

Recommended Draft Conditions

Pursuant to Section 108 of the RMA, this land-use consent referenced by Council as RM190019 is recommended to be subject to the following conditions:

1.0 Application Material and Plans

The proposal shall be undertaken generally in accordance with the application material and plans submitted with this application, referenced as follows:

- The submitted Assessment of Environmental Effects titled '*Resource Consent Application for Land Use – 35 Kenny Road, Napier, Te Awa Land Development Company Limited*' prepared by Cam Drury of Stradey Urban, Environmental and Strategic Planning and dated 15 February 2019.
- The Architectural Design Statement titled '*Kenny Road Suburban Commercial Development*' prepared by Atkinson Harwood Architecture Ltd and dated 15 February 2019.
- The Engineering Services Report titled '*Servicing of the Eriksen Road Commercial Development*' prepared by Infir Infrastructure Solutions and dated 15 February 2019.
- The Stormwater Calculations Memo prepared by prepared by Infir Infrastructure Solutions and dated 25 March 2019.
- The Detailed Site Assessment titled '*Detailed Site Assessment – 35 Kenny Road, Napier, Hawkes Bay*' prepared by Jason Strong of EAM Environmental Consultants and dated February 2019.
- The Traffic Impact Assessment titled '*Te Awa Land Development Company Limited*' prepared by Urban Connection and dated April 2019.
- The addendum to the Traffic Impact Assessment titled '*Response to Peer Review*' prepared by Urban Connection and dated 8 October 2019.
- The Acoustic Report titled '*Proposed Mixed Use Commercial Development at 35 Kenny Road, Napier*' prepared by Earcon Acoustics and dated September 2019.
- The S92 response titled '*S19099, 35 Kenny Road, Napier – Response to Further Information*' prepared by Cam Drury of Stradey Urban, Environmental and Strategic Planning and dated 20 September 2019;

- Plans prepared by Atkinson Harwood Architecture and titled 'Kenny Road, Suburban Commercial' and Sheet References as follows:

Sheet	Title	Date	Rev
-	Cover Sheet	12/04/2019	-
101	Location Plan	12/04/2019	-
102	Development Plan	19/09/2019	01-2
301	Elevations	19/09/2019	01-1

Advice Note:

To avoid doubt; except as otherwise allowed by this consent, the proposed land-use must comply fully in all respects with the provisions of the District Plan. The proposal must also comply with the Building Act 2004 and regulations and with the Code of Practice for Subdivision & Land Development. All other necessary consents and permits shall be obtained by the consent holder.

2.0 Lapse Date of Consent

Pursuant to S125 of the Resource Management Act, this consent shall lapse 5 years after the date it is granted.

3.0 Monitoring Charge

The consent holder shall pay an initial consent monitoring charge of \$150.00 (including GST), plus any further monitoring charge/s to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

4.0 Financial Contributions

A total financial contribution of \$1,116,587.00 comprised of:

Te Awa (plus: per hectare) part of the full site area: \$515,027.00

Te Awa (plus: per metre of road frontage) \$3,342.00 x 180 metres (\$601, 560.00)

Shall be paid to the Council as the contribution towards the impact on and the cost of upgrading the existing engineering and community services as set out in the Council's Essential Services Development Plan.

This amount is inclusive of GST and will be subject to the indexation applicable at the time of development.

The consent holder is advised that the 'per metre of frontage' charge is able to be credited in the event that the consent holder undertakes the works required by Condition 5.5 below.

5.0 Infrastructure

- 5.1 All new infrastructure for water, wastewater, stormwater and roads is to be designed and constructed in accordance with the requirements of the Code of Practice for Subdivision and Land Development, except where a specific dispensation has been granted a part of this Resource Consent
- 5.2 An Engineering Approval will be required for any new Council mains that are proposed to service the development.

