

RESOURCE CONSENT CONDITIONS - SUBDIVISION

Resource Consent number: SH195001

This consent relates to the application for resource consent made under Section 25 of the Housing Accords and Special Housing Areas Act 2013 in respect of the subdivision of the overall site. Resource consents SH195004 and SH195005 address the development standards for the allotments and controls in relation to the bulk earthworks.

Note:

This decision should be read in conjunction with the associated:

- a. SH195004: Land Use (dwellings);
- b. SH195005: Land Use (bulk earthworks);
- c. SH195018: Water Permit (diversion of ephemeral stream);
- d. RM195018: Land Use (earthworks in state highway (SH6));
- e. RM195019 & RM195235: Coastal Permit (deposition of riprap on foreshore and seabed);
- f. RM195236: Discharge to Water (temporary stormwater discharge from an earthworks site to coastal water);
- g. RM195237: Discharge to Water (operational stormwater discharge to coastal water); and
- h. RM195234: Water Permit (diversion of ephemeral stream).

Terms:

- (a) **CAR** means Corridor Access Request
- (b) **Council** means the Nelson City Council (being the Authorised Agency in respect of the Housing Accords Special Housing Areas Act, 2013)
- (c) **CTMP** means Construction Traffic Management Plan
- (d) **DESCP** means a Dust, Erosion and Sediment Control Plan
- (e) **DRSA** means Detailed Design Road Safety Audit
- (f) **Geo-professional** means a Chartered Professional Engineer practising in geotechnical engineering or an experienced engineering geologist, as nominated by the Consent Holder
- (g) **HASHAA** means the Housing Accords and Special Housing Areas Act, 2013
- (h) **Consents Manager** means the Nelson City Council Manager, Consents and Compliance (or nominee)
- (i) **Group Manager, Infrastructure** means the Nelson City Council's Group Manager, Infrastructure (or nominee)
- (j) **NCC LDM 2010** means the Nelson City Council Land Development Manual, 2010
- (k) **NRMP** means Nelson Resource Management Plan as at the date of the grant of this consent

- (l) **RMA** means the Resource Management Act, 1991
- (m) **RSA** means Road Safety Audit
- (n) **Waka Kotahi** means Waka Kotahi / NZ Transport Agency

CONDITIONS

Under section 38 of the HASHAA this consent is granted subject to the following conditions:

GENERAL

1. The subdivision shall be carried out generally in accordance with the application lodged with the Council on 17 January 2019 and further information received on 7 February, 18 April, 5 June, 4 and 16 July, 23 August, 27 September and 7 October 2019, including the following documentation:
 - (a) Assessment of Environmental Effects prepared by Davis Ogilvie & Partners Ltd, titled '*Application for Resource Consents – 33590 / 12 Wakapuaka Road, Nelson / Atawhai Downs Ltd (JW and GJ Taylor Family Trust)*', and dated January 2019.
 - (b) Letter authored by Davis Ogilvie & Partners Ltd, titled '*Response to Request for Further Information, Atawhai Downs, 12 Wakapuaka Road*', and dated 12 April 2019, including attachments.
 - (c) Letter authored by Davis Ogilvie & Partners Ltd, titled '*Cultural Impact Assessment – 12 Wakapuaka Road, Atawhai Downs Subdivision*', and dated 5 June 2019, including attachments.
 - (d) Letter authored by Davis Ogilvie & Partners Ltd, titled '*Geotechnical RFI Response (2) – Proposed Subdivision at 12 Wakapuaka Road, Nelson – SH195001*', and dated 20 June 2019, including attachments.
 - (e) Letter authored by Davis Ogilvie & Partners Ltd, titled '*Further RFI Responses – 12 Wakapuaka Road, Atawhai Downs Subdivision*', and dated 2 July 2019, including attachments.
 - (f) Scheme Plan, titled '*Lots 1-74 Being Proposed Subdivision of Lot 1 DP 351115 – Special Housing Area Application – 12 Wakapuaka Road*' – Rev F, labelled SH195001-A and dated 12 April 2019.
 - (g) Roading Plan, Sheet 1 of 2 – Dwg 200, Rev D, labelled SH195001-B and dated November 2019.
 - (h) Roading Plan, Sheet 2 of 2 – Dwg 201, Rev B, labelled SH195001-C and dated June 2019.
 - (i) Typical Road & Access Cross Sections Plan, Dwg 208, Rev C, labelled SH195001-D and dated November 2019.
 - (j) Lane 104 Long-section & Cross-section – Dwg 220, Rev C, labelled SH195001-E1 and dated November 2019.
 - (k) Lane 104 Cross-sections - 3.5 & 5.5m Wide – Dwg 104, Rev C, labelled SH195001-E2 and dated October 2019.
 - (l) Stormwater Plan – Dwg 300, Rev D, labelled SH195001-F and dated June 2019.
 - (m) Secondary Flow Plan & Cross-sections – Dwg 304, labelled SH195001-G and dated June 2019.

- (n) Stormwater Long-section 101 with pipe crossing and outlet detail – Dwg 308, Rev A, labelled SH195001-H and dated June 2019.
- (o) Wastewater Plan – Dwg 400, Rev A, labelled SH195001-I and dated June 2019.
- (p) Proposed Wastewater Plan Connection from Ex WW Reticulation in Marybank – Dwg 410, Rev B, labelled SH195001-J and dated June 2019.
- (q) Watermain Plan – Dwg 500, Rev B, labelled SH195001-K and dated June 2019.
- (r) Traffic Noise Mitigation in Outdoor Living Areas Plan – Ref AC19043-04-R1, and labelled SH195001-L.
- (s) State Highway Access Concept Design, labelled SH195001-M, and dated August 2019.
- (t) Stormwater Outlet Plan, Elevation & Cross Section – Dwg 310, Rev B, labelled SH195001-N and dated June 2019.
- (u) Planting Concept Plans, prepared by Rory Langbridge Landscape Architects – Dwgs DD-L1-D, DD-L2-C, DD-L3-C and DD-L4-B, Labelled SH195001-O to R.

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

LAPSE OF CONSENT

- 2. The subdivision authorised by this consent shall lapse on 20 October 2024 if it has not been given effect to.
- 3. The subdivision authorised by this consent shall be completed within 6 years of commencement as first advised by Condition 8. Each stage of the subdivision shall be completed within 2 years of commencement as first advised by Condition 8.

Advice Notes:

- i. *This consent will be deemed to have been given effect to at the date of approval of the title plan for the first stage pursuant to section 45 of the HASHAA (section 223 of the RMA).*
- ii. *Each stage of this consent will be deemed to have been completed at the date of issuing of a certificate/s pursuant to section 46 of the HASHAA (section 224(c) of the RMA) for each stage, with overall completion (six years) being the date of issue of the certificate pursuant to section 46 of HASHAA (section 224(c) of the RMA for the final stage..*

STAGING

- 4. The subdivision may be undertaken in two stages in accordance with the subdivision scheme layout plan referred to in Condition 1(f):
 - (a) Stage 1 is for 34 residential lots served by Road 101; and
 - (b) Stage 2 will be the balance of the land being 40 lots served by Road 102 and includes Lot 200 (to be vested as Local Purpose – Recreational Reserve).
- 5. Any variation to the stages by Condition 4 shall be as approved by the Consents Manager prior to the commencement of any works on site.

Advice Notes:

- (i) *Conditions 6 to 91 of this consent apply to each and all stages, unless specifically identifying otherwise.*

(ii) *Earthworks may be undertaken in one stage – refer consent SH195005.*

6. Prior to the commencement of any works on site, the Consent Holder shall submit to the Consents Manager a plan showing the stages of the subdivision.
7. Prior to commencement of works on any given stage, as advised by Condition 8, the Consent Holder shall advise the Consents Manager in writing the stage to be undertaken.

COMMENCEMENT OF WORKS

8. The Consent Holder shall advise the Consents Manager in writing, at least 10 working days prior to works commencing on site for the first stage, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number, SH195001.

Thereafter, the Consent Holder shall advise the Consents Manager in writing, at least 5 working days prior to works recommencing or continuing for each subsequent stage as advised by Condition 6.

Note:

Failure to notify Council as stated in the above condition may result in enforcement action.

Note:

A monitoring charge of \$160 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule.

PRIOR TO APPROVAL OF THE TITLE PLAN PURSUANT TO SECTION 45 OF THE HASHAA (Section 223 of the RMA)

Advice Note:

A 223-certificate approval confirms that the final surveyors plan of the site matches the one Council approved as referred to in Condition 1.

Easements

9. All necessary easements as required for right-of-way, right to drain water and wastewater and right to convey water, telecommunications, computer media and electricity shall be shown on the survey plan that is submitted for the purposes of section 45 of the HASHAA (refer section 223 of the RMA), and endorsed in a Memorandum of Easements. All documentation for the registration of the easements shall be prepared at the Consent Holder's expense.
10. For the Council's reticulated water, wastewater and stormwater services, these shall be easements in gross in favour of Nelson City Council in accordance with the requirements of the NCC LDM 2010.

11. Prior to the approval of the survey plan under section 45 of the HASHAA (refer section 223 of the RMA), the Consent Holder shall either:
 - (a) Submit "As-built" engineering plans for the approval of the Group Manager, Infrastructure; or
 - (b) Provide written certification from a Registered Professional Surveyor that the services have been installed and completed in accordance with the approved design engineering drawings and are located centrally within the respective easement area shown on the Survey Plan.
12. All documentation for the registration of the easements shall be prepared at the Consent Holder's expense.

