement of people is expected and
- c. The final Lighting Plan must also demonstrate compliance with the AS/NZS 1158 P requirements by means of lux contours and clearly specify what P Category the lighting design will achieve. The selection criteria for the chosen lighting category must also be presented (i.e. pedestrian / cycle activity, risk of crime, etc).

Commented [ML278]: To square with other references to time periods.

Commented [TM279R278]: Agree

Commented [RS280R278]: Support.

Commented [RS281]: This sentence should be numbered as a separate condition, or as a clause within the condition.

Deleted: continue

Commented [ML282]: Renumber to i. if retained as advice note

Commented [TM283R282]: Agree

Deleted: '

Commented [ML284]: Query whether this should be reframed as a condition.

Commented [TM285R284]: Agree

Commented [RS286R284]: Support; however, it does not appear that the applicant's response has reframed this as a condition.

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Commented [ML287]: The Plan itself will demonstrate compliance, not the design/ levels in it.

Commented [TM288R287]: Agree

Commented [RS289R287]: Support.

Post Construction

Geotechnical

71. Following completion of the construction of the cut and fill batters, a Geotechnical Certification Report (GCR) must be submitted by the Consent Holder to the Manager, Resource Consents and Monitoring. The GCR must be prepared by a SQEP Geotechnical Professional. This GCR must confirm:

- a. Full delineation of the Specific Engineered Design zones;
- b. That the cut and fill batters have been constructed in accordance with the certified design;
- c. That any site-specific geotechnical recommendations have been implemented; and
- d. That the cut and fill batters are stable and suitable for their intended use.

Soil Contamination

72. Within 20 working days of the completion of any remedial works required within each stage, a Site Validation Report (SVR) must be provided by the Consent Holder to Council. The SVR must be prepared by a Suitably Qualified and Experienced contaminated land professional in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines (revised 2021). The SVR must include:

- a. A summary of the works undertaken, including the locations and dimensions of excavations and the volume of soil excavated;
- b. Conditions of the final Site contamination profile, including details and results of any validation testing undertaken (with a map of sampling locations and tabulated sampling results) and interpretation of the results in the context of the NES:CS;
- c. Details and results of any other contamination testing undertaken during the works (including any sampling undertaken on materials re-used on Site or imported to Site);
- d. Records/evidence of the appropriate disposal for any material removed from the Site;
- e. Records of any unexpected contamination encountered during the works and response actions, if applicable;
- f. Any on-going monitoring and/or management measures required to minimise risks to human health or the environment as a result of the final Site contamination profile;
- g. Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the earthworks; and
- h. A statement certifying that all works have been carried out in accordance with the requirements of the DSI, CSMP and consent, otherwise providing details of relevant breaches and actions taken to rectify breaches, if applicable.

Commented [TM290]: Geotech recommendations from Geotechnical Assessment (Appendix 26), further wording changes recommended by Applicant in Response to Minute 4 based on geotechnical advice from ENGEO

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Commented [TM291]: Recommended by CSMP (Appendix 28 section 2), further wording changes recommended by Applicant in Response to Minute 4

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Commented [ML292]: A more definitive reference to the guidelines is needed.

Commented [TM293R292]: Agree, added

Commented [RS294R292]: Support.

Deleted: shall

Commented [ML295]: Query whether in (h) add a requirement for advice as to what was done to rectify breaches

Commented [TM296R295]: Agree

Commented [RS297R295]: Support.

Decommissioning erosion and sediment control measures

73. Following completion of earthworks for each stage, all silt and sediment control measures within that stage must be decommissioned by the Consent Holder upon stabilisation of the earthworks areas. The silt and sediment control measures need not be decommissioned where GWRC and/or PCC require these measures to remain in use for future construction activities, provided they are not located within residential allotments at the time of approval under section 224.
74. Following completion of earthworks for each stage, or each stage of the development, all areas exposed by earthworks, trenching or subdivision construction activities within that stage must be re-grassed/hydro-seeded by the Consent Holder, except where the earthworks expose rock.

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Subdivision

Subdivision Staging

75. Individual certifications pursuant to sections 223 and 224(c) of the RMA may be issued by the Council, as generally shown on the consented scheme plans referenced in Condition 1. The staging may occur in any order provided that:
- The services for water supply, wastewater and stormwater are progressively provided for each stage by the Consent Holder;
 - Each individual allotment must be consistent with the proposal as approved;
 - All civil earthworks have been completed by the Consent Holder;
 - 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 by the Consent Holder that adequate provision has been made to enable the servicing of the balance allotments;
 - Provision is made for sufficient legal and physical access to for each allotment has been established by the Consent Holder; and
 - 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.

Commented [ML298]: This condition is unusual in that it puts the onus on the consent authority. References to the Consent Holder have been inserted to make clear where the responsibility ultimately lies.

Commented [TM299R298]: Agree, intention was for consent holder and not consent authority so clarification useful

Deleted: residential

Commented [TM300]: Wording amended to align with s106

Commented [RS301R300]: S106 relates to each allotment created by a subdivision, not specifically to 'residential allotments'.

Advice note:

- For the avoidance of doubt civil earthworks does not include on-lot earthworks.

Commented [ML302]: Advice note should be part of condition.

Commented [TM303R302]: Disagree, Applicant considers note provides clarity

Commented [RS304R302]: Disagree with Applicant, agree with the Panel reviewer that this should be part of the condition. Advice notes should not be used as a means to limit the implementation of conditions.

