

Appendix 18 – Recommended Draft Condition Set (Subdivision)

The following conditions have been prepared as a guide related to particular matters referenced in the S42A Report that have been recommended to form conditions of consent. This is not to be assessed as a complete or exhaustive list, nor have the relevant conditions below been segregated into specific Stages of development.

GENERAL CONDITIONS – Applicable to all Stages of Development

1.0 Staging of Development

The proposal to subdivide is to be completed in **ten**, consecutive stages; identified as:

Stage	Lots (Residential)	Lots (Private Road/ ROW))	Lots (Reserves)	Lots (Other)
1A	1 - 7	-	-	500
1B	8 - 15	-	-	-
1C	16 - 19	-	-	-
2	35 – 47, 145 – 148, 151, 172, 175 -182	401	301, 305	-
3	48 - 58, 156 - 157, 160 -171, 173 -174	402	302, 306	-
4	59 - 62, 131 -133, 138, 141, 149 - 150, 152 - 155, 158 -159	403	-	-
5	28 – 34, 63 – 65, 115 – 117, 120 – 121, 124 -125, 128 – 130, 134 - 137, 139 – 140, 142 – 144	404	303, 307	-
6	66 – 69, 99 – 103, 108 – 110, 118 – 119, 122 -123, 126 -127	405, 417	-	-
7	24 – 27, 70 -73, 86 - 88, 91 -92, 95 -98, 104 - 107	406	304, 308	-
8	20 -23, 74 -85, 89 -90, 93 -94.	407	-	-

2.0 Application Material and Plans

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

- The original Assessment of Environmental Effects titled '*Residential Subdivision and*

Development 16 and 38 Willowbank Avenue, Napier prepared for Durham Property Investments Limited by Mr Jason Kaye of Development Nous and dated 17 January 2019.

- The addendum Assessment of Environmental Effects titled *'Residential Subdivision and Development 16 and 38 Willowbank Avenue, Napier'* prepared for Durham Property Investments Limited by Mr Jason Kaye of Development Nous and dated March 2020.
- The S92 Response Letter titled *'Response to Further Information Request (RMS19006) – 16 Willowbank Avenue, Napier'* prepared by Mr Jason Kaye of Development Nous and dated 02 April 2019.
- The second S92 Response Letter titled *'RMS19006 Resource Consent Application – Durham Property Investments Ltd, Land at 16 and 38 Willowbank Avenue, Napier – Response to Second Section 92 Request for Further Information'* prepared by Mr Jason Kaye of Development Nous and dated 21 January 2021.
- The staged subdivision scheme plans titled *'Durham Property Investments - Proposed Subdivision of Lot 1 & 2 DP 14417 Comprised in RT HBG2/863 & 420376 – 16 & 38 Willowbank Avenue, Te Awa, Napier'* prepared by Development Nous Ltd, all dated 20/01/2021 and specific plan references –

Drawing No.	Drawing Title	Revision
H20180069-C011	Overall Scheme Plan	4
H20180069-C012	Stage 1A – Scheme Plan	4
H20180069-C013	Stage 1B – Scheme Plan	4
H20180069-C014	Stage 1C – Scheme Plan	4
H20180069-C015	Stage 2 – Scheme Plan	4
H20180069-C016	Stage 3 – Scheme Plan	4
H20180069-C017	Stage 4 – Scheme Plan	4
H20180069-C018	Stage 5 – Scheme Plan	4
H20180069-C019	Stage 6 – Scheme Plan	5
H20180069-C020	Stage 7 – Scheme Plan	5
H20180069-C021	Stage 8 – Scheme Plan	4

- The Report on Assessment of Liquefaction Potential titled *'Assessment of Liquefaction Potential – Willowbank Subdivision Te Awa'* prepared by S. De Silva of RDCL and dated 4 November 2020.
- The Traffic Impact Assessment titled *'Proposed Lifestyle Village – 16 and 38 Willowbank Avenue, Napier'* prepared by Mr Ian Constable of Traffic Solutions Ltd and dated 15 January 2020.