Advice Note:

- *Engineering approval will be required prior to commencement of physical works; and*
- *All infrastructure assets that are to be taken over by Council and are part of this Resource Consent approval are indicative only. Final design approvals including the type of installation will be undertaken at Engineering Approval stage.*

Roading and Vehicle Crossings

- 5.3 The two vehicle crossings are to be constructed and inspected in accordance with the Code.
- 5.4 All redundant vehicle crossings are to be reinstated to standard kerb and channel, berm and footpath in accordance with the Code.
- 5.5 The consent holder shall provide an all-weather footpath connection from the site to the existing footpath network along the southern extent of Kenny Road. This shall require a suitably designed pedestrian crossing provision at Eriksen Road.
- 5.6 The Kenny Road and site access intersection shall be designed to include a right turn bay to support the safe and efficient operation of the intersection.

Stormwater

- 5.7 The consent holder shall install and maintain the on-site stormwater attenuation as proposed within the submitted report titled '*Servicing of the Eriksen Road Commercial Development*' prepared by Infir Infrastructure Solutions and dated 15 February 2019.
- 5.8 This stormwater attenuation is to be maintained in perpetuity on the site, and is to be protected by way of covenant included on the Record of Title for the property.

The cost of all documentation associated with the preparation of the covenant documentation is to be borne by the consent holder.

- 5.9 The consent holder shall provide an Operation and Maintenance Plan shall be prepared and submitted to Council for approval at the Engineering Approval stage.
- 5.10 The approved point of connection for stormwater is as defined in the Te Awa structure plan.

- 5.11 The design of the stormwater system is required to show secondary flow paths with levels and floor levels that will protect the proposed commercial development from flooding in a 50 year return period event.

Wastewater

- 5.12 The wastewater connection shall be to the gravity network that drains to the Kenny Road wastewater pump station (approximately 400m distance). Connections shall be via a private pump station within the development and rising minor gravity connection to the terminal manhole on the public sewer.

Water

- 5.13 In accordance with the submitted application material, the water connection shall be provided from water main at the intersection of Clutha Street and Kenny Road.
- 5.14 A single water connection will be available for the site if it is held in one title. Each unit titled building is to have a separate toby to isolate the water supply without affecting other units.
- 5.15 No water supply pipes shall pass from one allotment to another except by way of a registered easement over a formed right-of-way for access to the property.
- 5.16 The water connection to the property is to be fitted with a water meter and backflow preventer.
- 5.17 All existing bores shall be decommissioned by a registered well-driller.
- 5.18 A fire hydrant may be required if an existing hydrant is not located within 135 metres of the centre of all lots.

6.0 Environmental

- 6.1 The consent holder shall contact Napier City Councils Team Leader Resource Consents at least five (5) working days prior to the commencement of the works authorised by this consent and on completion of the works.
- 6.2 A construction management plan shall be submitted to Napier City Council a minimum of one week prior to undertaking any earthworks on the site. This plan must have consideration for the construction site, staging, whole catchment, flow paths and ultimate receiving environment.

The consent holder must be in receipt of written acknowledgment from Napier City Council (Environmental Solutions Team) that the submitted sediment control plan is acceptable prior to the commencement of earthworks.

Advice Note: Soils are clay-based so have very fine particles and flocculation in a settling pond may be required – the consent holder is advised that this may require Regional Council resource consent

- 6.3 The consent holder shall ensure that appropriate sediment controls shall be in place during any construction works. These sediment controls shall ensure that no sediment-laden water exits the subject site.
- 6.4 The best possible means shall be employed to ensure that windblown dust and soil and associated wind erosion is minimised, and that adequate drainage and silt control is in place during and following the earthworks to avoid, remedy or mitigate any adverse environmental effects.
- 6.5 The works are to be supervised and monitored by a suitably qualified Chartered Professional Engineer. Certification shall be provided to Councils Team Leader Resource Consents from the engineer in the form of a Statement of Professional Opinion to verify compliance with the intended use and that the works in accordance with the approved plans.
- 6.6 The consent holder shall implement suitable measures to prevent earth being deposited on public roads. In the event that the materials are deposited on the road, the consent holder shall take immediate action at their own expense to clean the street. The measures shall remain in place until completion of work.
- 6.7 All earthworks shall be undertaken in accordance with the provisions of N.Z.S 4431.
- 6.8 Immediately upon completion of earthworks, all earth worked areas shall be regrassed or planted to ensure the surface is stabilised.
- 6.9 All buildings shall have roofs that are constructed using inert roofing materials such as Colorcote or Coloursteel, or using a different roofing material or roof treatment (e.g. painting with non-metal based paints) that will achieve an equivalent performance standard in terms of release of metal contaminants.