Detailed Engineering and Services Plan Approval

76. The Engineering conditions 27 – 31 that are relevant to the land use consent also apply to this subdivision consent.

Prior to section 223 Approval

77. Prior to Approval under section 223 of the RMA, the Land Transfer Plan must show the following:

- a. The easements on the approved Subdivision Scheme Plan listed below must be created or reserved by the Consent Holder for the purpose specified and endorsed in a memorandum on the Land Transfer Plan(s):
 - i. Scheme Plans by Envelope Engineering Limited referenced as Drawing xxx, all Revision x and dated xxx 2025.
- b. Any utility services serving an allotment within the subdivision, where contained within another allotment of this subdivision, must have appropriate easements duly granted or reserved. The easements, as necessary and subject to other conditions of this consent, are to ensure that the lots can be serviced for water supply, drainage, domestic energy supply, and telecommunications (including broadband).
- c. An easement instrument must be created by the Consent Holder for the shared private stormwater and wastewater drains which must include specific provisions, in plain English, about the respective obligations of the parties to the easement in relation to the shared private drainage services, including maintenance and replacement.
- d. Easements for the new public stormwater and wastewater assets must be shown in gross with PCC as grantee.
- e. The following areas as shown on the Scheme Plan, must be protected by way of Conservation Covenants under s.77 of the Reserves Act 1977:
 - i. Stream and wetland offsetting areas;
 - ii. Terrestrial biodiversity offsetting areas;
 - iii. Buffer areas around Significant Natural Areas;
 - iv. Ecological corridor; and
 - v. Lizard relocation area.

78. Prior to certification under s223 of the RMA for each stage, the Specific Engineering Design (SED) zones identified in the Geotechnical Completion Report must be identified on the Land Transfer Plan.

79. Prior to approval of any stage plan under section 223 of the RMA, the Consent Holder must create or reserve easements in gross over the proposed temporary turning head(s) suitable for manoeuvring by buses and rubbish trucks as advised by a SQEP with expertise in traffic engineering and as provided to the Manager Resource Consents and Monitoring. The easements must be sufficient to allow for the formal construction of the turning head and any associated underground services and footpaths should this become necessary.

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Commented [ML305]: Either provide full name of consultant firm or include definition.

Commented [TM306R305]: Agree

Commented [RS307R305]: Support.

Commented [ML308]: To be completed by the Applicant.

Commented [TM309R308]: Final revisions should be included at time of decision

Commented [RS310R308]: Consider using a cross-reference, 'as listed in Appendix A'.

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Commented [ML311]: What plan identifies where turning heads located?

Commented [TM312R311]: Can be shown on plans at s223 stage

Commented [RS313R311]: I agree that this can be shown at s223 stage; however, this will require that information is provided in the form of tracking curves to show that the easements are of sufficient size and gradient.

Commented [ML314]: 'Satisfaction' is too subjective; an alternative wording is suggested.

Commented [TM315R314]: Agree

Commented [RS316R314]: I consider this requires a certification step to ensure that the proposed easements are sufficient.

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~~i. The easements (turning heads) may be cancelled when a future stage extending the road is lodged for s223 approval.~~

Prior to certification under section 224

NZS4404 Schedules

80. Prior to approval under section 224 of the RMA for the relevant stage, certification under the relevant NZS4404 Schedules must be supplied by the Consent Holder to the Manager Resource Consents and Monitoring and must include:

- a. NZS4404:2010 Schedule 1A (Design Certificate – Land Development/Subdivision) signed by a Chartered Professional Engineer;
- b. NZS4404:2010 Schedule 1B (Contractors Certificate upon completion of Land development/Subdivision) signed by the Contractor;
- c. NZS4404:2010 Schedule 1C (Certification upon completion of Land development/Subdivision of Person Responsible for Inspection and Review of Construction) signed by a SQEP with expertise in civil engineering; and
- d. 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.

Connections to Public Networks

81. Prior to certification under section 224(c) of the RMA for staged titles, the Consent Holder must provide residential lots with individual and separate connections to relevant public or private infrastructure in accordance with Conditions 27-31 including:

- a. Wastewater;
- b. Stormwater;
- c. Road legal frontage;
- d. Water;
- e. Power; and
- f. Telecommunications.

As-builts Documentation and Certification

82. Prior to certification under section 224(c) of the RMA, the Consent Holder must submit As Built Plans of the completed stage of the development to the Manager Resource Consents and Monitoring for certification by the Council of the completion of the subdivision requirements, as follows:

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Commented [ML317]: This Advice Note should be recast and incorporated into a condition.

Commented [TM318R317]: Applicant considers can be deleted

Commented [RS319R317]: I agree with the Panel reviewer, in that it would be clearer for this to be included in the condition.

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Commented [ML320]: If the Consent Holder is self-certifying them there is no need for this to be to the subjective 'satisfaction' of the Manager.

Commented [TM321R320]: Agree

Commented [RS322R320]: I consider that the removal of this wording results in a need for a further certification step to be undertaken by the council. This would be to certify that the certificates have been provided, are complete, and have been prepared by an appropriate person.

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Commented [ML323]: Where references to a 'Chartered Professional Engineer' are made in the condition set the prefix 'SQEP' is considered unnecessary.

Commented [TM324R323]: Agree

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Commented [RS325]: I consider that this should be more tightly worded, with reference to Engineering Practice Fields as used by the Registration Authority for Chartered Professional Engineers. This relates to all use of SQEP for engineering related matters.

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a. As Built Plans must show water supply, wastewater, and stormwater drainage for the development.

b. All As Built Plans must meet the requirements of PCC's Code of Land Development and Subdivision Engineering 2010.

83. As-Built Plans must be submitted by the Consent Holder in both hard copy (PDF) and electronically. Electronic copies are to be submitted in CAD format (.DWG file) drawn in the NZGD 2000 New Zealand Transverse Mercator coordinate system.

84. Once an As-Built Plan has been submitted and within one month of completion of the drainage works and/or application pursuant to section 224, the Consent Holder must arrange for a final inspection with the Tiaki Wai Inspector.

State Highway 59 Interim Intersection

85. Prior to certification under section 224(c) of the RMA for the first stage, the interim intersection must be completed by the Consent Holder in accordance with the approved engineering design plans. Evidence of completion to be provided to the Manager Resource Consents and Monitoring and must include:

- Certification by a Chartered Professional Engineer that the intersection has been constructed in accordance with the approved plans.
- Confirmation from the relevant road controlling authority NZTA that the intersection has been accepted.

State Highway 59 Final Intersection

86. ~~Prior to the issuing of~~ The consent holder must not seek code of compliance for any dwelling over 110 dwellings within the development, the final intersection must be completed by the Consent Holder in accordance with the approved engineering design plans. Evidence of completion must be provided to the Manager Resource Consents and Monitoring which must include:

- Certification by a Chartered Professional Engineer that the intersection has been constructed in accordance with the approved plans.
- Confirmation from the relevant road controlling authority NZTA that the intersection has been accepted.