- The Detailed Site Investigation titled '*Detailed Site Investigation – Eriksen Road Lifestyle Village – 38 & 16 Willowbank Avenue, Napier*', prepared by Geosciences Ltd and Development Nous and dated 16 January 2019.
- The Land Development Report and Servicing Plans titled '*Durham Properties Ltd, 16-38 Willowbank Avenue, Napier*', , Rev D and undated; prepared by Mr Daniel Joblin of Strata Group Ltd Consulting Engineers. Specific sheet references all dated September 2020 include –

Drawing No.	Drawing Title	Revision
C200	Proposed Site Scheme Plan	2
C201	Proposed Site Plan – Stage 1	1
C300	Proposed Road Formation – Stage 1	1
C400	Proposed Overall Water services Layout Stage 1	2
C410	Proposed Drainage Wastewater Layout Stage 1	2
C420	Proposed Drainage Stormwater Layout Stage 1	2
C500	Proposed Overall Water Services Layout Stage 1	2
C202	Proposed Site Plan Stages 2 – 8	1
C301	Proposed Road Formation Stage 2 – 8	1
C401	Proposed Overall Water Services Layout Stages 2 – 8	2
C411	Proposed Drainage Wastewater Layout Stages 2 – 8	2
C421	Proposed Drainage Stormwater Layout Stages 2 – 8	2
C450	Proposed Open Drain Willowbank Cross Sections	2
C451	Proposed Open Drain Cowshed Extension Cross Sections	2
C501	Proposed Overall Water Services Layout Stages 2 – 8	2

- The Landscape Concept Plans titled '*Eriksen Road Lifestyle Village, Te Awa – Landscape Concept Design*', Rev M and dated 21/01/2021, prepared by Development Nous. Specific sheet references -

Drawing Title
Lot Plan
Architectural Overlay
Indicative Signage and Estate Entry – Indicative Precedent Imagery
Indicative Fencing Design and Road Corridor Profile

Indicative Cross Section – Road Corridor & Drainage Reserve
Planting Character
Duplex Units – Typical Landscape Concept Plan
Single Units – Typical Landscape Concept Plan
Planting Palette

- The Urban Design Report titled 'Eriksen Road Lifestyle Village Te Awa – Urban Design Report' Rev F, dated 21 January 2021, prepared by Development Nous Ltd.
- The Dwelling Concept Plans titled '*Eriksen Road Development [Concept]*' prepared by Innovate Architecture. Specific Sheet References –

Drawing No.	Drawing Title	Date
01	Cover Page (Single Dwelling)	01/02/2019
02	Floor Plan (Single Dwelling)	01/02/2019
03	Elevations (Single Dwelling)	01/02/2019
04	Floor Plan (Single Dwelling)	18/09/2018
01	Cover Page (Duplex Units)	01/02/2019
02	Floor Plan (Duplex Units)	01/02/2019
03	Elevations (Duplex Unit)	01/02/2019
04	Floor Plan (Duplex Units)	07/09/2018

3.0 Duration of Consent

Under S125 of the Resource Management Act, this consent shall lapse 5 years after the date it is granted for completion of all stages of the development.

4.0 Monitoring Charge

The consent holder shall pay an initial consent monitoring charge of \$1500.00 (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.

5.0 Earthworks

5.1 The consent holder shall contact Napier City Councils Team Leader Resource Consents at least ten (10) working days prior to the commencement of any earthworks authorised by this consent.

5.2 A detailed sediment control plan shall be submitted to Napier City Council a minimum of 10 working days prior to undertaking any earthworks on the site. This plan must have consideration for the construction site, staging, stormwater flow paths and ultimate receiving environment of stormwater. The plan shall include the following details:

- *The mechanisms used to ensure that waterborne sediment does not depart the subject site.*
- *Outlines the mechanisms used to control dust.*
- *Outlines the procedures for keeping stormwater systems, adjacent footpaths and roads free of mud, debris and obstruction.*
- *Outlines how parking associated with the construction will be managed.*
- *Outlines the nature and location of signage to be erected to warn pedestrians of the construction site and associated construction vehicles.*

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.

