

DRAFT CONDITIONS (subject to review and confirmation by Applicant and Council)

1. *That concurrent with the earthworks for the development of the land, the construction and landscaping planting of the adjoining land for stormwater management purposes shall be carried out in accordance with the Bonisch Consultants Plans 4505 dated 28 June 2018 and Regional Council Concept Landscape Plan Sheet 8 prior to occupation of the proposed village.*
2. *A detailed design of engineering and landscaping planting referred to in condition 1 above shall be submitted for approval by the Napier City Council prior to work commencing. The consent holder's contribution of landscape planting shall be to a maximum of \$30,000.00 (incl. gst).*
3. *Prior to the issue of building consent, confirmation shall be provided that roofing is constructed of inert material specific to potential water contamination.*
4. *Prior to the retirement complex becoming operative, a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 shall be entered into by the consent holder and registered and retained against the Certificate of Title of the application site. The covenants shall be prepared by a lawyer (the Consent Holders, or Councils) at the cost of the consent holder. The covenant shall read as follows;*

No Complaints Covenant

This property is located in the Main Rural Zone, near a number of rural uses including turf production, where agricultural management practices can occur that may include spraying, use of machinery, the operation of bird scares and other effects associated with a range of permitted rural activities.

Where rural land use activities in this area are carried out in accordance with the relevant District Plan requirements or existing use rights, the property owner, or their successor in title shall not:

Bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of that land; or

- (I) Make nor lodge; nor*
- (II) Be party to; nor*
- (III) Finance nor contribute to the cost of;*
 - a. Any complaint regarding the carrying out of any land based primary production activity on the surrounding land.*
 - b. Any application to the Environment Court for a declaration or enforcement order regarding the carrying out of any land based primary production activity on the surrounding land.*
 - c. Any application to the High Court for an injunction, declaration or other order concerning the carrying out of any land based primary production activity on the surrounding land."*

5. *Prior to the occupation of the village, an evacuation plan for residents is provided to Council and maintained as part of the operation of the village.*