Advice note:

- The final intersection design will depend on the SH59 roading corridor form and function including speed restrictions at time of engineering approval.
- Final intersection lighting will need to be approved by NZTA.

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Commented [TM326]: Recommendation from ITA (Appendix 14 section 14)

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Commented [ML327]: Clarify ref to interim intersection by reference to a condition or Plan

Commented [TM328R327]: Design outside state highway corridor would need to approved under engineering approval

Commented [RS329R327]: I am not sure what the response from the Applicant means. I take the comment from the Panel as to be requesting a reference to the proposed plan that shows the interim intersection. This is shown on 'Appendix D Temporary Site Tee-intersection Design' in Appendix 14 - Integrated Transport Assessment in the application. No separate design drawing is provided in the engineering drawings. I consider that this will need

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Commented [ML330]: 'Satisfaction' is too subjective.

Commented [TM331R330]: Agree

Commented [RS332R330]: Agree. However, additional

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Commented [ML333]: b. is circular - as it would require

Commented [TM334R333]: As above

Commented [RS335R333]: Agree.

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Commented [TM336]: Recommendation from ITA

Commented [ML337]: How can code of compliance for

Commented [TM338R337]: Disagree condition works

Commented [RS339R337]: Disagree with the response

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Commented [ML340]: As above.

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Existing Wastewater Network Upgrades

87. Prior to certification under Section 224(c) of the RMA for Stage 8 titles, the consent holder shall construct and complete the necessary upgrades to the main trunk waste water assets within the State Highway 59 corridor in accordance with the approved engineering design plans, and to the satisfaction of the Manager, Resource Consents and Monitoring. Evidence of completion shall include:

- a. Certification from a suitably qualified Chartered Professional Engineer that the upgrades have been constructed in accordance with the approved plans; and
- b. Confirmation from the water network provider that the assets are operational and accepted into the public network.

88. Prior to certification under section 224(c) of the RMA for any allotment that would result in more than 301 residential allotments being created, the Consent Holder must rerun the agreed wastewater capacity model in consultation with the water network provider. No certification under section 224(c) is to be issued for any allotment beyond the initial 301 residential allotments unless the modelling confirms there is sufficient capacity in the wastewater network for the allotments proposed to be certified. Following certification of the initial 301 residential allotments, the modelling must be repeated prior to certification under section 224(c) for each subsequent subdivision stage, unless otherwise agreed in writing by the Manager, Resource Consents and Monitoring in consultation with the water network provider.

- a. Where the modelling confirms there is sufficient capacity in the wastewater network, certification under section 224(c) may proceed for that stage, or for any larger block of allotments agreed in writing by the Manager, Resource Consents and Monitoring.
- b. Where the modelling predicts any exacerbation of overflow or overtopping within the bulk wastewater network that is attributable to the development's flows, the Consent Holder must construct appropriate mitigation measures prior to certification under section 224(c) for the relevant stage or allotments. Mitigation may include bulk wastewater main upgrades within the State Highway 59 corridor, attenuation storage at Pump Station 1, or a combination of both, as confirmed by the modelling and approved by the Manager, Resource Consents and Monitoring.

Connection to New Muri Road Reservoir

89. Prior to certification under section 224(c) of the RMA, prior to issuing titles for over 237 lots inclusive of Lot 1000 (the commercial lot), the necessary upgrades to bulk water supply must be completed by the Consent Holder in accordance with the approved engineering design plans. Evidence of completion must be provided to the Manager Resource Consents and Monitoring. The evidence of completion must include:

- a. Certification from a Chartered Professional Engineer that the upgrades have been constructed in accordance with the approved plans; and

Commented [TM341]: Recommended by Infrastructure Report (Appendix 9 section 10), further wording changes recommended by Applicant in Response to Minute 4

Commented [ML342]: 'Satisfaction' is too subjective and is considered not necessary given CPEng self-certification.

Commented [TM343R342]: Agree

Commented [RS344R342]: Agree.

Commented [RS345]: It is not clear where this number has come from.

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Commented [RS346]: This should refer to the 'wastewater' network provider, or Tiaki Wai.

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Commented [RS347]: This wording is ambiguous.

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Commented [RS348]: This is ambiguous and needs a specific measurable metric.

Commented [RS349]: It is not clear what this means or is intended to address.

Commented [ML350]: Predicts with what likelihood? What about scenario whereby modelling predicts that overflow/overtopping be exacerbated by addition?

Commented [TM351R350]: Wording amended to clarify applies to an exacerbation attributable to development

Commented [RS352R350]: I consider that this still remains ambiguous and will likely lead to conflict in relation to what is existing and what is 'attributable to the development'.

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Commented [TM353]: Recommended by Infrastructure Report (Appendix 9 section 11), further wording changes recommended by Applicant in Response to Minute 4

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Commented [ML354]: 'Satisfaction' is too subjective and is considered not necessary given CPEng self-

Commented [TM355R354]: Agree

Commented [RS356R354]: Agree.

Deleted: and to the satisfaction of the Manager,

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- b. Confirmation from Tiaki Wai that the assets are operational and accepted into the public network.

Commented [RS357]: Tiaki Wai is now included in the definitions.

Deleted: appropriate water network provider

Streetlighting

90. Prior to approval under section 224 of the RMA for each stage of the development, the street lighting network must be installed by the Consent Holder and be functioning along the public roads and pedestrian ways in compliance with NZS 1158.3.1:2020 and the street lighting plans. The Consent Holder must provide the below documentation to the Manager Resource Consents and Monitoring:

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- A street lighting plan, showing locations and types of street lighting poles;
- Certificate of Compliance and Record of Inspection certificates issued by PCC;
- The number of fittings, and wattage; and
- Warranty documentation.