- 5.3 The consent holder shall ensure that appropriate sediment controls remain in place for the duration of the construction phase. These sediment controls shall ensure that no sediment-laden water exits the subject site.
- 5.4 The consent holder shall ensure that the best possible means are 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.
- 5.5 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.
- 5.6 The consent holder shall implement suitable measures to prevent earth being deposited on public roads. If 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.
- 5.7 All earthworks shall be undertaken in accordance with the provisions of NZS 4431.
- 5.8 Immediately upon completion of earthworks, all earth worked areas shall be re-grassed or planted to ensure the surface is stabilised.

6.0 Hours of Site Works

- 6.1 All earthworks and/or construction works on the site shall be limited to the hours of 7.30am – 6pm Monday – Saturday. There shall be no work undertaken on Sundays or Public Holidays.
- 6.2 All earthworks and construction operations shall be conducted to comply with the provisions of New Zealand Standard NZS 6803: 1999 Acoustics – Construction Noise.
- 6.3 Noise Levels will be measured in accordance with the New Zealand Standards NZS 6803: 1999 Acoustics – Construction Noise.

7.0 Retirement of existing Vehicle Crossings to Willowbank Avenue

Prior to commencement of any site works on the development site, the consent holder shall remove the existing vehicle crossings to Willowbank Avenue from 16 and 38 Willowbank Avenue. The existing crossings are considered to be 'retired' upon completion of the following:

- Reinstatement of the Willowbank Road berm to from the existing impermeable crossing surfaces from the existing edge of seal to the property boundary;
- Removal of the existing culvert and re-instatement of the open drain network within the roadside berm.

8.0 Emergency / Hazard Management Plan (E/HMP)

8.1 Prior to the occupation of the Willowbank sub-development, the consent holder shall provide a detailed Emergency / Hazard Management Plan (E/HMP), detailing the provisions to ensure the safety of occupants of the subdivided lots in the event of inundation of the site from either tsunami or overland flow from stormwater. This shall be submitted for the approval of the Napier City Council Community Services Team. The E/HMP shall include but not be limited to the following measures:

- Ensuring the provision of an evacuation plan for tsunami and flooding, to be reviewed every 5 years by the residents' society
- Provision of evacuation signage which meets the Technical Standard [TS01/08] National Tsunami Signage principles, and is acceptable to the Napier City Council Community Services Team
- Ensuring members of the residents' society receive as minimum annual training in compliance with the provisions of the E/HMP.

8.2 The consent holder shall provide to the Napier City Council Community Services Team a copy of the documentation establishing the Residents society and setting out to the satisfaction of the Napier City Council Community Services Team the responsibilities of the residents' society in terms of on-going site management. This includes arrangements to ensure compliance of the E/HMP; and providing Council with an annual report demonstrating on-going compliance. This is to be prepared by an independent certifier appointed by the residents' society and acceptable to the Napier City Council Community Services Team.

8.3 The consent holder shall upload all geotechnical data to the New Zealand Geotechnical Database www.nzgd.org.nz Hawke's Bay Civil Defence Emergency Management Hazard Portal.

8.4 Prior to occupation of the Willowbank development, the consent holder shall provide information to Napier City Council on how they will mitigate liquefaction and enable re-habitation of homes post-event in accordance with the Canterbury method ([MBIE, 2012](#)).