Land to Vest

Legal Road

13. Lots 101 and 102 shall vest in Nelson City Council as 'Legal Road' without compensation.

Lane

14. Lots 103, 104 and 105 shall vest in Nelson City Council as 'Legal Road' without compensation.

Utility Reserve

15. Lots 201 and 202 shall vest in Nelson City Council as 'Utility Reserve' without compensation.

Advice Note:

The consent holder is referred to Condition 11 of resource consent RM195234 (Water Permit) and Conditions 15 to 20 of resource consent SH195018 relating to the final stream design and the requirement for this to be with Council prior to subdivision section 46 of the HASHAA and 223 of the RMA approvals by Council.

Local Purpose Reserve

16. Lot 200 shall vest in Nelson City Council as 'Local Purpose Reserve' without compensation.

PRIOR TO THE ISSUING OF A CERTIFICATE PURSUANT TO SECTION 46 OF THE HASHAA (Section 224(c) of the RMA)

Advice Note:

A 224-certificate approval confirms that any of the outstanding conditions included in this decision have been addressed to the satisfaction of the Council. Specifically, this proves that all of the conditions attached to this consent have been complied with.

Engineering Design and Physical Works

17. The works required in Conditions 24 - 80 relating to physical works (including connections to external trunk services and access to the state highway), all such works shall, prior to construction, be shown on "Design" engineering drawings to the requirements of the NCC LDM 2010, except as specifically amended by the plans approved under or by any specific conditions of this consent. These shall include installation of the necessary valves, hydrants, thrust blocks and street lights.
18. Detailed site investigation work, to satisfy Conditions 24 - 80, required for earthworks design shall be carried out by, or under the direction of, the geo-professional.
19. The Design engineering drawings required by Condition 17 shall be submitted to the Group Manager, Infrastructure for approval. No works shall commence on site until these plans are approved by Council.
20. The physical works required in Conditions 24 - 80 shall be constructed prior to issue of a section 46 of the HASHAA (section 224(c) of the RMA) Certificate, in accordance with the approved "Design" engineering drawings by Condition 17.
21. The physical works required in Conditions 24 - 80 subject to the approved "Design" engineering drawings" by Condition 17, shall be shown on "As Built" drawings and shall be completed by the Consent Holder to the satisfaction of the Group Manager, Infrastructure prior to issue of a section 46 of the HASHAA (section 224(c) of the RMA) Certificate.

Advice Note:

The plans submitted with the application are deemed concept only and full details and calculations will be required at the time the engineering plans are submitted for approval.

The protective works, culvert and stream requirements for 'as-builts' per Condition 12 of consent RM195019 & RM195235 are part of the physical works required to meet Condition 21.

Engineering Certification

22. At the completion of works, and prior to the issue of a section 46 of the HASHAA (section 224(c) of the RMA) Certificate, a Chartered Professional Engineer or Registered Professional Surveyor shall provide the Group Manager, Infrastructure with written certification that all works have been completed in accordance with the requirements of the conditions of this consent and approved engineering plans.
23. This written certification shall be on the prescribed form "Certificate Upon Completion of Subdivisional Work" contained in Appendix A of Section 2 of the NCC LDM 2010.

Earthworks

24. On completion of the works within any stage, as soon as climatic conditions allow, and prior to the issue of a section 46 of the HASHAA (section 224(c) of the RMA) Certificate, any exposed ground shall be planted or otherwise covered so as to minimise erosion and enhance slope stability.

- a. Exposed areas of earthworks shall be battered back to marry into existing contours and, as soon as practical to do so, topsoil shall be re-spread and grass hydro-seeded with a local seed mix variety suitable to the climatic conditions of the site.
 - b. The topsoil thickness across the cut / fill slopes should be no more than 200 mm thick.
25. On completion of all earthworks, including those associated with the stream diversion, the Consent Holder shall provide to the Consents Manager a Cultural Health Indicator Monitoring report by a suitably qualified expert in relation to the works that have occurred and the implementation methods in relation to any recommendations arising.

Advice Notes: *Conditions 73 to 76 of the earthworks consent (SH195005) states that Section 46 of the HASHAA (refer section 224(c) of the RMA) Certificate will not be issued until the information required by Conditions 73 to 76 have been provided to the Council.*

Conditions 33 and 34 of the Water Permit (RM195234) and 29 of the Coastal Permit (RM195019 & RM195235) refers to the provision of the Cultural Health Indicator Monitoring Report and the planting of exposed stream banks. Section 46 of the HASHAA (refer section 224(c) of the RMA) Certificate will not be issued until the information and actions required by Conditions 33 to 34 of RM195234 and Condition 29 of RM195019 & RM195235 have been undertaken and/or provided to the Council.

Access

State Highway and Intersection

26. Prior to the issue of a section 46 of the HASHAA (section 224(c) of the RMA) Certificate, the one crossing place (registered as Crossing Place 70), authorised under the Government Roading Powers Act 1989 to provide for 'private use and stock and / or associated farm vehicles' shall be cancelled once the new local road intersection is operational.
27. Prior to lodging an application for a CAR to Waka Kotahi NZ, the Consent Holder shall commission a RSA to be undertaken by an independent third party with suitable qualifications.
- (a) Any recommendations and/or remedies identified in the RSA shall be addressed in the final detailed design.
28. Prior to the commencement of works to construct the intersection and associated works within the state highway corridor shown on Stantec/Traffic Concepts 'Access Concept Design' plans dated 22.08.19, referencing 'Drawing numbers 31020028201-C-C100 to 310200282-01-C-C105', the Consent Holder shall provide to the Group Manager, Infrastructure the following:
- (a) A copy of the final detailed design of the intersection, pedestrian and cycling facilities, roadside drainage ditches, culvert outlet and any other infrastructure within the state highway corridor approved by Waka Kotahi via the CAR process; and

- (b) A copy of the CTMP approved by Waka Kotahi via the CAR process.
29. The Consent Holder shall carry out all physical works (including intersection construction, upgrades, changes and associated works) in the state highway corridor in accordance with the final detailed design plans and CTMP submitted in accordance with Condition 28(a) and (b) above.
30. Prior to the issue of a section 46 of the HASHAA (section 224(c) of the RMA) Certificate:
- (a) Written confirmation from Waka Kotahi that all works within the state highway corridor have been completed in compliance with the conditions of the final detailed design as required by Condition 28(a);
 - (b) A Post Construction RSA shall be undertaken by an independent third party with suitable qualifications, and any recommendations and remedies attended to by the Consent Holder; and
 - (c) The Consent Holder shall provide the Consents Manager with confirmation that Condition 30(a) has been satisfied.

Advice Notes:

- (i) *It is a requirement of the Government Roading Powers Act 1989 that any person wanting to carry out works on a state highway first gain the approval of Waka Kotahi for the works and that a CAR is applied for and approved before any works commence. Waka Kotahi will then oversee the works in accordance with the CAR approval.*
- (ii) *Consultation between Council and Waka Kotahi will be required prior to approval of the detailed design via the CAR process, particularly regarding walking and cycling facilities within the site, and linking to existing and/or proposed walking and cycling Council infrastructure.*

Internal Roads

31. The roads within Lots 101 and 102 shall be formed and constructed to the specifications of a Local Road in accordance with Section 4 of the NCC LDM 2010 and the approved plans under Conditions 1(f)-(i), labelled SH195001-A to D, to the satisfaction of the Group Manager, Infrastructure.
32. Pram crossings shall be provided at road intersections, including the intersection of the Ellendale Street intersection with Alisdair Street.
33. The Consent Holder shall in accordance with the NCC LDM 2010, install all road marking, street signs and street lighting for the new roads in the subdivision.
34. Where Lots 101 or 102 are not completed within any stage, a temporary turning head shall be constructed within the extent of the road to vest which is sealed to a 7 metre radius.

Lanes

35. The lanes within Lots 103, 104 and 105 shall be formed and constructed to the specifications of a Residential Lane in accordance with Section 4 of the NCC LDM 2010

and the approved plans under Conditions 1(f)-(h), (j) and (k), labelled SH195001-A to C, E1 and E2, to the satisfaction of the Group Manager, Infrastructure.

Pedestrian and Cycle Path Corridors

36. Lots 117 and 119 (for use by pedestrians and cyclists) shall be formed to the standards shown on SD 429 of the NCC LDM 2010.

Advice Note:

The pedestrian and cycle path (Lot 117) is shown to be turning right into the internal road footpath, as opposed to meeting the internal road. Cyclists will need to access the internal road and this will be addressed during detailed design.

37. The legal width of Lot 119 shall be 6 metres.

Private Right of Ways

38. The right of ways shown as Easements ROW 111 to 116, on the approved plan under Condition 1(f) labelled SH195001-A shall be formed and constructed in accordance with the specifications as set out in Section 4 of the NCC LDM 2010 to the satisfaction of the Group Manager, Infrastructure.
39. All rights-of-way shall be formed with a mountable kerb and channel and a concrete nib on the opposite side.
40. Sufficient space shall be provided at the entrance to each right-of-way for letterboxes to be erected by the Consent Holder and recycling and rubbish bins.

Advice Note:

Where the consent holder is installing the letterboxes then the design of the letterboxes form part of the design requirements in Condition 17.

Vehicle Crossings

41. Physical vehicle access shall be constructed to the boundaries of Lots 1 – 74, where such lots are not served by a right-of-way, in accordance with the NCC LDM 2010.
42. The location of each vehicle crossing is to be determined at detailed engineering design stage, in consultation with the Group Manager, Infrastructure.

Advice Note:

The ability for future development to comply with Rule REr25 "Front Yards" shall be taken into account when considering the location of each vehicle crossing (this is likely to require that each vehicle crossing is at least 5 metres wide at the frontages of each lot for access to a double garage).