Te Rūnanga o Toa Rangatira Involvement in Reserve and Street Naming

91. The Consent Holder must engage with Te Rūnanga o Toa Rangatira to develop names for all reserves and streets within the development. This engagement must begin at least 40 working days prior to the submission of proposed names to PCC. Written evidence of engagement with Te Rūnanga o Toa Rangatira for the proposed names must be provided by the Consent Holder to the Manager Resource Consents and Monitoring before submission to the relevant authorities for final approval.

Commented [TM358]: Condition supported by TROTR (Appendix 2 page 31)

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Street Berms

92. Prior to approval under section 224 of the RMA for each stage of the development, all berms and lots are to be top-soiled by the Consent Holder to a minimum depth of 100mm unless otherwise agreed with Council. All road metal and other foreign material must be removed from the berms prior to the final topsoil layer being laid. The topsoil must be free draining and free of stones, rocks, or other foreign material and of a sufficient quality to ensure good grass growth.

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Planting Establishment and Maintenance

93. Prior to approval under section 224 of the RMA, all planting must be established by the Consent Holder in accordance with the LEP (Condition 25) and detailed engineering plan approval (Conditions 27-31) and subject to maintenance for the following time periods:

Commented [TM359]: Recommended by Ecology Assessment (Appendix 15 including section 6.1 with regard to maintenance period)

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- Streetscape and raingarden plantings must be maintained by the Consent Holder for a period of two years, and must include replacement of trees as necessary regardless of the reason for their failure or loss;

- b. Batter slope planting must be maintained by the Consent Holder for a period of two years, and must include replacement of plantings as necessary regardless of the reason for their failure or loss;
- c. Retention wetland and offsetting planting must be maintained by the Consent Holder up to a period of three years or until 80% canopy cover has been achieved, whichever the lesser, and must include replacement of vegetation as necessary regardless of the reason for their failure or loss; and

Advice note:

- i. For the avoidance of doubt, planting and maintenance can occur in stages.

Monitoring of Retention Wetland and Offsetting Planting

94. Prior to vesting of reserves or in lieu of a bond, the Consent Holder must ensure that a SQEP in ecology and/or a SQEP in landscape architecture undertakes monitoring of ecological planting for each stage (as classified on the LEP) at 6-monthly intervals (biannually) for a minimum period of three years, or until 80% wetland vegetation cover has been achieved across the ground surface, whichever occurs first. Each monitoring event must assess:
- a. The survival and establishment of planted species;
 - b. The percentage of ground cover achieved by vegetation;
 - c. Any remedial actions required to address poor establishment or invasive species; and
 - d. Progress toward achieving the ecological outcomes specified in the approved Landscape and Ecology Plan.
95. A Monitoring Report must be submitted by the Consent Holder to the Manager, Resource Consents and Monitoring within 20 working days of each monitoring event. The report must be prepared by a Suitably Qualified and Experienced ecologist and include:
- a. A summary of monitoring findings;
 - b. Photographic evidence of site conditions;
 - c. Recommendations for any remedial actions; and
 - d. An assessment of progress toward the 80% vegetation cover target.

96. Final handover inspections must be conducted with Council and Tiaki Wai (with regard to drainage reserves) before vesting assets.

Maintenance of Local Purpose Recreation Reserve Area Lots

97. The Consent Holder must maintain assets and vegetation in reserves vested in PCC for two years after the land has been vested in Council as reserve. Prior to the completion of the two-year period, the Consent Holder must complete any final maintenance and contact the Manager Parks & City Services to organise, and undertake, a walkover for the purpose of inspection of the assets and vegetation in reserves vested in PCC. The Consent Holder must

Deleted: <#>The handover by the Consent Holder to Porirua City Council/PCC or Tiaki Wai (with regard to drainage reserves) of all plantings on Road Reserve and Reserve Land shall be subject to the approval of the Manager Parks & City Services... and not be

Deleted: <#> and not be unreasonably withheld.¶

Commented [ML363]: Advice Note should be recast as part of a condition.

Commented [TM364R363]: Disagree, fits as advice note as just for avoidance of doubt

Commented [RS365R363]: Disagree with Applicant, agree with Panel reviewer. It is clearer to have this information within the conditions themselves.

Commented [TM366]: Recommended by Ecology Assessment (Appendix 15 including section 6.1 with regard to maintenance period)

Commented [RS367]: I would suggest using plain English in conditions, so replacing 'lieu' with 'place'.

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Deleted: Suitably Qualified and Experienced suitably qualified and experienced ecologist

Deleted: Suitably Qualified and Experienced suitably qualified and experienced landscape architect

Commented [RS368]: This term is not used on the LEPs. As such, it is not clear what this condition is requiring monitoring of in relation to PCC's functions and powers.

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Commented [RS369]: Ecological outcomes are not specified in the LEPs. Potentially this is supposed to refer to the LEMPs, required in a condition above.

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Commented [RS370]: The condition above allows the monitoring to be undertaken by either an ecologist or a landscape architect. These should be consistent.

Commented [RS371]: These do not include any information relating to clause (d) of the monitoring

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remedy any maintenance issues prior to the maintenance of the assets being handed over to the Council.

Planting as-builts

98. Prior to approval under Section 224 of the RMA certification for each stage will be considered when “as built” drawings of the planting referred to in Condition 85 have been submitted to the Manager Parks & City Services by the Consent Holder. As built drawings must include GPS co-ordinates (NZTM) of all street trees to be handed over to Council.

Earthworks Completion Report

99. Prior to approval under section 224 of the RMA for each stage of the development, an Earthworks Completion Report (ECR) covering any civil works as shown on Development Staging Plans prepared by Envelope Engineering Limited, including roads or reserve areas to vest, must be supplied by the Consent Holder to the Manager Resource Consents and Monitoring. The ECR must include a certificate stating the suitability of the earthworks for residential development in accordance with NZS 4431:2022 (Statement of Suitability of Earthworks Report; SSER). The ECR must be prepared by the Suitably Qualified and Experienced Geotechnical Professional, and must include the following:

- An as-built plan showing the completed earthworks surfaces, details of any drainage installed, and the location of all constructed retaining walls;
- A statement of suitability of any cut and fill, including a schedule of the compaction tests which must also show their location, together with a certificate prepared by the Suitably Qualified and Experienced Geotechnical Professional, addressing the degree of consistency with NZS 4431:2022 – Engineered fill construction for lightweight structures, and the Land Development Manual (2010);
- Certification that the constructed retaining walls are fit for purpose and are capable of supporting any identified surcharge. Where retained cuts or fills are over 1.5m in height, this may be satisfied via provision of a Producer Statement – Construction Review (PS4) for the retaining walls; and
- Identification of any limitations on building and foundation design, for example, identifying any areas of uncertified fill, recommended building setbacks, or matters to be considered when designing foundations for any subsequent development onsite.

