

## GENERAL

1. That the development proceeds within 5 years of approval (s125 RMA), and substantially in accordance with the approved plans and information submitted in the application (Resource Consent RM170155) received 26 October 2017, and the further information provided dated 29 June 2018 and 11 July 2018, being:
  - i) Resource Consent Application, AEE and appendices received 26 October 2017, including:
    - a) Resource Consent Application, Wasley Knell Consultants Limited October 2017
    - b) Preliminary Design Plans by *jerram + tocker + barron architects ltd* titled “Resource Consent RC2 06.08.2018” sheets P01-P31 Rev RC2 as attached to the evidence of Marc Barron dated 8 August 2018
    - c) Appendix 1b – Architectural Statement – by *jerram + tocker + barron architects ltd* dated 16 October 2017, Ref: 1763
    - d) Appendix 2a – Landscape and Visual Assessment – by Shafer Design Ltd 20 October 2017
    - e) Appendix 2b – Visual Assessment – by Shafer Design Ltd 20-24 October 2017, Landscape Context sheets 1 to 5, Visual catchment sheet 6, viewpoints 1-5 sheets 7-11, planting intention sheet 1, landscape concept sheet 1, landscape examples sheet 1, north boundary section sheet 1, west boundary section sheet 2, south boundary section sheet 3, Ulyatt Road boundary section sheet 4, apartment elevation sheet 5, internal street section sheets 6-7, walkway seating sheet 8, landscape montage VP1 – VP2 sheets 1-2.
    - f) Appendix 3 – Traffic Impact Assessment, by Traffic Solutions Ltd, 20 October 2017
    - g) Appendix 4 – Civil and Services Assessment, by Bonisch Consultants Ltd, dated 24 October 2017
    - h) Appendix 5 – Geotechnical Report – by RDCL, dated 19 October 2017
    - i) Appendix 6 – Acoustic Report, by Hegley Acoustic Consultants, Report No. 17198
    - j) Appendix 7 – NESCS report, by HAIL Environmental Ltd, dated 17 October 2017
  - ii) Stormwater Ditch Concept plan, by Bonisch Consultants, issued 4 July 2018, Revision B
  - iii) S92 response by Wasley Knell Consultants Ltd, Ref: 1939, dated 29 June 2018
  - iv) Further NESCS information by HAIL Environmental Ltd, dated and provided 11 July 2018

## **ENGINEERING (ALL SERVICES / TRANSPORT / EARTHWORKS / CONSTRUCTION)**

### SERVICES / TRANSPORT

- 2 That each unit shall be connected to Council's reticulated water and wastewater network to the satisfaction of the Director, NCC Infrastructure.

**Note:** *If the development is staged, proposed servicing infrastructure shall be constructed such that design, capacity and performance is not compromised within the development or downstream of the development, as would be the case at full development.*

- 3 That a secondary storm water flow path designed to cater for at least 50 year (ARI) storm events shall be provided through the development in perpetuity, in accordance with the NCC Code of Practice for Subdivision and Land Development. The flow path shall allow for any water entering the site and for all over-land flow from primary stormwater infrastructure within the development.

- 4 That the applicant shall submit to Council a final detailed engineering design, including construction drawings, detailing the water, stormwater, sewer and roading services required to service the development for Engineering Approval (certification by NCC infrastructure) prior to construction. This shall be undertaken by a Chartered Professional Engineer experienced in water, sewer, stormwater and roading services design and construction. The design shall be generally in accordance with the application and the NCC Code of Practice for Subdivision and Land Development, except where a specific dispensation has been granted through the Engineering Approval (certification by NCC Infrastructure) process. The final detailed engineering design shall show and confirm:

- a) That stormwater from the development will be generally conveyed, treated and discharged in accordance with the concept plan (Bonisch Consultants: Stormwater Ditch Concept Plan, issued 4, July 2018, Revision B). Stormwater shall be treated prior to discharge from the site, including prior to discharge to the Purimu (Cross Country Drain). Treatment shall include the use of Stormwater 360 filter cartridges or similar.
- b) Calculations to determine connection sizes for site stormwater (diameter of stormwater discharge pipes).
- c) That all site stormwater is controlled as required by the NCC Code of Practice for Subdivision and Land Development and E1 of the Building Code.
- d) The point of connection for stormwater discharge from the site as the Purimu Drain (Cross Country Drain) with connections being limited to the three points shown in the concept plan (Bonisch Consultants: Stormwater Ditch Concept Plan, issued 4, July 2018, Revision B).
- e) Secondary flow paths with levels and floor levels that will protect habitable dwellings from flooding in a 50 year return period event.
- f) A minimum floor level for all habitable buildings of RL12.20m (Napier City Datum) except where a lower level is certified by NCC Infrastructure as being appropriate to provide protection from flooding in a 50 year return period event .
- g) A pumped sewer solution with an off-peak discharge into the NCC wastewater system.

**Note:** *The size of the pump and the off-peak hours of discharge shall be confirmed with NCC Infrastructure at the time of design certification.*

- h) That the Bill Hercock Street water mains will be extended to service the proposed development for firefighting and domestic supply.
- i) Separate water connections for each unit or complex.
- j) That the water connection to the property is sized to meet the needs of the development (including firefighting requirements) and that it will be fitted with a water meter and backflow preventer.
- k) That fire hydrants are to be installed in accordance with the Code and the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.
- l) That modifications to Ulyatt road will be formed as shown in Appendix A of the TIA (Traffic Solutions Ltd 20 October 2017) and in compliance with NCC Code of Practice for Subdivision and Land Development including: Kerb and channel as shown; Sealed shoulder in accordance with the Code; Pedestrian footpath extending the whole length shown; Placement of a 'slow' speed sign and road treatments as shown to signal the change from rural to an urban type interface;.
- m) That two 6m wide vehicular access points will be formed, permanently surfaced and drained in compliance with the TIA (Traffic Solutions Ltd 20 October 2017), and the NCC Code of Practice for Subdivision and Land Development.
- n) That easements shall be created in accordance with the NCC Code of Practice for Subdivision and Land Development.

**Note:** Any water, sewer, or stormwater assets located on private land within the development that have been accepted by the Director, NCC Infrastructure, for vesting in council, need to be secured by suitable easements in gross in favour of the Napier City Council.

- 5 That any water, sewer, and storm water assets located on private land within the development that have NOT been accepted by the Director, NCC Infrastructure (or nominee), for vesting in council, shall be clearly marked as PRIVATE on the engineering design.
- 6 That the consent holder shall provide Napier City Council with the "Construction" producer statements issued by their contractor for the services constructed.
- 7 That all works within the boundaries of a public road shall be undertaken by a contractor who is approved to work within the road reserve.
- 8 That as-built plans and data, in accordance with the requirements of the NCC Code of Practice for Subdivision and Land Development (and any approved amendments) shall be submitted to Council once construction is completed by the consent holder. The consent holder shall obtain certification of a complete and correct record by a registered and professionally qualified engineer.

**Note:** Data on public roading, water and sewer assets will be required to be presented to Council in accordance with the NCC Code of Practice for Subdivision and Land Development.

- 9 That the consent holder shall provide certification from a Chartered Professional Engineer that the works have been constructed in accordance with the approved design.

## GEOTECHNICAL

- 10 The consent holder must engage a Chartered Professional Engineer (CPEng) with specialist geotechnical skills and experience to certify the engineered fill used and the foundation designs of all buildings and provide a copy of that certification to the Council at the time of application for building consent.

## CONSTRUCTION / EARTHWORKS

- 11 That prior to the commencement of construction works the applicant shall submit a Construction Management Plan (CMP), for certification by Napier City Council, detailing the ways in which the proposed construction works will occur under specified requirements in accordance with the following objectives:
- a) Avoid or minimise the magnitude of adverse effects generated during the construction activities and works authorised by this resource consent; and
  - b) Provide clarity as to how the proposal (as relevant to the activities authorised by this consent) is to be constructed by setting out the:
    - (i) Construction methodology that is to be employed to construct the proposal; and
    - (ii) Staging, timing, duration and monitoring of construction works; and
    - (iii) Measures that are to be applied, and when they are to be applied, to minimise the effects of the construction activities and works authorised by this resource consent. These measures are to be consistent with the geotechnical report by RDCL dated 19 October 2017 and the certified Sediment Control Plan.
    - (iv) The means by which stakeholders are to be kept informed of the construction works / activities being undertaken by the consent holder and/or its contractor(s).