9.0 Financial Contributions

The **total** financial contributions for this development have been calculated across each of the proposed stages of the development, as follows:

9.1 Stage 1A

Total of **\$927,318.26** comprised of:

<i>Te Awa (per lot)</i>	$\$22,989.70 \times 7^* =$ \$160,927.90
<i>Te Awa (plus: per hectare) local off site</i>	$\$549,868.60 \times 4613\text{m}^2 =$ \$253,654.39

Te Awa (plus: per metre of road frontage) | $\$3568.10 \times 143.7 \text{ metres} \times =$ **\$512,735.97**

* Lot 500 is proposed to be vested, therefore road frontage charge of 9.7 metres is N/A

9.2 Stage 1B

Total of **\$983,086.45** comprised of:

Te Awa (per lot)	$\$22,989.70 \times 8 =$ \$183,917.60
Te Awa (plus: per hectare) local off site	$\$549,868.60 \times 4982\text{m}^2 =$ \$273,944.53
Te Awa (plus: per metre of road frontage)	$\$3568.10 \times 147.2 \text{ metres} =$ \$525,224.32

9.3 Stage 1C

Total of **\$398,497.19** comprised of:

Te Awa (per lot)	$\$22,989.70 \times 4 =$ \$91,958.80
Te Awa (plus: per hectare) local off site	$\$549,868.60 \times 2502\text{m}^2 =$ \$137,577.12
Te Awa (plus: per metre of road frontage)	$\$3568.10 \times 73.1 \text{ metres} =$ \$260,828.11

9.4 Stage 2

Total of **\$1,587,453.08** comprised of:

Te Awa (per lot)*	$\$22,989.70 \times 27 =$ \$620,721.90
Te Awa (plus: per hectare) local off site**	$\$549,868.60 \times 16478\text{m}^2 =$ \$906,073.48
Te Awa (plus: per metre of road frontage)***	$\$3568.10 \times 17 \text{ metres} =$ \$60,657.70

* Lot 401 has been excluded from payment of per unit charge.

** Lots 301 and 305 that are to be vested as reserve have been excluded from hectare charge

*** Where Lot 401 is to remain as 'private' the road frontage charge has been applied to the 17 linear metre frontage to Eriksen Road

9.5 Stage 3

Total of **\$1,423,969.95** comprised of:

Te Awa (per lot)*	$\$22,989.70 \times 27 =$ \$620,721.90
Te Awa (plus: per hectare) local off site**	$\$549,868.60 \times 14608\text{m}^2 =$ \$803,248.05

* Lot 402 has been excluded from payment of per unit charge

** Lots 302 and 306 that are to be vested as reserve have been excluded from hectare charge

9.6 Stage 4

Total of **\$942,068.17** comprised of:

Te Awa (per lot)*	$\$22,989.70 \times 17 =$ \$390,824.90
Te Awa (plus: per hectare) local off site	$\$549,868.60 \times 10,025\text{m}^2 =$ \$551,243.27

* Lot 403 has been excluded from payment of per unit charge

9.7 Stage 5

Total of **\$1,573,929.50** comprised of

Te Awa (per lot)*	$\$22,989.70 \times 29 =$ \$666,701.30
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Te Awa (plus: per hectare) local off site** | $\$549,868.60 \times 16499\text{m}^2 = \mathbf{\$907,228.20}$

* Lot 404 has been excluded from payment of per unit charge

** Lots 303 and 307 that are to be vested as reserve have been excluded from hectare charge

9.8 Stage 6

Total of **\$923,267.86** comprised of

Te Awa (per lot)*	$\$22,989.70 \times 18 = \mathbf{\$413,814.60}$
Te Awa (plus: per hectare) local off site	$\$549,868.60 \times 9265\text{m}^2 = \mathbf{\$509,453.26}$

* Lots 405 and 417 (JOAL) have been excluded from payment of per unit charge

9.9 Stage 7

Total of **\$1,426,216.03** comprised of

Te Awa (per lot)*	$\$22,989.70 \times 24 = \mathbf{\$551,752.80}$
Te Awa (plus: per hectare) local off site**	$\$549,868.60 \times 14800\text{m}^2 = \mathbf{\$813,805.53}$
Te Awa (plus: per metre of road frontage)***	$\$3568.10 \times 17 \text{ metres} = \mathbf{\$60,657.70}$

* Lot 406 has been excluded from payment of per unit charge.