100. Where the ECR report identifies development limitations on building or foundation design that need to be raised with future property owners, the Manager Resource Consents and Monitoring may require a consent notice as per section 221 of the RMA 1991 to be registered on the Record of Title of the lot giving notice of the limitations or specific development requirements relating thereto.

101. The consent notice must state:

Prior to any construction, alteration or modification of a structure or retaining wall or subsoil drainage occurring within the areas identified in the area covered by the Consent

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Commented [ML372]: Use same language as other s224 preconditions.

Commented [TM373R372]: Agree

Commented [RS374R372]: Amendments are required, as the additional wording appears to result in the condition [not] directing the consent holder to undertake an action.

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Commented [ML375]: Either provide full name of consultant firm or include definition.

Commented [TM376R375]: Agree

Commented [RS377R375]: Agree.

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Notice [reference any geotechnical areas of significance as identified in Condition 92 above] future landowners are required to submit a report or certificate for approval by to the Manager Resource Consents and Monitoring, that confirms that the proposed works are in accordance with specific engineering design by a chartered professional engineer that takes into account the geotechnical and slope stability matters identified in the Geotechnical Completion Report submitted under Condition 86 of this consent.

Retention Wetland Bund Completion Report

102. Prior to any approval under section 224 of the RMA for the relevant stage, the Consent Holder must submit to the Manager Resource Consents and Monitoring a Retention Wetland Bund Completion Report for certification by the Council that the report contains the required information and has been prepared by an appropriate person. The completion report must be prepared by a Suitably Qualified and Experienced Geotechnical Professional and must include the following:

- a. A statement that the bund has been constructed as per the detailed design plan certified under Condition 33 ~~30~~.
- b. As-built plans showing:
 - i. The completed bund surface;
 - ii. Details and location of the spillway and culvert inlets;
 - iii. Details and location of any drainage installed; and
 - iv. Section of bund relevant to the applicable stage requirements.

Geotechnical Slope Stability Report

103. Prior to any approval under section 224 of the RMA for each stage of the development with a slope stability design certified under Condition 29, the Consent Holder must submit to the Manager Resource Consents and Monitoring, a Geotechnical Slope Stability (GSS) report prepared by a Suitably Qualified and Experienced Geotechnical Professional, addressing the stability of the constructed cut or fill batters.

104. The GSS report required must give specific reference to section C2.6 of PCC's Code of Land Development and Subdivision Engineering 2010. The report must include a 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.

105. Where the GSS report identifies development limitations, the Manager Resource Consents and Monitoring may require that a consent notice under section 221 of the RMA on the title must be entered into giving notice of the limitations or specific development requirements relating thereto. The consent notice must be prepared by the Council with the

Commented [ML378]: One or the other but not both

Commented [TM379R378]: Agree

Commented [RS380R378]: Agree.

Commented [ML381]: Clarify 'approval' e.g. that this is an engineering approval?

Commented [TM382R381]: Not approval but oversight

Commented [RS383R381]: I consider that 'meets the requirements of this condition' is not sufficiently clear and is somewhat circular, as the requirements of the condition must be met in any case. Amended wording is needed.

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Commented [ML384]: Is this sufficiently clear what the Council is being asked to certify?

Commented [TM385R384]: Agree

Commented [RS386R384]: Amended wording proposed.

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Commented [RS389R387]: Agree.

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cost associated with the preparation and registration of any consent notices to be met by the Consent Holder.

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106. The consent notice must state:

Prior to any construction, alteration or modification of a structure or retaining wall occurring within [any geotech areas of significance as identified in Condition 95 above], future landowners are required to submit a report or certificate for approval by to the Manager Resource Consents, that confirms that the proposed works are in accordance with specific engineering design by a chartered professional engineer that takes into account the geotechnical and slope stability matters identified in the GSS submitted under condition 90 of this consent.

Commented [ML390]: One or the other but not both

Commented [TM391R390]: Agree

Commented [RS392R390]: Agree.

Commented [ML393]: Clarify 'approval' e.g. that this is an engineering approval?

Commented [TM394R393]: Not approval but oversight

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Commented [RS395R393]: Agree.

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Residents Associations for Jointly Owned Access Lots (JOALs)

107. Prior to any approval under section 224(c) of the RMA, the Consent Holder must provide an undertaking in writing from its solicitor that a Residents Association or Incorporated Society, or similar, must be duly registered on the Records of Title for JOALs that provide access for 10 or more lots being completed, and that this must provide for:

- The ongoing maintenance and management of the commonly owned infrastructure including cost sharing; and
- The retention, maintenance, and replacement of planting and landscaping within relevant JOALs.

108. Evidence of a legally binding mechanism that requires the landowners of all lots to be members of the Residents Association, or similar legal entity, must be provided by the Consent Holder in support of the application for a certificate under section 224(c) of the RMA.

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Commented [TM396]: Legal protection requirement of Development Area Chapter in District Plan

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Commented [RS397]: The terms 'conservation covenant' and 'Conservation Covenant Area' are not used on the scheme plan.

Commented [ML398]: Missing condition requiring Scheme Plan to identify such lots?

Commented [TM399R398]: These areas are identified on scheme plan

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Deleted: The following requirements must be met for the Conservation covenants to achieve this purpose

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Conservation Covenant

109. Prior to any approval under section 224 of the RMA for relevant lots which have a conservation covenant identified on the scheme plan, the Consent Holder must have entered into agreement(s) under s.77 of the Reserves Act 1977 to protect the land areas containing Conservation Covenant Areas identified on the Scheme Plan. The Consent Holder must include a copy of the signed legal documents or deeds with the application for section 224 certification.