The CMP shall contain, but shall not be limited to, the following sections:

- a) Purpose and Scope
- b) Personnel, Team Structure, Contact Details and Responsibilities. This will include the 24-hour contact details for the following personnel:
  - i) The administrator of the complaints register; and
  - ii) The Liaison Officer (if required by conditions of this consent);
- c) Environmental Policy and Environmental Management System;
- d) Resource Consent and Building Consent Requirements;
- e) Construction Methodology;
- f) Training and Induction of Contractors and their Staff;
- g) Subcontractor Management;
- h) Monitoring and Site Inspections;
- i) Conformance and Corrective / Preventative Actions;
- j) Meetings Frequency and Purpose; and
- k) Environmental Systems Reviews.

Works authorised by this consent shall not occur until the CMP has been certified by

the Team Leader Resource Consents at the Napier City Council as meeting condition 11 of this consent.

- 12 That the applicant shall meet all the costs associated with the provision of infrastructure, including the transport network, footpaths, kerb and channel, forming the hard shoulder, road signage, road marking, lighting or other necessary modifications required to the existing transportation network to support the development.
- 13 That the applicant shall submit to Council a final design, detailing the earthworks to be carried out, overland flow paths and proposed finished ground levels within the development, for certification by the Director NCC Infrastructure (or nominee), prior to construction. This earthworks plan shall not include any changes in the existing ground level of the external boundaries that affect overland flow paths, except for stormwater discharges to the Cross Country (Purimu) Drain.
- 14 That the applicant shall submit a Sediment Control Plan by an appropriately qualified and experienced person to Council, for certification by the Director, NCC Infrastructure, prior to the commencement of any work on the site. The Sediment Control Plan shall detail how sediment and erosion controls will be carried out at the site. The Sediment Control Plan shall be in accordance with the Hawkes Bay Waterway Guidelines Erosion and Sediment Control April 2009. A statement shall be included with the Sediment Control Plan stating the author's qualifications and experience in this area.
- 15 That all construction and earthworks operations shall be so conducted as to comply with the provisions of New Zealand Standard NZS 6803: 1999 Acoustics – Construction Noise.
- 16 Noise levels will be measured in accordance with the New Zealand Standards NZS 6803: 1999 Acoustics – Construction Noise.
- 17 That earthworks shall be limited to the hours of 7.00 am - 5.00 pm Monday – Friday, and 8.00 am – 5.00 pm Saturday.
- 18 That all areas of earthworks shall be re-grassed within 6 months to the satisfaction of the Director, NCC Infrastructure (or nominee).
- 19 That while earthworks are being undertaken and prior to re-vegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is deposited outside the property boundaries.
- 20 That the applicant shall install sediment and erosion controls in accordance with the certified Sediment Control Plan (as per condition 14) prior to the commencement of the earthworks and these controls shall be maintained throughout the period of the works, to the satisfaction of the Director, NCC Infrastructure (or nominee).
- 21 That the consent holder shall provide certification from a registered and professionally qualified engineer, that the sedimentation works have been designed and constructed in accordance with the certified Sediment Control Plan (as per condition 14) prior to commencement of works on site.
- 22 That the applicant shall provide confirmation in writing to the Director, NCC Infrastructure (or nominee) that their contractor has only imported 'clean fill' onsite (i.e. no rubbish, no stumps, no concrete, bricks, and no other substance containing; combustible, putrescible, degradable or leachable components, hazardous substances, products or materials derived from hazardous waste treatment, hazardous waste stabilisation or

hazardous waste disposal practices, medical and veterinary waste, asbestos or radioactive substances or liquid waste).

- 23 That the location and dimensions and depth of any area of fill shall be identified on an As-built plan of the development and provided to the Director, NCC Infrastructure (or nominee) demonstrating compliance with condition 13.
- 24 That any damage caused to Transportation assets as a result of the development work shall be rectified at the Developers sole expense as agreed with the Director, NCC Infrastructure (or nominee).