7.0 Lighting

The consent holder shall ensure that all exterior lighting on the site is installed and operated in accordance with the submitted lighting design and light spill calculation report titled "*Kenny Road Suburban Commercial Exterior Lighting Design and Statement of Compliance*" prepared by Mr Paul Wilson of XYST and dated 29 August 2019.

8.0 Noise

- 8.1 The consent holder shall ensure that the activities on the site do not exceed the predicted noise levels detailed within the submitted Earcon Report titled '*Proposed Mixed Use Commercial Development at 35 Kenny Road, Napier*' dated September 2019, detailed as follows:

Table 1: The Predicted Cumulative Noise Levels at the Neighbouring Properties:

Location	Predicted noise level ($L_{Aeq(15\ min)}$ dB)				Noise Limit $L_{Aeq(15\ min)}$ (dB)	Comments
	Childcare	Cafe	Traffic	Cumulative		
5 Kenny Rd	37	<30	40	43	50/45	Complies
30 Kenny Rd	41	44	52	53		*
95 Eriksen Rd	40	36	47	49		Complies
120 Eriksen Rd	<30	37	44	46		
136 Eriksen Rd	<30	41	50	51		**
151 Eriksen Rd	38	<30	41	44		Complies

*Exceeds the daytime noise limit by up to 3dB from primarily traffic noise. This will be relatively indistinguishable from the ambient road traffic noise.

**Exceeds the daytime noise limit by up to 1dB from traffic noise. This is considered to be a negligible, inaudible, difference relative to the district plan noise limit.

8.2 The consent holder shall ensure that all refuse and recycling pick-ups occur between the hours of 7am – 7pm, Monday to Friday and from the south-western corner of the site.

For the avoidance of doubt, no refuse or recycling pick-ups are permitted from the site during Saturday, Sunday or Public Holidays.

8.3 The consent holder shall ensure that all loading activities occur between the hours of 7am – 7pm, Monday to Friday, and Saturday 9am – 1pm.

For the avoidance of doubt, no loading activities are permitted on Sunday or Public Holidays.

8.4 The hours of operation for each of the tenancies are limited as follows:

- Supermarket 7.30am – 9pm
- Retail 7.30am – 7pm
- Medical Clinic doctors: 7.30am – 6pm
- Childcare: 7.30am – 6pm

9.0 Signage

The consent holder shall ensure that no additional signage beyond that detailed on submitted sheets:

- 102 – Development Plan (Rev 01-2) and dated 19/09/2019; and
- 301 – Elevations (Rev 01-1) and dated 19/09/2019

be installed within the development site boundaries.

10.0 Landscaping

10.1 Prior to the implementation of on-site landscaping, the consent holder shall submit to the Team

Leader, Resource Consents Council a detailed landscaping plan which includes the species types, numbers, sizes and locations within the indicative landscaped area.

- 10.2 Prior to the occupation of the development, the consent holder shall provide written certification to the Team Leader, Resource Consents that the landscaping has been implemented on the site in accordance with the detailed landscaping plan (as required by Condition 10.1).

Advice notes

- (a) *Except as otherwise allowed by this consent, the proposal must comply fully in all respects with the provisions of any relevant District Plan. That the proposal shall comply with, the Building Act 2004 and with the Code of Practice for Subdivision and Land Development. All necessary consents and permits shall be obtained.*
- (b) *All references to the Code in this consent relate to the Napier City Council Code of Practice for Subdivision and Land development.*
- (c) *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including relevant Hawkes Bay Regional Council consents.*
- (d) *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*
- (e) *The consent holder is advised that the proposed commercial activity on the site is subject to payment of development contributions at the building consent stage, which have been calculated at \$81,942.10 (to mitigate downstream effects).*