** Lots 308 and 304 that are to be vested as reserve have been excluded from hectare charge

*** Where Lot 406 is to remain as 'private' the road frontage charge has been applied to the 17 linear metre frontage to Eriksen Road

9.10 Stage 8

Total of **\$1,035,121.52** comprised of

Te Awa (per lot)*	$\$22,989.70 \times 20 = \mathbf{\$459,794.00}$
Te Awa (plus: per hectare) local off site	$\$549,868.60 \times 10,463\text{m}^2 = \mathbf{\$575,327.52}$

* Lot 407 has been excluded from payment of per unit charge

9.11 The payment of the contributions shall be made to the Council **either**:

- at the time of an application for 224 Certification for each stage of the development, 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 and the Te Awa Structure Plan;

or

- Prior to the uplift of building consents for each Stage of the development

Being whichever occurs first.

This amount is inclusive of GST and will be adjusted annually on **1 July** each year in accordance with the Statistics NZ Producers Price Index.

Note 1: The creation of balance lot/s during Stages 1B - 7 have been excluded from the financial

contribution calculations for this application, as these have been calculated as part of future stages of development progress.

Note 2: The consent holder is advised that in the event that the road frontage upgrade works related to the 'per metre of road frontage' calculation for Stages 1A, 1B and 1C and Stages 2 and 7 are undertaken by the developer or their representatives, these works will form a full credit to the value of works completed.

To allow for the application of the above credits detailed in Note 2, the consent holder must ensure that written confirmation of agreement to the total value of works is obtained from Council's Infrastructure Services Team prior to the works being undertaken.

10.0 Infrastructure

- 10.1 All new infrastructure for water, wastewater, stormwater, roads and access is to be designed and constructed in accordance with the requirements of the Code of Practice for Subdivision and Land Development and the Te Awa Structure Plan, except where a specific dispensation has been granted as part of this Resource Consent.

*Advice Note: The current resource consent is located within Stage 5 of the Te Awa Structure Plan area, which represents 'out of stage' development. In accordance with Design Outcome 5 (Appendix 29A) the developer is required to fund the full cost of infrastructure where **additional cost** would be imposed on Council through provision of services in advance of anticipated staged development. This 'funding' is referenced by Council as a 'capital contribution' and is **additional** to any financial contributions payable under Design Outcome 18 and Chapter 65 of the District Plan.*

The Capital Contribution can be undertaken by either:

- i) Monetary payment to Council to allow completion of the works in advance; or*
- ii) Physically undertaking the required works (where the value of such works is agreed with Council in advance of said works being undertaken)*
- iii) Noting such 'capital contributions' represent provision of standard 'Council services' but **in advance**, such payments are subject to reimbursement from Council at the time when such works would have been required had the development occurred in the anticipated staged manner.*

- 10.2 The consent holder is required to obtain Engineering Approval for any new Council services and/or formation of assets (i.e. road frontage upgrades) required to service each Stage of the subdivision. The Engineering Approval is to be obtained prior to commencement of physical works and must provide for Stages 1 – 8 of the development prior to commencement of Stage 1.

Advice Note: The consent holder is advised that a detailed Master Services Plan is in the process of being developed as a joint effort between Council's Infrastructure Services Team and developers within the Te Awa Structure Plan area. To this end, it is recommended that the consent holder liaise with the Infrastructure Services Team prior to commencing detailed Engineering Approval design works.

- 10.3 That any existing road asset that is damaged as a result of the implementation of any of the stages

of consent shall be reinstated in accordance with the Code at the consent holder's cost.

- 10.4 The consent holder shall ensure that any and all existing bores within the property boundaries are decommissioned by a suitably experienced contractor.
- 10.5 Each residential allotment shall be provided with individual power and telecommunication connections and evidence that the requirements of the electrical network operator and telecommunications operator have been met shall be provided to Council at the time of Section 224 certification.
- 10.6 All electrical mains cables and telecommunication cables within the subdivision shall be underground.