110. The agreements referenced in condition 103 must include the following:

- No buildings or structures must be placed, or earthworks undertaken, in Conservation Covenant Areas (except for post and wire stock fencing);
- All reasonable steps to control the introduction and spread of pest plants and weeds into the Conservation Covenant Areas;

- c. ~~Green waste must not be stored~~, dumped, piled or placed or allowed to accumulate ~~from gardening activities~~ (which involve cutting or removing vegetation, i.e. cutting the lawn, weed removal, hedge trimming or pruning consisting of lawn clippings, leaf matter, wood and soil), rubbish or other waste material, except in the course of repairs or maintenance of existing structures, provided that on completion of any such repairs or maintenance all rubbish, debris and other materials are removed ~~as promptly as possible and the boundary with the Conservation Covenant Areas;~~
- d. No ~~planting~~ along the boundary with the Conservation Covenant Areas ~~of~~ any trees, shrubs or plants or the seeds of any trees, shrubs or plants except those indigenous to the Wellington Ecological District;
- e. No ~~fell~~~~ing~~, ~~removal~~, burning, ~~pruning~~, or ~~taking of~~ any endemic tree, shrub, plant, flora, or other organism of any kind where it is adjacent to the boundary of the Conservation Covenant Areas;
- f. ~~All~~ reasonable steps to avoid anything to cause deterioration to the natural flow, increase flow, movement, distribution, supply, or quality of any water course or resource within the Conservation Covenant Areas;
- g. No ~~introduction of~~ any substance that is noxious or otherwise injurious to any organism, except in the control of pest plants and animals;
- ~~h. No buildings or structures must be placed in these covenant areas, except for post and wire stock fencing;~~
- i. Native vegetation is protected from removal or damage; ~~and~~
- j. ~~Within lot 5003, if any form of animal husbandry is exercised on site,~~ protection from grazing animals ~~must be provided~~ through effective stock fencing;
- i. The fencing specification and exact locations ~~must be designed to ensure such fencing forms~~ a permanent ~~barrier delineation of Restricted Development Area edge against the Covenant boundaries ongoing encroachment of regenerating vegetation.~~ The surveyed covenant boundaries ~~must~~ follow fences in these locations.
- ii. Any ~~subsequent~~ changes to either the fencing area or type ~~must~~ be subject to the ~~approval of the Manager Resource Consents and Monitoring.~~

Water Rights Easement

111. Prior to certification under ~~section~~ 224(c) of the RMA for ~~Stage 10~~, the ~~Consent Holder~~ ~~must~~ provide ~~a solicitor's certificate~~ to the Manager Resource Consents and Monitoring ~~confirming~~ that the existing water rights easement registered against Lot 1 DP 534864 has been formally surrendered and removed from the title.

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Commented [ML400]: Missing words here? Applicant to amend as required.

Commented [TM401R400]: Agree extra wording removed

Commented [RS402R400]: Agree.

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Commented [ML403]: Partly repeats clause a. above. ...

Commented [TM404R403]: Agree

Commented [RS405R403]: Agree.

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Commented [ML406]: Wording and intent not clear.

Commented [TM407R406]: Only applies to offsetting ...

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Commented [ML408]: Query 'approval' - on what basis?

Commented [TM409R408]: Applicant considers this ...

Commented [RS410R408]: It is not clear what powers ...

Commented [RS411]: It is not clear whether this refers ...

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Commented [ML412]: 'Satisfaction' is too subjective ...

Commented [RS413R412]: Agree.

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Commented [RS414]: Consequential amendment to t ...

Consent Notices

Development Density

112. The Consent Holder must ensure that the owners of all residential lots that are created out of lots 5001, 5002 and 5004 are aware of and comply with the following on an ongoing basis:

"No more than one dwelling per lot must be permitted to be constructed, and no further subdivision of the lot is permitted.

These restrictions have been placed on the lots at the time of the subdivision creation as the potable water supply, wastewater and stormwater modelling to inform infrastructural three waters engineering designs have no surplus capacity to accommodate any additional future development growth.

Should additional development or subdivision be sought in the future above what is approved by this consent, it will first need to be demonstrated that there is additional infrastructure capacity in the network or that this is able to be provided through on-site solution(s) where there is insufficient capacity."

113. Condition 104 must be the subject of a Consent Notice under section 221 of the RMA registered against the new Records of Title for all residential lots that are created out of lots 5001, 5002 and 5004 and must be prepared by Council at the cost of the Consent Holder.

Fencing

114. The Consent Holder must ensure that the owners of Lots 400 to 416 are aware of and comply with the following on an ongoing basis:

"The owners of 310 State Highway 59 Pukerua Bay (Legal Desc Part Haukopua East Block, Part Haukopua East Block) are not responsible for the cost of erecting or maintaining any fence along a boundary shared with Lots 400 to 416.

This condition will not apply should 310 State Highway 59 Pukerua Bay (Legal Desc Part Haukopua East Block, Part Haukopua East Block be rezoned from Future Urban Zone."

115. Condition 106 must be the subject of a Consent Notice under section 221 of the RMA registered against the new Records of Title for Lots 400 to 416 and must be prepared by Council at the cost of the Consent Holder.

116. The Consent Holder and future owners of residential lots directly adjoining reserves must comply with the following:

"The transferee is bound by a fencing covenant as defined in section 2 of the Fencing Act 1978 in favour of the transferor. Any fence along a boundary of any land vested in the Council as local purpose reserve must be maintained in perpetuity as constructed though subdivision. The Porirua City Council is not responsible for the cost of erecting or maintaining any fence along a boundary of any land vested in the Council as local purpose reserve."

Commented [TM415]: Condition relates to stormwater design parameters in Infrastructure Report (Appendix 9 section 9)

Commented [RS416R415]: It is not clear what part of the Infrastructure Report is being referred to in this comment. Section 9 of the Infrastructure Report does not contain any stormwater design parameters.