43. At the completion of works, and prior to the issue of a section 46 of the HASHAA (section 224(c) of the RMA) Certificate, the Consent Holder shall either:
- (a) Submit "As-built" engineering plans for the approval of the Group Manager, Infrastructure; or
 - (b) Provide written certification from a Registered Professional Surveyor that the services have been installed and completed in accordance with the approved

design engineering drawings and are located centrally within the respective easement area shown on the Survey Plan.

Water

44. The existing Council water system shall be extended as shown on the approved plan under Condition 1(q), labelled SH195001-K, to the boundary of Lots 1-74.
45. Water reticulation shall be provided to each allotment in accordance with the NCC LDM 2010.
46. A Council approved water meter shall be installed in accordance with the requirements of the NCC LDM 2010, except to those connections to land to vest as recreation reserve.
47. The location and details of the meters shall be recorded on a Council water meter location form, which shall be submitted to Council for approval prior to the issue of a section 46 of the HASHAA (section 224(c) of the RMA) Certificate.

Stormwater

48. The stormwater system shall be established as shown on the approved plans under Conditions 1(l) to (n), labelled SH195001-F to H, to the boundary of Lots 1-74.

Advice Note:

The stormwater infrastructure associated with the subdivision (including the 1200mm diameter culvert outlet structure and riprap) will be vested with Council for ownership and ongoing maintenance responsibility.

49. The design of the stormwater detention tank discharge to ground in conformity with the NCC LDM 2010 for Lot 6 shall be undertaken by a suitably experienced Chartered Professional Engineer in stormwater engineering.
 - (a) Where the stormwater detention tank is installed:
 - i. as part of the subdivision, the construction/installation and certification shall be undertaken by a suitably experienced Chartered Professional Engineer in stormwater engineering; or
 - ii. at a later stage, the construction/installation shall be subject to a consent notice on the title of Lot 6 whereby the construction/installation and certification shall be undertaken by a suitably experienced Chartered Professional Engineer in stormwater engineering.
50. A stormwater lateral connection shall be provided to the boundary of each lot. A stake shall be provided at the end of each lateral painted blue.
51. The existing stormwater pipe adjacent to the boundary of Lot 61 shall connect to the principal drainage system within Lot 61 as shown on the approved plan under Condition 1(l), labelled SH195001-F.
52. Stormwater flows toward the existing state highway culvert DN450 and within the open channel (stream diversion) shall be restricted to 100L/s. Flows exceeding

100L/s shall be diverted to the piped stormwater system and discharged by culvert DN1200 crossing the state highway.

53. The Consent Holder shall provide evidence to the Group Manager, Infrastructure from Waka Kotahi that the stormwater culvert to be placed under the state highway satisfies Waka Kotahi specifications relating to structural capacity and design life as per Section 5.4(d) P46 Stormwater Specification.

Advice Note:

The stormwater culvert outlet structure design shall be traversable (for road safety reasons), durable (i.e. salt and chloride ions) and ongoing maintenance (i.e. risk of sedimentation/aggradation).

54. The road surface at the sumps within the site shall be painted with a fish emblem to the satisfaction of the Group Manager, Infrastructure.

Stream

55. After reasonable mixing there shall be no conspicuous change in the colour or visual clarity in any water body as a result of undertaking the consented activity. The reasonable mixing zone shall be as defined in the NRMP AP28.7.ii.
56. All works shall not result in the stream having a lesser capacity design of low flow capacity of 100L/s + 400mm freeboard and retain stream bank stability.
57. The design, supervision of construction and certification of the stream work and associated pipework and landscaping shall be undertaken by, or under the direction of, a suitably experienced Ecologist, Geo-professional, Landscape Architect and Chartered Professional Engineer.

Advice Note:

The design and construction of the stream work are addressed by Conditions 15 to 34 of resource consent SH195018 and Conditions 11 to 13 of resource consent RM195234. The objectives of the design is to ensure the widths and layout will not inhibit in any way the stream being able to achieve the following:

- *flood capacity design;*
- *be of high level of amenity and improving freshwater quality such that habitat is suitable for a lowland coastal stream; and*
- *be of low maintenance.*

58. The post construction of the stream works, including the culvert and stream features, the 'as built' plans and sign-off from the Ecologist for the works shall be implemented prior to the issue of the section 46 of the HASHAA (refer section 224(c) of the RMA) Certificate.
59. The Consent Holder shall provide confirmation to the Manager Consents that Conditions 37(a) and (b) of water permit SH195018 have been satisfied prior to the issue of the section 46 of the HASHAA (refer section 224(c) of the RMA) Certificate.
60. The design where the open drain secondary flood route crosses over Lot 119 (pedestrian and cycle path corridor) and Lot 102 (road) within these areas shall be

provided to the Group Manager, Infrastructure for approval before commencement of works.

- (a) The design shall include construction with 'dip' with adequate capacity to accommodate the Q50 flow and reinforcement included to prevent scour of the carriageway, banks and other land.

61. The design to ensure all secondary flows from the existing gravel right-of-way on the balance lot will flow into the open channel upstream of the proposed intake shall be provided to the Group Manager, Infrastructure for approval before commencement of works. The design shall include:

- (a) formation of the existing right-of-way with a permanent sealed surface and stormwater control from the cul-de-sac at the conclusion of Lot 101 (road) to the hair-pin bend of the right-of-way upslope of Lot 101 (road); and
- (b) a reinforced intake screen for the stream inlet culvert on the upslope side.

Advice Note:

The main risk to the stream inlet culvert on the upslope side of the subdivision blocking will be from shallow landslip on the gully sides and head, already evidenced by the existing scarps in these locations, given the heavy vegetation in the gully. The natural channel is fairly deeply incised so high storm flows are likely to continue to scour the sides.

62. Final engineering designs for the inlet and outlet structures and pipework shall be provided to the Group Manager, Infrastructure for approval before the commencement of works. If requested these shall include erosion protection devices to be installed at the outlet structure.

- (a) Following construction of the protective works, culvert and stream, the 'as-built' plans and sign-off from the Ecologist for the works shall be provided to the Group Manager, Infrastructure.

63. The Consent Holder shall provide to the Group Manager, Infrastructure for approval, the measures to be implemented within the balance lot to ensure the ongoing operation and maintenance of the open channel above the stormwater intake so as it remains in good working condition at all times. Such measures shall:

- (a) demonstrate what measure/s will be implemented to ensure stock are not a threat to the open drain and to prevent them wandering off the balance lot; and
- (b) set out the specific/detailed obligations of the landowner for the ongoing operation and maintenance requirements of the open drain.

Advice Note:

It is important that the open channel above the intake does not fall into disrepair as this would create an unactable flood risk to downstream properties and Council infrastructure.

64. The measures as approved by Condition 63 shall be registered on the title of the balance lot by way of a Consent Notice pursuant to section 44 of the HASHAA (section 221 of the RMA).

Sewerage & Wastewater

65. The sewerage and wastewater system shall be established as shown on the approved plans under Conditions 1(o) and (p), labelled SH195001-I and J, to the boundary of Lots 1-74.
66. The pipeline position as shown on the approved plans under Condition 1(p), labelled SH195001-J, Sheet 1, must be no closer than 2 metres from any building and its proximity to all building foundations shall comply with the requirements of Section 6.2.4.b1 of the NCC LDM 2010.
67. The pipeline position as shown on the approved plans under Condition 1(p), labelled SH195001-J, Sheet 2, shall either:
 - (a) not cross over the adjoining private right-of-way adjoining Lot 70; or
 - (b) an easement shall be established.
68. An automated flushing device shall be constructed/installed at the head of the line where that section of the line does not achieve the maximum velocity of flow.
69. The design, supervision of construction/installation and certification of the automated flushing device at the head of the line required under Condition 68, shall be undertaken by a suitably experienced Chartered Professional Engineer, and shall include the following attributes:
 - (a) Low maintenance;
 - (b) Ability to adjust frequency and quantity of flushing; and
 - (c) Backflow prevention at the water supply connection.
70. That section of pipeline which does not have adequate velocity and depth shall be a sealed system and the manhole at the head of this line must have not less than 1.2 metres depth from the manhole lid level to the pipe soffit.
71. The new pipeline along the state highway (SH6) berm shall be of a thicker wall (pressure pipe) and the pipe provided with a concrete cap where cover is less than 600mm. The minimum cover must not be less than 300mm.
72. The design, supervision of construction/installation and certification of the pressurised sewer system for Lot 6 discharging to the nearest sewer manhole downhill level of the piped reticulation system shall be undertaken by a suitably experienced Chartered Professional Engineer at the time of building consent. The requirement for such design, supervision and certification shall be registered on the title of Lot 6 by way of a Consent Notice pursuant to section 44 of the HASHAA (section 221 of the RMA).
73. Sewer reticulation shall be provided to each allotment in accordance with the NCC LDM 2010. A stake shall be provided at the end of each lateral painted red.
74. A separate wastewater drain lateral, which drains directly to the Council's reticulated wastewater system, shall be provided to the boundary of Lots 1 to 74.

Telecommunications and Power

75. Live telecommunications and electric power connections shall be provided to the boundary of Lots 1 to 74 and all wiring shall be underground to the standard required by the supply authority.
76. Live power shall be provided to the boundary of Lot 200 and all wiring shall be underground to the standard required by the supply authority.
77. Confirmation of the above from the supply authority and a copy of the service provider's Certificate of Compliance shall be provided to the Council prior to the issue of a section 46 of the HASHAA (refer section 224(c) of the RMA) Certificate.

Finished Ground Levels

78. The finished ground level of each lot shall be not less than the higher of the following:
 - (a) 50mm above the crown level of the road to which the lot drains its stormwater to; or
 - (b) 400mm above the 1:15 year design event hydraulic gradient of the stormwater system serving that lot.
79. Any filling required shall be designed and constructed, and as necessary suitably drained, so that it does not create or increased ponding of stormwater on any adjoining land.
80. A plan showing the finished ground levels in compliance with Condition 78 for Lots 1-74 shall be submitted at the time of application for section 46 of the HASHAA (refer section 224(c) of the RMA) Certification.