11.0 Easements, Amalgamations and Consent Notices

- 11.1 Pursuant to Section 243 of the Act, easements for any services that cross one lot to service another and all easements shown on the Scheme Plan, shall be included in a memorandum endorsed on the plan, and shall be granted or reserved.

Easement widths shall be as specified in the Code (Part C5.4). Existing easements are to be widened to comply with the Code.

Documentation for easements in gross in favour of the Council shall be prepared by the City Solicitor, be presented for sealing by the Council, and shall be registered.

The applicant shall meet all costs relating to the creation of easements.

- 11.2 A consent notice pursuant to Section 221 of the Act shall be issued by the Council to record that the finished ground level of all residential lots within Stages 1 – 8 are required to meet the minimum finished ground level of RL11.28 and a minimum finished freeboard level of RL 11.58. This consent notice is to be applied to all residential lots within each stage of the development.
- 11.3 A consent notice pursuant to Section 221 of the Act shall be issued by the Council to record that any new buildings to be constructed shall be subject to specific engineered foundation design to mitigate potential effects associated with liquefaction.
- 11.4 A consent notice pursuant to Section 221 of the Act shall be issued by the Council for the following Lots, identified as being within 35 metres of the open drainage network:

Stage	Lot Reference/s
1A	1
2	43 - 47 and 301
3	48 – 58 and 302
4	59 - 62
5	63 -65 and 303

6	66 - 69
7	70 - 73 and 304
8	74 - 77

That requires all building foundations be undertaken in accordance with TC3 specifications, unless further detailed, site specific geotechnical investigation demonstrates an alternative is suitable.

11.5 Easement Area 'A' on DP 14417 (E.C. 322767.4) is to be surrendered prior to application for S224 certification for Stage 1A.

12.0 Parks and Reserves

12.1 Vesting of Reserves

Lot 305, 306, 307, 308, 302, 303, 304 shall be vested to Napier City Council as **Local Purpose – Drainage Reserve**

Lot 301 shall be vested and developed as part of Stage 2 and be vested **Recreation Reserve – Reserve Act**

12.2 Development of Reserves and Open Spaces

All reserves (Drainage and Recreation) shall have a *Landscaping and Development Plan* undertaken by a suitably qualified person and in collaboration with the Napier City Council Parks, Reserves and Sportsgrounds Team Leader (or nominee). This design shall include, but is not limited to:

- a. Specimen trees in the reserve areas and low-level planting in the proposed drain edges.
Note: *contrary to Landscaping Concept Design in the application, there shall be no 'buffer planting' along the reserve edge of the residential dwellings as this compromises passive surveillance of the reserve.*
- b. A landscaped buffer strip of 3m will be provided along the western extent of the Te Awa Development area (fronting Willowbank Avenue) in accordance with the Te Awa Structure Plan Map and Outcome 10.
- c. All necessary park furniture and equipment, including, but not limited to:
 - i. Seating
 - ii. Tables
 - iii. Shade structure
 - iv. Rubbish bins
 - v. Drinking fountain

Note: *NCC has specific park furniture to ensure consistency and ease of maintenance and renewal. All park furniture needs to be confirmed and agreed to by the Napier City Council Parks, Reserves and Sportsgrounds Team Leader (or nominee).*

- d. All boundary fencing shall be shown including style and visual permeability and shall include access gates in the reserve on Lots 301, 302, 303, and 304
- e. Timber vehicle barriers included for all frontage with public roads (Eriksen Road and Willowbank Avenue)
- f. All footpaths and walkways proposed into the reserves including;
 - i. the main pedestrian and cycleway around the drainage reserve
 - ii. A clear connection and pram crossings across Eriksen Road to link pathway to the existing pathway in the Te Awa detention pond area

- iii. How the northern end of the pathway will connect with Willowbank Avenue to provide a link for pedestrians and cycles
- iv. Footpaths linking through Lots 301, 302, 303, and 304, across to the pathway in the Drainage Reserve (Lots 305-308). **Note:** this is to link the residents' to the pathway network

The final design shall be approved through the Engineering Approval Process by the Napier City Council Parks, Reserves and Sportsgrounds Team Leader (or nominee) prior to construction commencing.