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Commented [TM417]: Condition from engagement with adjacent neighbours (Appendix 2 page 42)

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117. Condition 108 must be the subject of a Consent Notice under section 221 of the RMA registered against the new Records of Title of residential lots directly adjoining reserves and must be prepared by Council at the cost of the Consent Holder.

Buildings and structures

118. The Consent Holder must ensure that the owners of Lots 415, 416, 417, 418, 480, 481, 482, 483, 479 are aware of and comply with the following on an ongoing basis:

"The owners of 415, 416, 417, 418, 480, 481, 482, 483, 479 must ensure that:

- Buildings and structures must not exceed a reflectance value of 30% within Groups A, B or C within BS5252 standard colour palette for the exterior finish of the building or structure;*
- Any building or structure must not exceed one storey and must not exceed a maximum height of 8m; and*
- Landscaping measures are provided (i.e. mounding and/or planting) to soften the west facing built elevations."*

119. Condition 110 must be the subject of a Consent Notice under Section 221 of the RMA registered against the new Records of Title for of Lots 415, 416, 417, 418, 480, 481, 482, 483, 479 and must be prepared by Council at the cost of the Consent Holder.

120. The owners of all lots must be aware of and comply with the following on an ongoing basis:

"To protect downstream waters from stormwater discharged from the site, the owners of all lots must ensure that bare galvanised, zinc alum, or unpainted metal (including copper) that may result in contamination of stormwater runoff upon corrosion of surfaces, must not be used for exterior construction of any new dwelling, including but not limited to roofing, cladding, gutters and downpipes."

121. Condition 113 must be the subject of a Consent Notice under Section 221 of the RMA registered against the new Records of Title for all lots and must be prepared by Council at the cost of the consent holder

Impervious surfaces

116. The owner of lot 1000 must be aware of and comply with the following on an ongoing basis:

"The total impervious area on the commercial allotment must not exceed 90% of the net site area."

Condition 115 must be the subject of a Consent Notice under Section 221 of the RMA registered against the new Records of Title for Lot 1000.

117. The owners of all other lots must be aware of and comply with the following on an ongoing basis:

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Commented [TM418]: Recommendation from LVEA (Appendix 26 section 7)

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Deleted: to protect downstream waters from stormwater discharged from the site.

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Commented [TM419]: Condition relates to stormwater design outlined in Infrastructure Report (Appendix 9 section 9)

Commented [RS420R419]: The Infrastructure Report does not specifically address impervious surface assumptions. This comment may be referring to the Stormwater Management Plan at Appendix 11 of the application.

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Commented [RS421]: This condition needs a reference number.

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"The total impervious area on each residential allotment ~~must~~ not exceed 75% of the net site area."

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118. Conditions 115 ~~and 116~~ ~~must~~ be the subject of a Consent Notice under Section 221 of the RMA registered against the new Records of Title for all ~~other~~ lots and ~~must~~ be prepared by Council at the cost of the consent holder.

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Commented [ML422]: Should the commercial Consent Notice just be registered on Lot 1000 (condition 117 is expressed to relate to that single lot), and the residential Consent Notice on all other lots?

Commented [TM423R422]: Reversed these conditions so more clear

Commented [RS424R422]: The requirements for registering the consent notices is still not clear.

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Commented [RS426]: This is ambiguous, as there is no requirement for the area of the visibility splay included in the consent notice wording. The consent notice should clearly articulate what the necessary visibility splay is.

Deleted: ~~individual driveway crossings~~

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Deleted: ~~by ensuring that boundary fencing arrangements and landscaping to ensure sightline do not adversely impact visibility splays...~~

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Vehicle crossings

119. The owners of all lots ~~must~~ be aware of and comply with the following on an ongoing basis:

"Structures and landscaping ~~must~~ be designed to ensure suitable visibility splays ~~are provided~~ for any vehicle access on the site."

120. Condition 118 ~~must~~ be the subject of a Consent Notice under Section 221 of the RMA registered against the new Records of Title for all lots and ~~must~~ be prepared by Council at the cost of the consent holder

No complaints

121. ~~The Consent Holder must ensure that~~ the owners of Lots 400 to 416 ~~are~~ aware of and comply with the following on an ongoing basis:

"The owners and occupiers of Lots 400 to 416 acknowledge that the adjoining property 310 State Highway 59 Pukerua Bay (Legal Desc Part Haukopua East Block, Part Haukopua East Block) is used for lawful rural activities, which may include (but are not limited to) farming, horticulture, forestry, and associated operations such as machinery use, spraying, animal husbandry, and noise from livestock or equipment.

Accordingly, the owners and occupiers of Lots 400 to 416 ~~must~~ not:

- Object to or lodge complaints with the Council or any other authority regarding effects arising from such rural activities, provided they are carried out in accordance with relevant legislation and permitted activity standards under the District Plan.
- Seek enforcement action or restrictions on the operation of rural activities on the adjoining property, unless those activities are proven to be non-compliant with applicable environmental or planning regulations.

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122. This condition ~~must~~ be the subject of a Consent Notice under ~~section~~ 221 of the RMA registered against the new Records of Title for Lots 400 to 416 and ~~must~~ be prepared by Council at the cost of the ~~Consent Holder~~.

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Conservation covenants

123. ~~The Consent Holder must ensure that~~ the owner(s) of Lots 7, 12, 13, 14, 50, 51, 52, 1200, 1202, 1204, 1205, 1206, 1208, 1301, 1306, 1308, 1311, 1315, 1324, 1325, 1400 ~~and~~ 5003 ~~are~~ aware of and comply with the following on an ongoing basis:

Commented [TM427]: Legal protection requirement of Development Area Chapter in District Plan

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"Future owners must be aware that the granting of consent to the subdivision was subject to ongoing protection and management of the ecological and biodiversity values on the greater site.

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The following requirements on Lots 7, 12, 13, 14, 50, 51, 52, 1200, 1202, 1204, 1205, 1206, 1208, 1301, 1306, 1308, 1311, 1315, 1324, 1325, 1400 and 5003 must be complied with to provide for the protection and restoration of indigenous biodiversity values of the greater subdivision:

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a. Some areas on Lots 7, 12, 13, 14, 50, 51, 52, 1200, 1202, 1204, 1205, 1206, 1208, 1301, 1306, 1308, 1311, 1315, 1324, 1325, 1400 and 5003 are protected by way of Conservation Covenants under section 77 of the Reserves Act 1977 being shown as Areas.