Building Site Certification

81. Certification that each of the residential allotments (Lots 1 to 74) is suitable for the erection of a residential dwelling shall be submitted to Council by the geo-professional.
 - (a) The certification shall describe what the approved minimum finished ground level is for each area and shall list development conditions pertaining to the area and the lot generally.
 - (b) Where a building site is limited on any lot, the approved building site shall be defined specifically by distances from relevant boundaries, by distances from boundary pegs or by survey coordinates provided by a registered surveyor.
 - (c) Should any mitigation measures be required as part of the building site certification then these shall be designed and constructed under the supervision of the certifier of the building site. Any mitigation measures requiring ongoing monitoring and/or maintenance shall be subject to a consent notice on the title of the relevant allotment(s).
 - (d) The geotechnical statements and reporting are to comply with the requirements of NZS4404: 2010 and are to clearly state that the subdivision building sites

have a low risk of being affected by a natural hazard as defined under Section 106 of the RMA.

- (e) Any lot that cannot be geotechnically assessed as having a suitable building site that is unlikely to be affected by a natural hazard shall be amalgamated into a neighbouring lot that has a suitable building site defined.
 - (f) A section 46 of the HASHAA (refer section 224(c) of the RMA) Certificate will not be granted if a suitable building site is not defined.
82. Should any land adjoining any lot or the extension of Ellendale Street in the subdivision which in the opinion of the geo-professional referred to above requires any special remediation measures (such as for soil creep) such measures shall be completed prior to the issue of a section 46 of the HASHAA (refer section 224(c) of the RMA) Certificate and shall if subject to ongoing maintenance be required as a consent notice on the balance lot in the subdivision.

Statement of Professional Opinion as to Land Stability

83. Within 60 working days of the completion of each earthworks stage, a 'Statement of Professional Opinion as to Land Stability' (Geotechnical Statement of Suitability for Residential Development) shall be prepared by the geo-professional and provided to the Consents Manager.
84. The Statement of Professional Opinion as to Land Stability required by Condition 83 shall include:
- a. An 'as built' plan showing the layout of the earthworks, including the location of all fill, the status of that fill, retaining structures and drainage (including subsoil drains if used);
 - b. Certification that all fill was placed in accordance with NZS 4431:1989 – Code of Practice for Earth Fill for Residential Development;
 - c. A Statement of Professional Opinion as to suitability of the land for building construction;
 - d. Any recommendations for the building development on the lots;
 - e. An accompanying statement from a suitably qualified professional engineer that surface drainage, including the disposal of stormwater to land has not detrimentally altered surface drainage of the site (including stormwater flow paths);
 - f. A statement as to whether subsoil drainage requires ongoing monitoring and/or maintenance, which shall include a copy of the CCTV inspection results required by Condition 74 of the earthworks consent SH195005; and
 - g. Certification from the geo-professional for any retaining structures constructed stating that the retaining structures comply with the Building Code.
85. Any recommendations arising from the Statement of Professional Opinion as to Land Stability relating to:
- a. restrictions in relation to the building development on any or all lots; and/or

- b. the need for ongoing monitoring and maintenance in respect of the subsoil drainage;

shall be complied with in perpetuity and shall be registered on the titles of all relevant lots by way of Consent Notice pursuant to section 44 of the HASHAA (section 221 of the RMA).

Advice Note:

The Statement of Professional Opinion as to Land Stability in relation to Conditions 75 and 76 also form conditions of associated consent for earthworks (SH195002), whereby if all information requirements are met in respect of both consents, the same report may be used to satisfy both consents.

Landscape Planting

86. Prior to commencement of any earthworks, the Consent Holder shall submit a detailed Landscaping Plan for the certification of the Consents Manager for the overall subdivision. The objectives of the Landscaping Plan are to ensure the integrity of the on-site landscaping to:
- (i) address any land stability requirements;
 - (ii) mitigate any adverse effects on the stream; and
 - (iii) mitigate any adverse visual effects of the development as viewed from Wakapuaka Road and adjoining/adjacent residential sites.
87. Such Landscaping Plan shall as a minimum include:
- (a) The plant location, specimen types and minimum size at the time of installation, screen fencing requirements and maximum height at maturity for planting required by this condition in accordance with the approved plans under Condition 1(u), labelled SH195001-O to R.
 - (b) The planting for Lots 201 and 202 and stream area, including any measures for re-grassing or planting of exposed areas of the stream banks resulting from the works, to inhibit erosion and enhance in-stream habitat.
 - (c) The plant selection be eco-sourced taonga species and/or rongoā species in keeping with the local flora area in proximity of the watercourse.
 - (d) For the engineered slope located to the rear of Lots 18 to 28 shall:
 - consist of coastal native species selected from Living Heritage publication and the Coastal flats & Alluvial Terraces and Coastal Hill Country species list; and
 - provide a 300mm layer of topsoil for the proposed planted areas. A 300mm layer of topsoil is not required where building or lawn areas are to be established; and
 - not contain solid or close board fencing, only posts and wire or similar type fencing are permitted, within the revegetated planting area.
88. The Landscaping Plan shall include the collective input of the Consent Holder and suitably qualified landscape designer.

89. Where Council is unable to certify the Landscaping Plan on the basis that the information requirements in Condition 87 have not been met, the Consent Holder shall submit a revised Landscape Plan for certification. The revised Landscaping Plan shall be submitted following the procedure set out in Condition 90.
90. Any amendments to the Landscaping Plan shall be:
- consistent with the conditions of this consent;
 - prepared by an appropriately qualified person; and
 - submitted in writing to the Consents Manager for certification prior to any amendment being implemented.
91. The certified Landscaping Plan shall be implemented prior to the issue of the section 46 of the HASHAA (refer section 224(c) of the RMA) Certificate.
92. The certified and implemented Landscaping Plan shall be complied with in perpetuity and shall be registered on the titles of the relevant residential lots (Lots 1 to 74) by way of a Consent Notice pursuant to section 44 of the HASHAA (section 221 of the RMA), where the consent notice shall include the following:
- The following conditions shall each apply to relevant residential lots (Lots 1 to 74) on DP []:
- The owners of the lots shall maintain all fencing and/or planting in a good and healthy condition.
 - Any new fencing and/or planting shall be in accordance with the certified Landscaping Plan attached to this notice.
 - Any planting not in a good and healthy condition that is removed, dies, or defective in any way shall be replaced by the owners of the lots so as to be in accordance with the certified Landscaping Plan attached to this notice.

Advice Notes:

- With respect to Conditions 86 and 89 Council will either certify, or refuse to certify, the Landscaping Plan within 10 working days of receipt, based on the parameters contained within Condition 87.*
- Provided that the information requirements are addressed by the Landscaping Plan, certification shall not be withheld.*

Performance Bond

93. The Consent Holder shall provide a performance bond for unknown construction or design defects in accordance with Section 3.3.3 of the NCC LDM 2010, which shall include:
- The amount of the bond shall be for the sum of \$1,300 per lot (to a maximum of \$26,000 per stage, or \$52,000 if the subdivision is completed in one stage).
 - The term of the performance bond for defects liability for the entire subdivision (all stages) shall be for a period of twenty-four (24) months from the issue of the section 46 of the HASHAA (refer section 224(c) of the RMA) Certificate for the final stage of the subdivision.

- c. The performance bond shall cover maintenance attributable to defects and the remedy of all defects arising from defective workmanship or materials.
 - d. The Consent Holder shall be liable for the remedy of all asset defects arising before the end of the period, together with Council's costs in administering the bond.
 - e. The developer will not be liable for damage by third parties.
 - f. Provision shall be made for resolution of disputes which is satisfactory to both parties.
94. The Council and Consent Holder shall enter into a contract to give effect to Condition 93.

Consent Notices/Ongoing Conditions

95. In addition to the consent notices required by Conditions 49(a), 64, 72, 81(c), 82, 85, and 92 the following further conditions shall be complied with in perpetuity and shall be registered on the titles of all relevant lots by way of Consent Notice pursuant to section 44 of the HASHAA (section 221 of the RMA):

- (a) The following condition shall apply to Lots 1, 35, 36, 37 39 and 40 on DP [], adjoining land to vest in Council:

The developer and Council will not construct any fences along the adjoining boundary of any lot and Council owned land. Any fence to be erected along such a boundary shall be at the cost and responsibility of the Lot landowner, including any ongoing maintenance, repair or replacement.

- (b) The following condition shall apply to Lots 3, 4 and 5 on DP []:

All buildings and structures shall be setback a minimum of 10 metres from the boundary adjoining the state highway.