## **LANDSCAPING**

### PURIMU CONNECTION (CROSS COUNTRY DRAIN) LANDSCAPE PLANTINGS

**Note:** *The applicant has agreed that, concurrent with site earthworks being undertaken, landscaping planting and associated earthworks on the adjoining land (NCC owned Cross Country Drain) will be carried out in accordance with the Bonisch Consultants Plans 4505 dated 28 June 2018 and the Regional Council Concept Landscape Plan Sheet 8 (Purimu Connection).*

*The applicant has also agreed:*

- a) to provide a detailed design of the landscaping planting and associated earthworks to NCC prior to work commencing;*
- b) To consult with the Hawkes Bay Regional Council regarding the detailed design of the landscaping planting and associated earthworks;*
- c) To expend up to \$30,000.00 (incl. GST) on the design and implementation of the landscaping planting and associated earthworks, noting that other parties (including NCC or HBRC) may wish to contribute more funding in which case the scope of the landscaping planting and associated earthworks may be increased accordingly.*

*NCC has agreed that they will assume responsibility for the maintenance of the plantings.*

### WHOLE OF SITE LANDSCAPE DESIGN

- 25 That prior to works commencing on site, the applicant shall submit a finalised Landscape Plan (based on the concept landscaping plans provided with the application) prepared by a suitably qualified and experienced person for certification by the NCC Team Leader Resource Consents (or nominee). The Landscape Plan shall include (but not be limited to):
- a) Planting specifications detailing the specific planting species to achieve a mix of ground cover and specimen trees, and
  - b) The number of plants and their locations, heights and PB sizes, and
  - c) Confirmation that the location (distance from the boundary) of the species at planting is appropriate for the species type and leaves sufficient space for ongoing maintenance and trimming from within the site, at the height specified, and
  - d) Provision for irrigation of landscaping, and
  - e) Details of proposed boundary fencing utilizing the permeable design proposed in the application documents.

- 26 Within six months after the completion of construction of each stage, the landscaping for that respective stage shall be planted and irrigation installed in accordance with the certified landscape plan required by Condition 25.
- 27 That in regard to Conditions 25 and 26 the required landscaping shall be maintained for the duration of this consent to the satisfaction of the NCC Team Leader Resource Consents (or nominee).

#### **RURAL REVERSE SENSITIVITY**

- 28 The proposed southern boundary of the site title with 35 Ulyatt Road (subject to a separate subdivision consent/boundary adjustment), shall provide a minimum 6 metre separation as measured from the eave (including spouting) of any retirement villa as shown on the *jerram + tocker + barron architects ltd* Site Plan (Sheet No. P02, Rev RC2, dated 06/08/18). A covenant shall be registered over the 6 metre separation area that restricts the carrying out of any commercial agricultural or fruit growing activity, other than growing turf grass for sale. The Covenant shall read as follows:

The Grantor covenants with the Grantee that the Grantor will not use, lease or permit to be used or leased any portion of the Land or any buildings now or to be erected on the Land for commercial agricultural or fruit growing activity, other than growing turf grass for sale.

**Note:** *Condition 28 was offered by the applicant and is imposed on an Augier basis (derived from the case Augier v Secretary of State for the Environment (1978) 38 P & CR 219) which provides that, if an otherwise ultra vires condition is volunteered by a resource consent applicant and a consent is granted with that condition, then that condition is enforceable. For completeness, it is also recorded that the applicant for the resource consent agrees to the condition under s 108AA(1)(a) of the RMA).*

- 29 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(s) of the application site. The covenants shall be prepared by a lawyer (the Consent Holders, or Councils) at the sole 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 scarers 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

- a) Make nor lodge; nor
- b) Be party to; nor
- c) Finance nor contribute to the cost of;
  - (i) Any complaint regarding the carrying out of any land based primary production activity on the surrounding land.

- (ii) 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.
- (iii) 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.”

**Note:** Condition 29 was offered by the applicant and is imposed on an Augier basis (derived from the case *Augier v Secretary of State for the Environment (1978) 38 P & CR 219*) which provides that, if an otherwise ultra vires condition is volunteered by a resource consent applicant and a consent is granted with that condition, then that condition is enforceable. For completeness, it is also recorded that the applicant for the resource consent agrees to the condition under s 108AA(1)(a) of the RMA).