Commented [RS428]: This wording at the start of the clause does not make sense.

Commented [ML429]: Is there text missing here? Applicant to determine.

Commented [TM430R429]: Agree, deleted

Commented [RS431R429]: I consider that the clause still does not make sense.

b. The landowner must comply with the Landscape and Ecology Plan (LEP) titled [INSERT TITLE AND DATE SUBMITTED WITH S224C] held on Resource Consent file [INSERT RCA REFERENCE].

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c. Within areas [insert areas at s224c stage] identified as Conservation Covenants on deposited plan [INSERT DP REFERENCE], all future landowners of Lots 7, 12, 13, 14, 50, 51, 52, 1200, 1202, 1204, 1205, 1206, 1208, 1301, 1306, 1308, 1311, 1315, 1324, 1325, 1400 and 5003 must:

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1. Protect and preserve the conservation and landscape values of the area and for that purpose must not:

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i. Construct or erect any building or structure within the Conservation Covenant area except for post and wire stock fencing;

Commented [RS432]: This appears to be a substantive change to the condition proposed by the Applicant.

ii. Allow any livestock within the Conservation Covenant area;

iii. Fell, remove, burn, prune, or take any endemic tree, shrub, plant, flora, or other organism of any kind;

iv. Introduce any trees, shrubs or plants or the seeds of any trees, shrubs or plants except those indigenous to the Wellington Ecological District;

v. Introduce any substance that is noxious or otherwise injurious to any organism, except in the control of pest plants and animals;

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vi. Mark, paint, blast or remove soil, rock or stone or disturb the ground in any other way, except for the use of hand tools in carrying out revegetation or restoration planting;

vii. Store, dump, pile or place or allow to accumulate any rubbish or other waste material, except in the course of repairs or maintenance of existing structures, provided that on completion of any such repairs or maintenance all rubbish, debris and other materials are removed as promptly as possible and the vegetation protection area is left clean and tidy;

viii. Erect or display any sign, notice, hoarding, or advertising material of any kind, except for signs identifying the Conservation Covenant area;

ix. Carry out of any prospecting or exploration, mining, or quarrying of any minerals, petroleum or other substance or deposit; and

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x. Take any action or do anything to cause deterioration to the natural flow, movement, distribution, supply, or quality of any water course or resource within the Conservation Covenant area.

2. Take all reasonable steps to:

- i. Control the introduction and spread of pest plants and weeds;
 - ii. Promptly repair any damage to native flora by replacing and reseeding using local indigenous species; and
 - iii. Prevent erosion as far as practicable.
3. For the avoidance of any doubt, nothing in (i) or (ii) will prevent the owner from:
 - i. Trimming, pruning, or felling any trees, bush or flora in the area to protect the health and safety of any person or property; and
 - ii. Creating and maintaining pathways and walkways through the area.

Bonds

Duration and calculation of bonds

124. The duration of any bond ~~must be determined by the maintenance period provided for in Conditions 128-130, such that the bond terminates is released no later than 3 months after the end of the prescribed maintenance period to allow for final inspection.~~ The bond amount ~~must be 1.5 times the maintenance contract value over the maintenance period specified in Condition 126,~~

Release of bonds

125. ~~The release of any bond will occur within 20 working day of will not occur until the Council or Tiaki Wai (as applicable) the relevant water control authority (with regard to drainage reserves vested in them) has provided providing confirmation of compliance with the relevant conditions and management plan(s).~~ Confirmation cannot be unreasonably withheld.
126. To allow for the ~~release~~ of any bond as the maintenance is carried out, the bond ~~must~~ be released ~~by the Council~~ in the following stages:
- a. 25% of maintenance contract value ~~for the prescribed maintenance period~~ returned after 12 months; and
 - b. further 25% of maintenance contract value ~~for the prescribed maintenance period~~ returned after each following 12-month period (if greater than two years).
127. The ~~Consent Holder~~ can apply for, and arrange, alternative arrangements as agreed in any Development Agreement.

Planting bond – if seeking 224c prior to completing planting

128. In the event that application is made to the Council for certification pursuant to ~~section~~ 224 of the RMA before the planting identified in the approved planting plans for each stage is completed, the ~~Consent Holder~~ must ~~provide~~ to the ~~PCC~~ a bond in the form of a surety

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Commented [ML433]: Delete provision for agreement-substitute as suggested or similar. Needs a process for verifying the contract rate/ contract value.

Commented [TM434R433]: Agree

Commented [RS435R433]: Agree.

Deleted: the contracted rate for maintenance from the consent holder's contractor

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Commented [ML436]: Query appropriateness of "cannot be unreasonably withheld"

Commented [TM437R436]: Applicant considers wording should be retained

Commented [RS438R436]: I consider the words "cannot be unreasonably withheld" are inappropriate in principle, and also problematic because conditions of consent cannot place requirements on the Council as it is not the consent holder.

Commented [ML439]: Query appropriateness of "cannot be unreasonably withheld"

Commented [TM440R439]: Agree

Commented [RS441R439]: See my comment above. I agree that these words should be removed.

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Commented [ML442]: Corrected.

Commented [TM443R442]: Agree

Commented [RS444R442]: Agree.

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acceptable to the Council. The purpose of this bond is for ensuring compliance with Condition 30 of the consent.

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Reserve lots bond

129. The Consent Holder must provide to Council a bond in the form of a surety acceptable to the Council to ensure that planting in reserve lots are maintained for two years after they are established. The purpose of this bond is for ensuring compliance with Condition 30 above of the consent.

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Raingarden bond

130. The Consent Holder must pay to Council a bond in the form of a surety accepted by the Council to ensure that raingardens are maintained for two years after they are established. The purpose of this bond is for ensuring compliance with Condition 31 above of the consent.

Commented [RS445]: It is not clear why this condition references Council, as PCC will not be the owner of any stormwater assets (unless the[y] are only managing stormwater from council assets).

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