- (c) The following conditions shall apply to Lots 1 – 74 on DP []:

- (i) Development shall be in accordance with the requirements of the standard density Residential Zone of the Nelson Resource Management Plan as at 19 October 2020, as attached to this notice, with the following exceptions:

- Site Coverage – The maximum site coverage shall be 45%, except that where any required carpark is not to be included within a dwelling the site coverage shall include a 15m² area, measuring 5 x 3 metres, for such a carpark so the overall coverage will not be exceeded if a building is erected to house such a carpark.
- Living Courts – each residential unit shall be provided with a Living Court as specified in Rule REr 27.1 of the NRMP except that for 1 and 2 bedrooms units the minimum area of the Living Court shall be 30m², and for 3 or more bedroom units the Living Court shall be 40m². In both cases the minimum dimension for such Living Court shall be 4m in any direction. The orientation of such Living Court shall be as in the NRMP.
- Carparking – off-street carparking shall be provided at the rate of 2 carparks per dwelling. Where garage door/s face a road or lane, the front

- of the building/door shall be no closer than 5.5 metres to the road boundary.
- General Conditions – for the avoidance of doubt the following unmodified development standards of the standard density Residential Zone shall apply to all building development REr20 – Non-Residential Activities; REr21 – Home Occupations; REr25 – Front Yards; REr26 – Other Yards; REr28 – Pedestrian Access to rear of site; REr29 – Corner sites; REr31 – Fences; REr 32 – Maximum Building Height; REr34 – Building over or alongside drains and water mains; REr35 – Daylight admission; REr36 – Decks, terraces, verandas and balconies; and REr41 to 62 inclusive.
- (ii) The owners of the lots shall maintain all fencing and/or planting in a good and healthy condition.
 - (iii) Any new fencing and/or planting shall be in accordance with the certified Landscaping Plan attached to this notice.
 - (iv) Any planting not in a good and healthy condition that is removed, dies, or defective in any way shall be replaced by the owners of the lots so as to be in accordance with the certified Landscaping Plan attached to this notice.
- (d) The owners of those lots containing subsoil drains shall not undertake any activity that compromises the integrity of the subsoil drains. In the event that a subsoil drain is damaged it shall be repaired or replaced under the direction of a Chartered Professional Engineer practising in Geotechnical Engineering.
 - (e) The owners of those lots containing subsoil drain outlets shall not undertake or permit any activity that obstructs or interferes with the outlet to any subsoil drain.
 - (f) The owners of those lots containing subsoil drain outlets shall regularly inspect the subsoil drain outlets on their property, whether located at manholes, sumps or discharging to open ground, to ensure that the outlets have not been damaged and are free of obstruction.
 - (g) The owners of those lots containing open drains shall specify the requirements for the operation and maintenance for the open drain and ensure it is operated and maintained according to those specifications.
 - (h) The owners of lots containing subsoil drains shall not undertake any activity that compromises the integrity of the subsoil drains. In the event that a subsoil drain is damaged it shall be repaired or replaced under the direction of a Chartered Professional Engineer practising in Geotechnical Engineering.
 - (i) The owners of lots containing subsoil drain outlets shall not undertake or permit any activity that obstructs or interferes with the outlet to any subsoil drain.
 - (j) The following conditions shall apply to Lots 1 – 74 on DP [] that are within 100 metres of the state highway:
 - (i) Any new dwelling must be designed, constructed and maintained to achieve a design noise level 40 dB (A-weighted, time-averaged noise level over 24 hours) inside all habitable spaces;

- (ii) If windows must be closed to achieve the design noise level in condition h(i) the building must be designed, constructed and maintained with a ventilation and cooling system. For habitable spaces the system must achieve the following:
- Ventilation must be provided to meet Clause G4 of the New Zealand Building Code. At the same time the sound of the system must not exceed 30 dB LAeq(30s) when measured 1 m away from any grille or diffuser.
 - The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.
 - The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.
- (iii) The following conditions shall apply to those lots that are within 40 metres of the state highway:
- Noise mitigation sufficient to reduce noise levels below the design level of 57 dB LAeq (24h), including an allowance for a 2 dB LAeq (24h) increase, shall be applied to an area of outdoor living space with a minimum area of 15m² and minimum dimension of 3m. The stated noise level performance is to be achieved at all points in the outdoor living space at a height of 1.5 metres above the floor level;
- (iv) A design report prepared by an acoustics specialist must be submitted to the Nelson City Council demonstrating compliance with Conditions (h)(i) – (iii) above, prior to construction or alteration of any dwelling. The design must take into account future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted levels.

Note: Habitable space is defined as 'A space used for activities normally associated with domestic living, but excludes any bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods'.

The Consent Notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

ADVICE NOTES:

Development Contributions

1. The Consent Holder shall pay a Development Contribution for Lots 1 to 74 for transport, water, wastewater, stormwater and community infrastructure and reserves in

accordance with the Council's Development Contributions Policy 2018, which can be viewed on Council's website.

- (a) The Development Contribution shall be paid prior to the issuing of a Section 46 (224(c)) Certificate for the subdivision.
- (b) Under Section 208(a) (i) of the Local Government Act 2002, the Council may withhold the issuing of the Section 224(c) Certificate if the Development Contribution is not paid.
- (c) The Development Contribution for community infrastructure and reserves shall be calculated in accordance with Section 7.4 of the Council's Development Contributions Policy 2018, and Section 203 (1) of the Local Government Act 2002. Where the Neighbourhood Reserve Land cash contribution is required, a valuation based on local land values is to be provided by a suitably qualified professional at the time of application for 46 (224(c)).

Accidental Discovery Protocol

- 2. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

The applicant is advised to contact Heritage New Zealand Pouhere Taonga (HNZPT) if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from HNZPT must be obtained for the work to proceed lawfully. The New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

General

- 3. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
- 4. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act, 1991; or
 - (c) be authorised by a separate resource consent.
- 5. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Recommended by: Jacqui Manning

Position: Consultant Planner - RMG

Signed:



Date: 16 September 2020

Final Revision Date: 14 October 2020

Reviewed by: Jason Jones

Position: Principal Consultant - RMG

Signed:



Date: 18 September 2020

Authorised by: Adrian Ramage

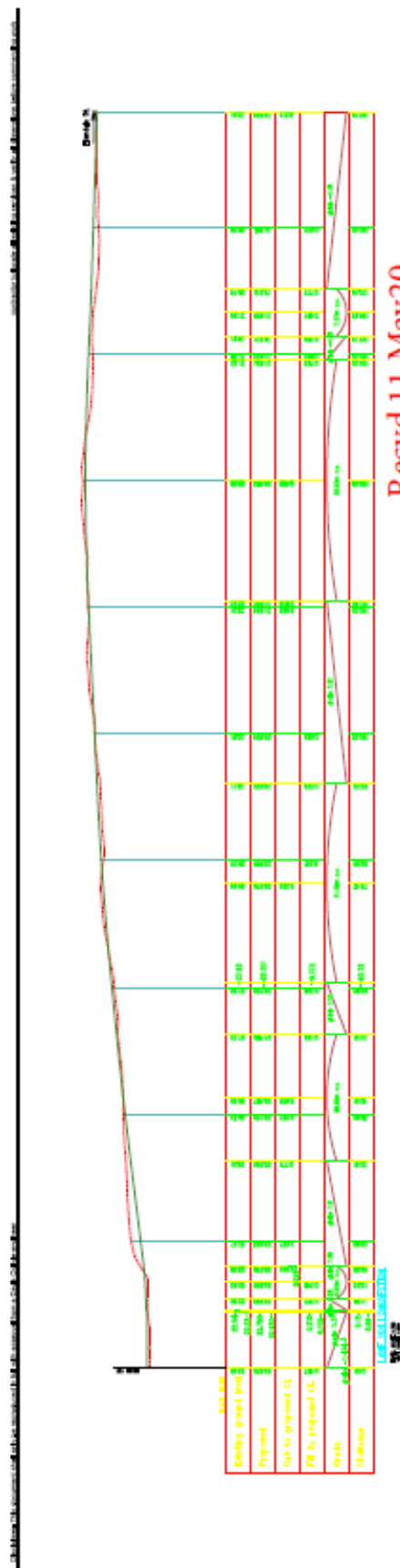
Position: Team Leader, Nelson City Council

Signed:

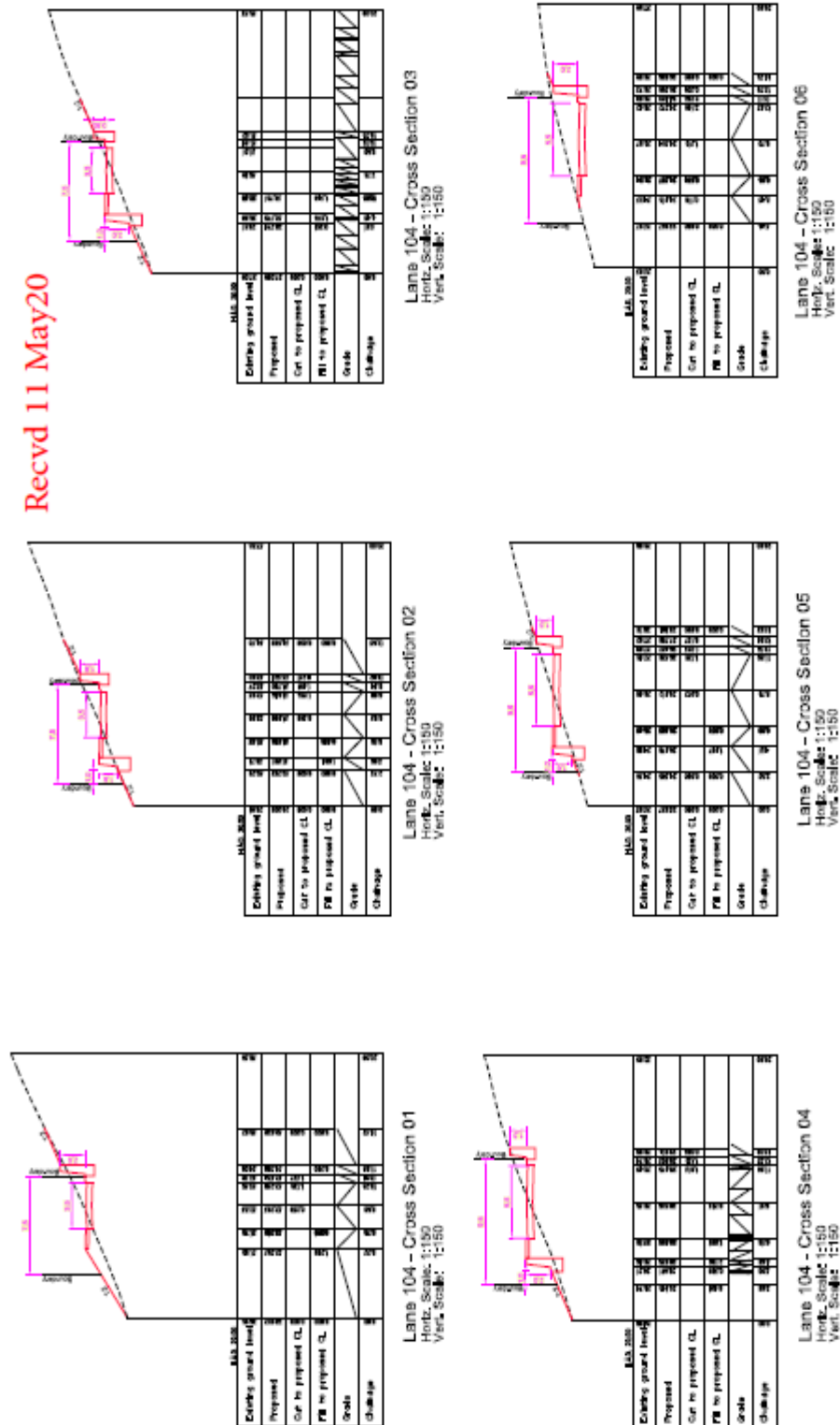


Date: 20 October 2020

Adrian Ramage
Resource Consents Unit
Nelson City Council
(Authorised Officer Pursuant to
Delegation)



Recvd 11 May20



SH195001 APPROVED PLAN E2

IFA

	date	receptor	signature
A	11/6/2023	Baldwin, J.	TW
B	11/28/2023	Lane, L.	TW
C	11/29/2023	Lane, L.	TW

[illegible]

do DAVIS OGILVIE

PROPOSED SUBDIVISION OF LOT 1 DP 351115
(PROPOSED LOT 2 RM 185163)

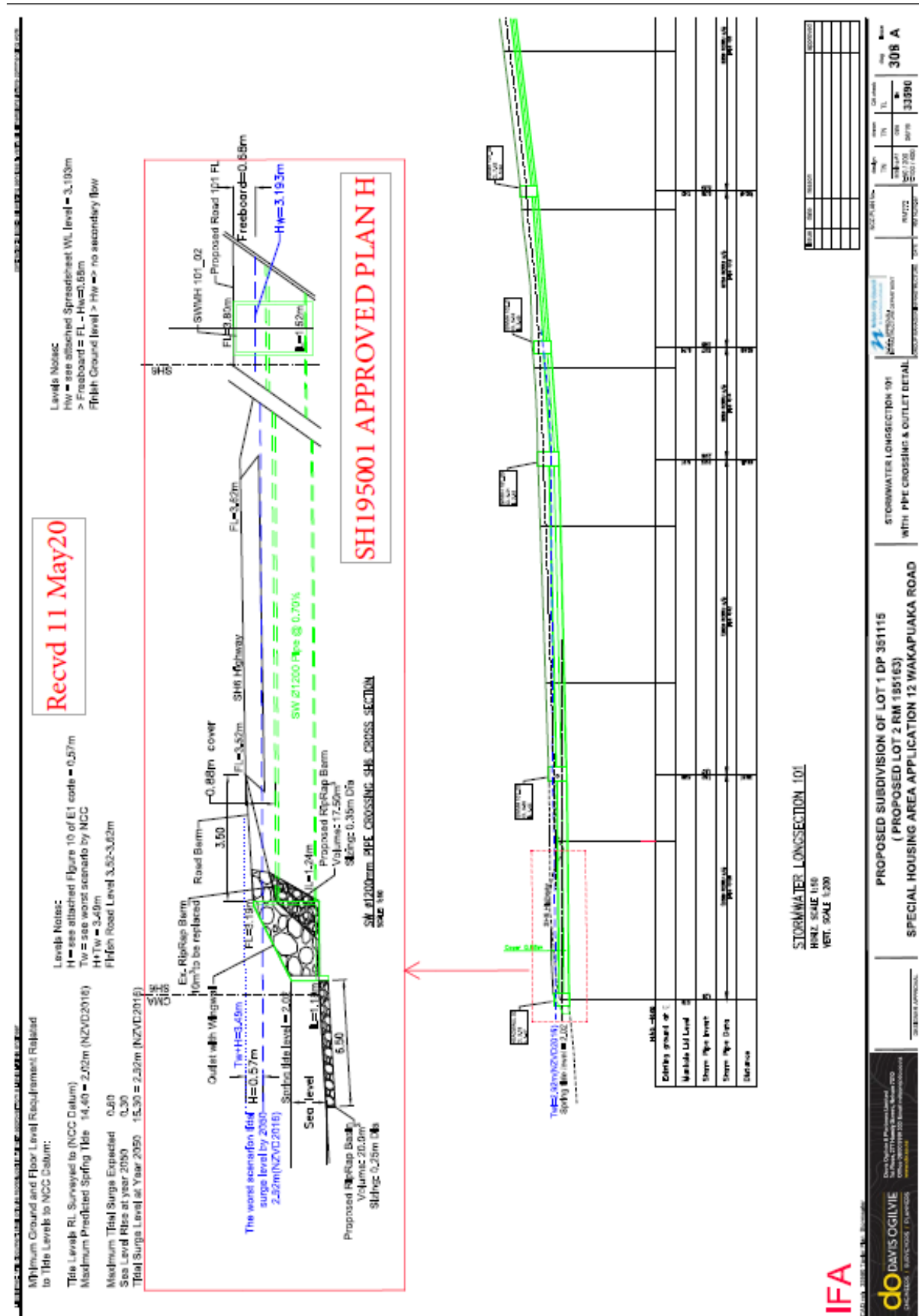
(PROPOSED LOT 2 RM 185163)
SPECIAL HOUSING AREA APPLICATION 12 WAKAPUAKA ROAD

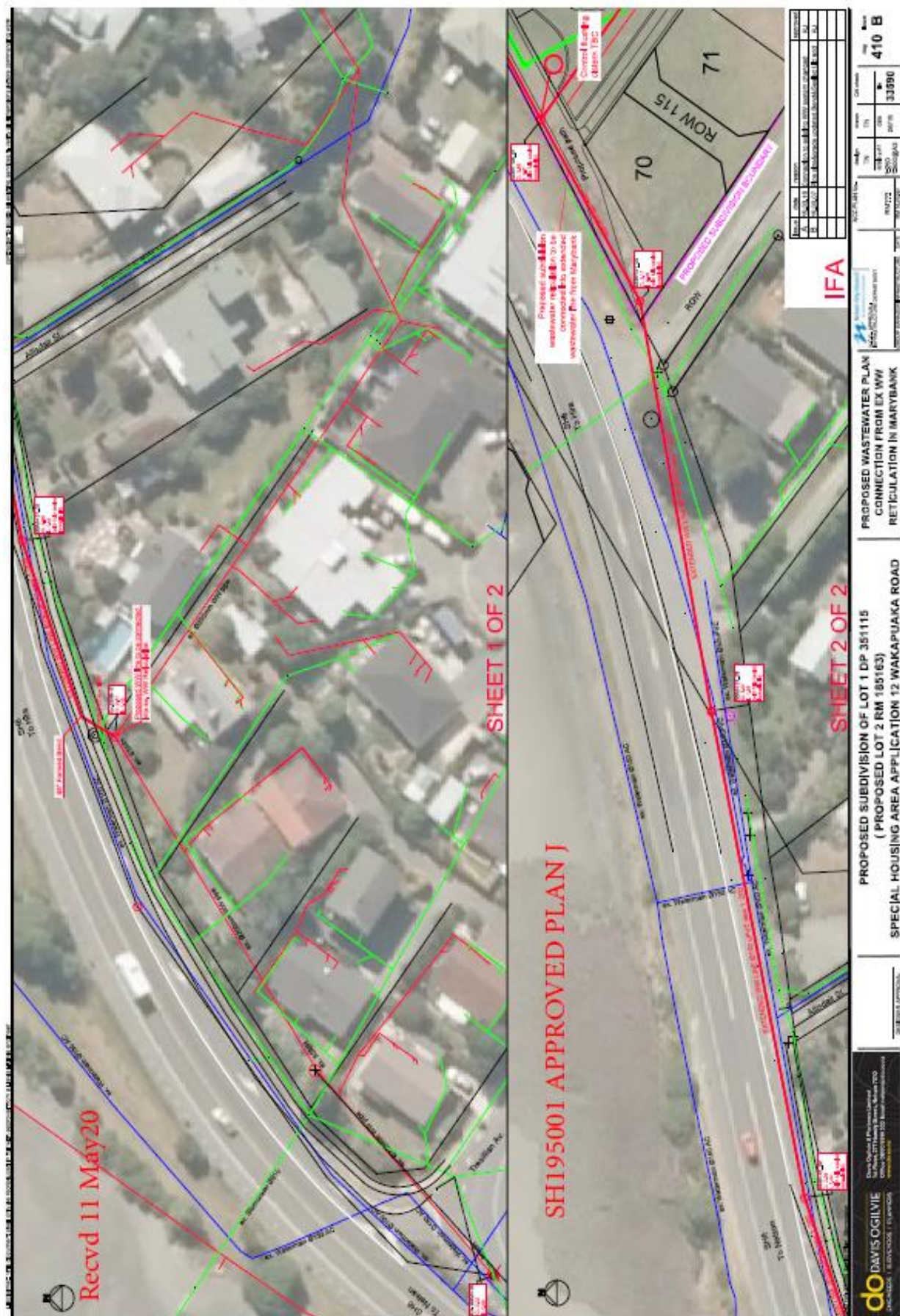
CROSS SECTIONS

LANE 104 - 3.50m & 5.50m WIDE

SPEC. PLAN No.		design		as built		GR. elev.	
		TM	BM	TM	BM	TM	BM
B&M (B&M)		121.08	120.00	120.12	119.10	120.12	119.10
C&G (C&G)		120.00	119.00	119.00	118.00	119.00	118.00