## **NOISE**

- 30 That the activity shall at all times comply with the Napier District Plan permitted activity noise standards.

## **STATE HIGHWAY NOISE**

- 31 The following acoustic insulation conditions shall apply to all new noise sensitive activities (i.e retirement villas/units) within the Expressway Noise Boundary:
- a) Where any building used for a noise sensitive activity is to be located within the Expressway Noise Boundary as shown on the Napier District Plan planning maps:
    - i) The habitable room within the noise sensitive activity shall achieve a minimum External Sound Insulation Level of the building envelope of  $D_{tr,2m,nTw} + C_{tr} > 30$  dB for outside walls of any habitable rooms.
    - ii) Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided. Any such ventilation system shall be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable room.
  - b) The standard in (a) above does not apply to noise sensitive activities which can comply with the following:
    - i) The habitable room within the noise sensitive activity is greater than 80 metres from the edge of the road carriageway; or
    - ii) Noise screening (such as a noise barrier bund or fence) is constructed so that noise levels measured at the location of the building housing the noise sensitive activity in accordance with NZS6801:2008, do not exceed 55 dB LAeq (24hour) outdoors.
  - c) At the time of building consent, the consent holder shall provide acoustic design certification, from a qualified and experienced acoustic expert, to NCC, to demonstrate that the requirements of (a) above will be met.

## **NATURAL HAZARD EVACUATION PLANNING**

- 32 Prior to the occupation of the retirement complex, an evacuation plan for residents and employees shall be provided to Council and maintained as part of the operation of the retirement complex.



## **INERT ROOFING MATERIALS**

- 33 Prior to the issue of any building consent as part of this proposal, written confirmation shall be provided from the consent holder to Napier City Council that roofing is constructed of inert materials (specific to potential water contamination).

## **MONITORING**

- 34 That a monitoring deposit of \$150 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions in accordance with Council's schedule of charges.

In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's schedule of fees.

## **NOTES FOR ADVICE PURPOSES:**

- A. Development Contributions: This project will be subject to the payment of Development Contributions at Building Consent stage.
- B. Any signage beyond the permitted thresholds of the District Plan, will need to go through a separate resource consent process
- C. As a commercial entity all refuse and mail will be the responsibility of the operator.
- D. The internal water supply infrastructure is subject to building consent and potable water quality standards.
- E. All enquiries regarding the costs of connections to Napier City services should be addressed to the NCC Infrastructure Department.
- F. The locations for the connections to Napier City services should be confirmed with the Infrastructure Department prior to making application for connection.
- G. The costs of all services required for the development are to be met by the applicant.
- H. All references to “the Code” in this consent relate to the Napier City Council Code of Practice for Subdivision and Land Development.
- I. Except as otherwise allowed by this consent, the proposal must comply fully in all respects with the provisions of the City of Napier District Plan, all relevant Council By-Laws, the Building Act 2004 and regulations, and the NCC Code of Practice for Subdivision and Land Development. All necessary consents and permits required to meet those provisions should be obtained by the consent holder.
- J. That connections to Napier City Council’s water and sewer network will require an application to be made to NCC Infrastructure. All connections to the live sewer, water and stormwater networks will be undertaken by NCC.
- K. In terms of condition 4(h) the exact off peak hours of discharge, and the size of the pump required, will need to be certified by NCC Infrastructure as part of the design. Off peak discharge hours will need to be confirmed by NCC, these are expected to be: 8.30pm – 6.30am and 10.30am – 4.30pm. The design will need to confirm how much on site sewerage storage will be required.
- L. In terms of condition 4(i) the Bill Hercock Street water mains shall be extended to service the proposed development for firefighting and domestic supply. Water for irrigation supply will be provided from sources other than the NCC potable water supply.

Appendix One – Bupa New Zealand - Conditions of Consent

- M. In terms of condition 5 all private services for water, storm water and sewer will require Building Consent.
- N. The HBRC published sediment and control guidelines 2009 can be found here:  
<https://www.hbrc.govt.nz/assets/Document-Library/Waterway-Design-guidelines/Erosion-and-Sediment-Control-20090406.pdf>