104 C





SH195001

Notice of Decision

Page 33 of 41

Appendix 1: Overall subdivision plan with reverse sensitivity setback locations

AC19043 - 04 - R1: Atawhai Downs subdivision, Nelson - Traffic noise mitigation in outdoor living areas

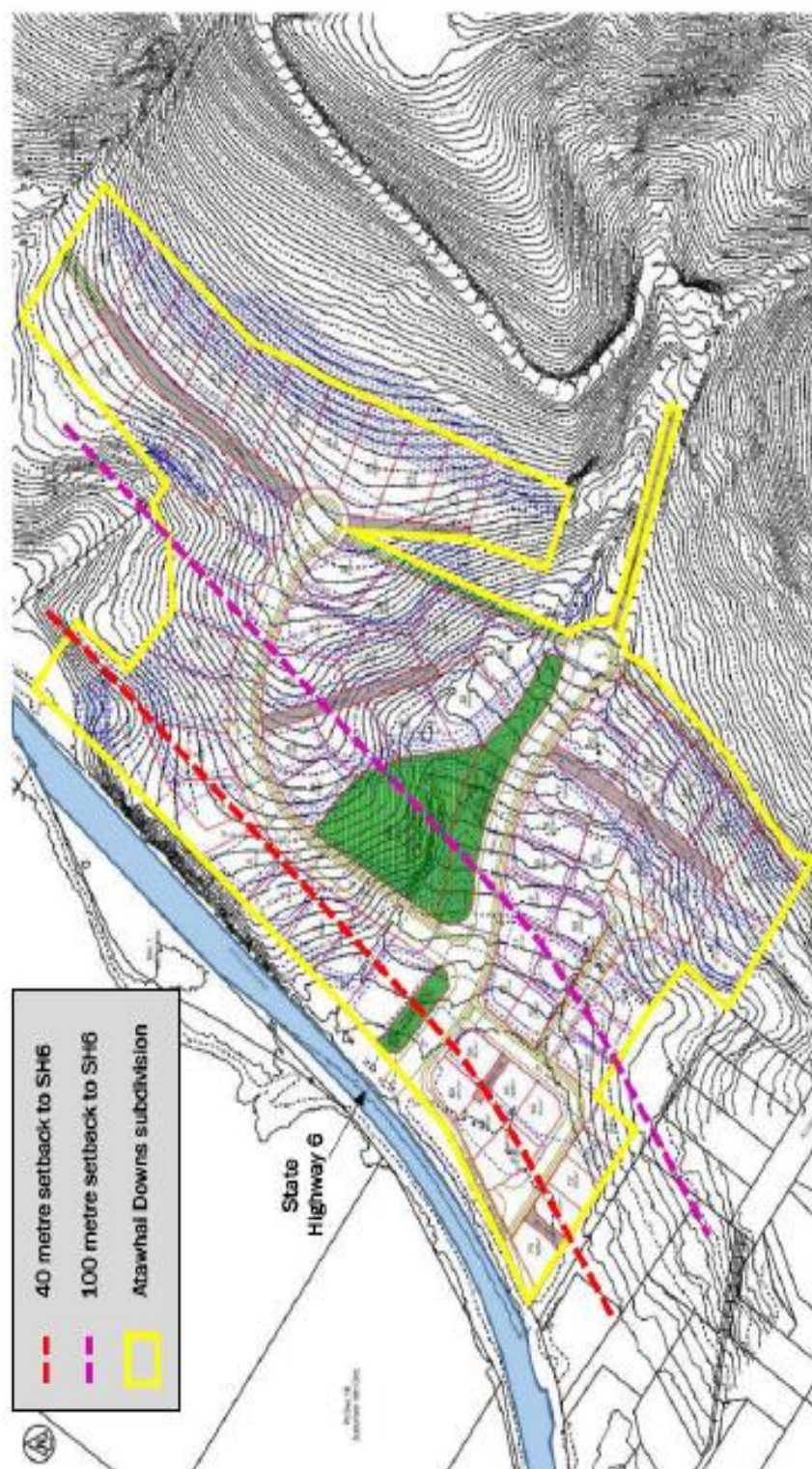
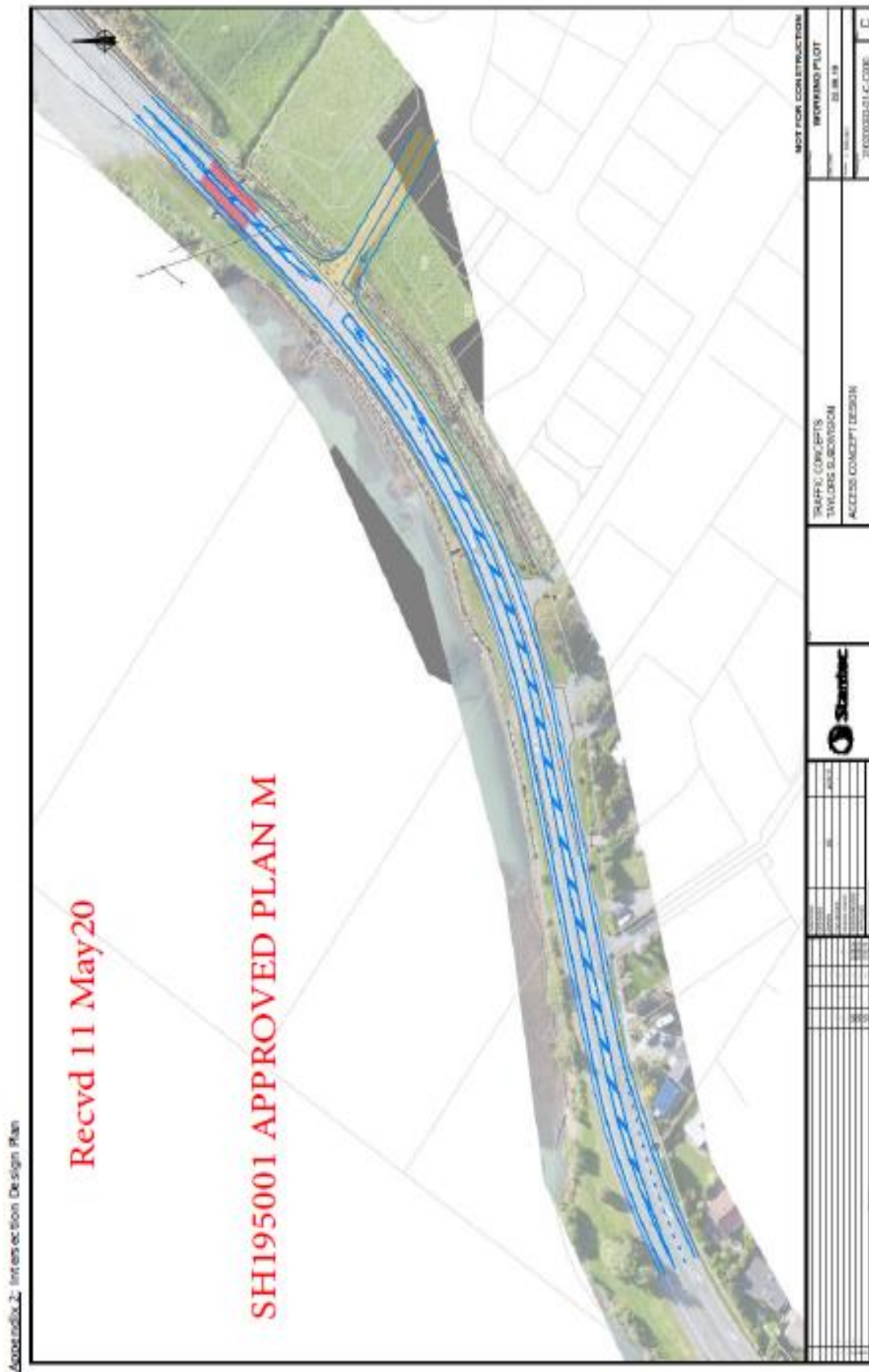
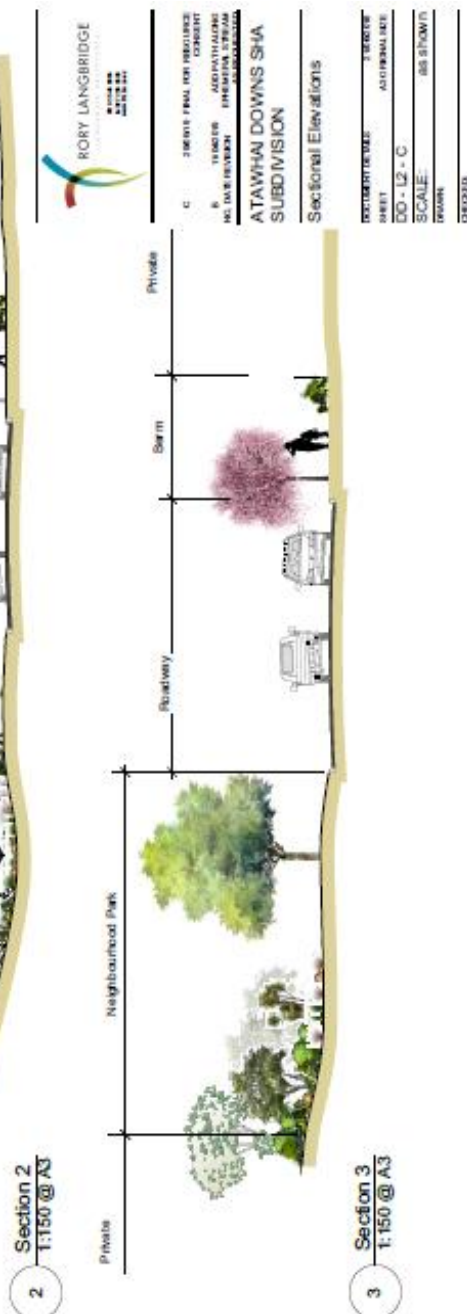
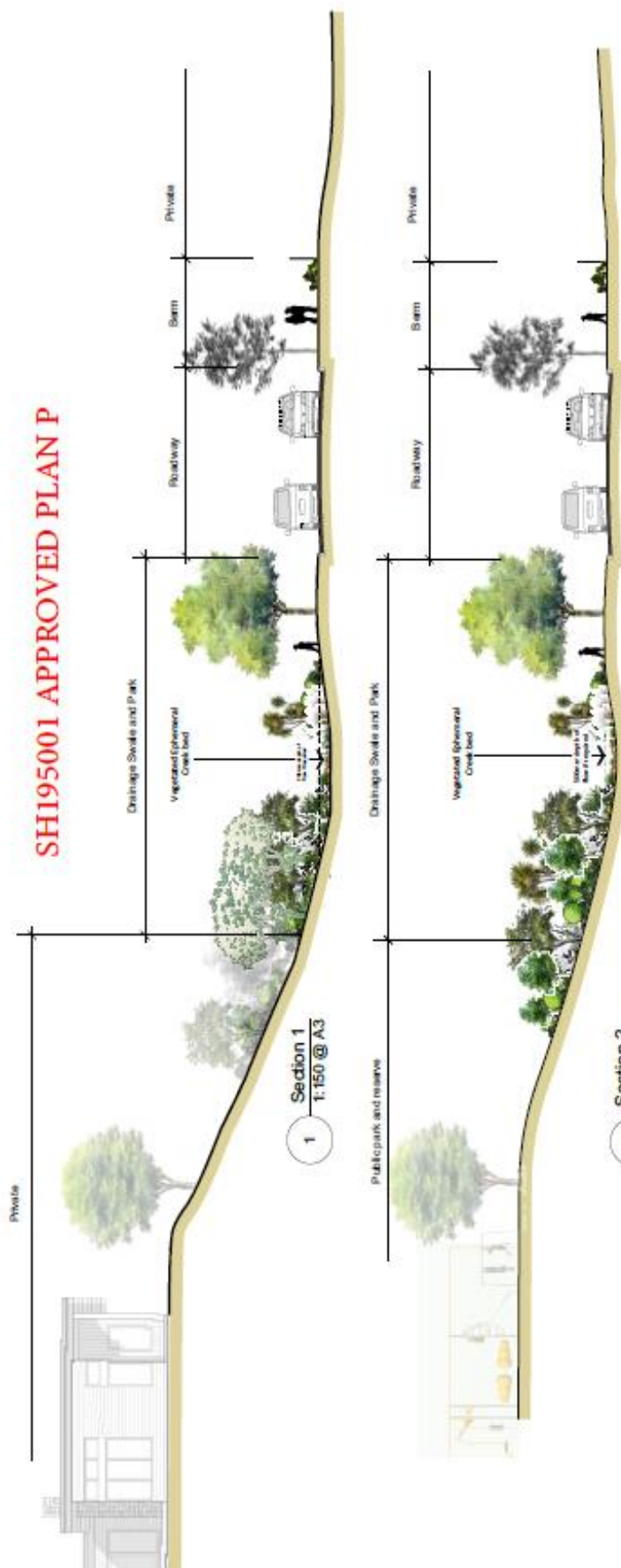


Figure 1.1 – Location of Atawhai Downs



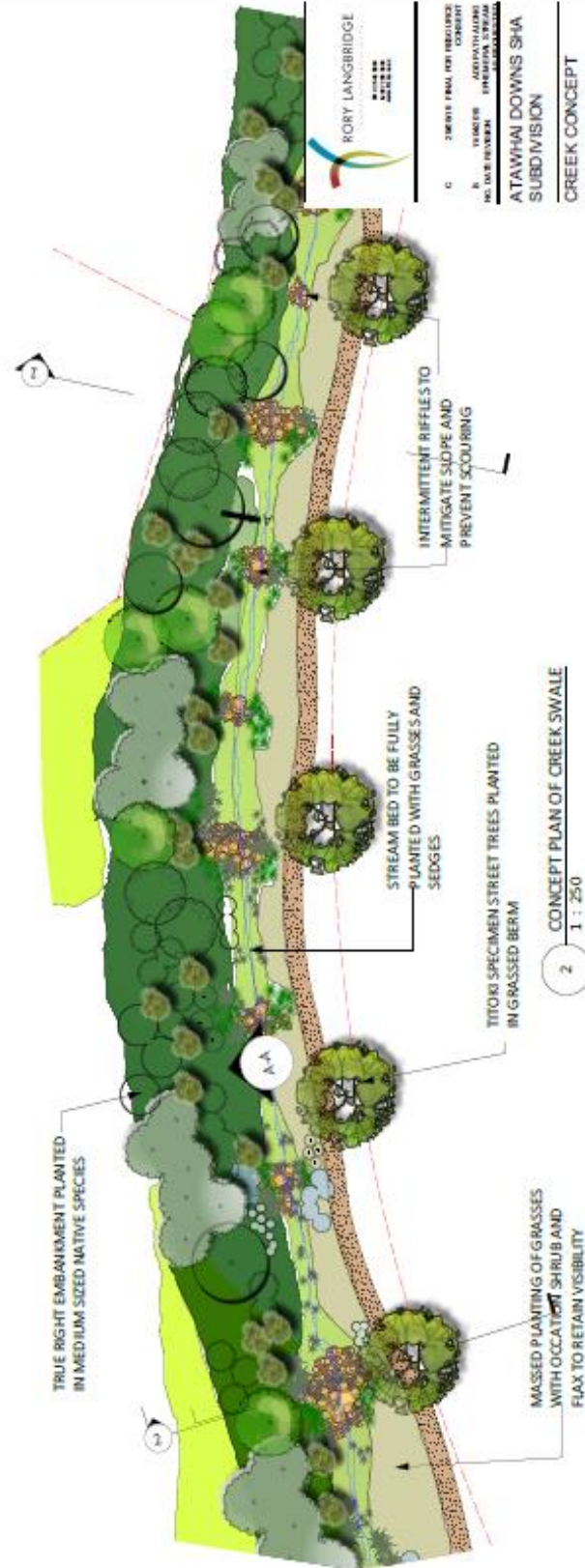
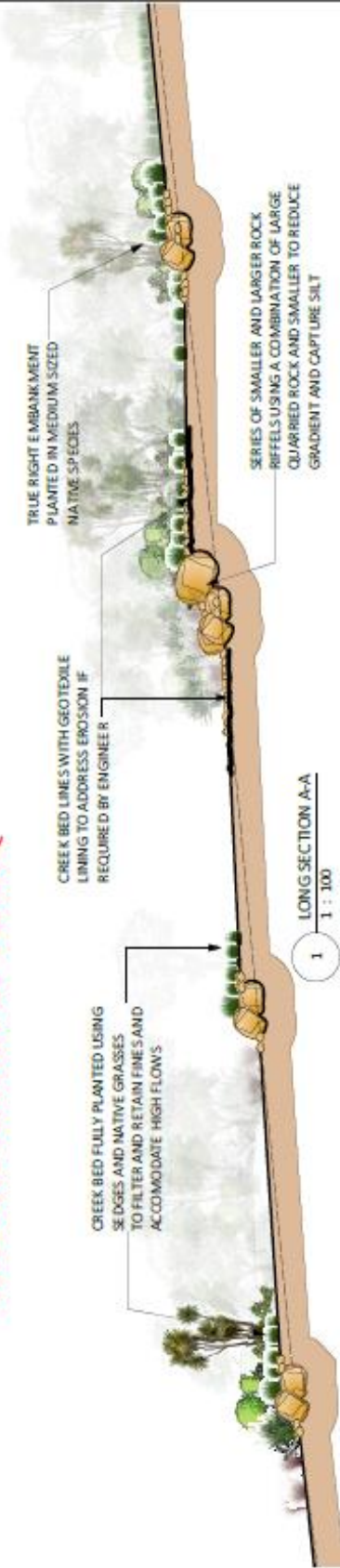


SH195001 APPROVED PLAN P



C	DESIGN FINAL FOR PERMIT
B	DESIGN ADAPTATION
A	DESIGN PRELIMINARY
ATAWHAI DOWNS SHA SUBDIVISION	
Sectional Elevations	
DESIGNED BY	TECHNICAL
CHECKED BY	ADMINISTRATIVE
DATE	2024-12-10
SCALE	AS SHOWN
PROJECT	SH195001
DRAWN	03/03/24

SH195001 APPROVED PLAN Q



RORY LANGBRIDGE
ARCHITECT
2024.03.01

C 2024.03.01 FINAL FOR TENDER
P 2024.03.01 PRELIMINARY
R 2024.03.01 PRELIMINARY

ATAWHAI DOWNS SHA
SUBDIVISION

CREEK CONCEPT

PROJECT NUMBER: 2024.03.01
SHEET: 00 - L3 - C
SCALE: 1:250
DRAWN: RORY LANGBRIDGE
CHECKED: RORY LANGBRIDGE