1. All parks and reserves shall be developed in accordance with the approved *Landscaping and Development Plan* to the satisfaction of the Napier City Council Parks, Reserves and Sportsgrounds Team Leader (or nominee).
2. No contaminated soil can be used or deposited in the reserve. Soil testing will be required to confirm the reserve soil is in compliance with NESCS prior to the vesting of any reserve.
3. As-built plans and asset valuations shall be provided for each reserve vested to Napier City Council to the satisfaction of the Napier City Council Parks, Reserves and Sportsgrounds Team Leader (or nominee).

12.3 Fencing Conditions

1. Fencing along any boundary of any reserve (Drainage or Recreation reserve), and the northern boundary of the development (Adjoining Lot 1 DP 6396) which will back a future walkway link as identified in Te Awa Structure Plan, shall be of an open style or pool style fencing with a minimum visual permeability of 50% and a maximum height of 1.8m, or a solid fence with a maximum height of 1.2m, and shall be consistent with the adjoining fencing to the satisfaction to the Parks, Reserves and Sportsgrounds Team Leader (or equivalent).
2. Proposed Lots 20, 77, 78, 79, 80, 81, 82, 83, 84 are to be provided with a close-boarded, 1.8-metre-high fencing treatment along their northern boundaries.

All fencing is to be constructed by the consent holder prior to 224c certification and shall be maintained by way of **consent notice** on all relevant Lots to ensure the continuity of fence outcome is met in perpetuity.

3. Fencing covenants shall be created over all lots adjoin any reserve Lot to exempt Napier City Council from any contribution towards fencing that allotment, being the owner of the Adjacent reserve (Lots 301-308). All covenants shall be prepared by the City solicitor at the applicant's expense. Evidence of your instruction to the city solicitor to prepare this covenant shall be provided to the Council at time of Section 224c Certification.

12.4 Street Trees

1. That **street trees** shall be planted along the Eriksen Road frontage (at each stage 1A, 1B and 1C – for the entire length if suitable separation from services) and thought out the internal roading network in accordance with the approved plan and best horticultural/arboriculture practice as follows: (species and plan to be approved by Napier City Council Team Leader, Parks, Reserves, Sportsgrounds prior planting).

- a. *Trees shall be planted in tree pits (root directors) or with root barriers to avoid impacts on services*

- b. *Trees shall be planted during the planting season (autumn to early spring).*
 - c. *Trees shall be grown in PB95 planter bags or larger.*
 - d. *Trees shall be well rooted to fill the bag.*
 - e. *Trees shall have a bare trunk to a minimum height of 1.2 metres from the top of the bag.*
 - f. *Trees shall be well branched from the 1.2 metre height with a central leader (where appropriate to the species).*
 - g. *Trees shall be a minimum of 3 metres in height (where applicable to the species chosen).*
 - h. *Trees shall be free of pests, diseases and weeds.*
 - i. *Trees shall have a minimum trunk diameter of 30mm at a height of 1.2m.*
 - j. *Branches with 'included bark' shall be removed.*
 - k. *All pruning shall be carried out following National Target Pruning standards.*
 - l. *Trees shall be watered thoroughly before planting.*
 - m. *As-built plans detailing location, species and irrigation shall be submitted to Council.*
 - n. *Trees shall be staked and tied to the satisfaction of NCC Council's Parks Asset Planner / Team Leader Parks, Reserves and Sportsgrounds*
2. That as-built plans and documents (including RAMM information) showing the construction of all road engineering works including street lighting, **street planting**, road markings and signage, and footpaths in accordance with the requirements the Napier City Council Engineering Code of Practice, shall be submitted to Council once construction is completed and shall be certified as a complete and correct record by a Chartered Professional Engineer.
3. A *Landscaping Maintenance Plan and Program* shall be prepared and enacted for all landscaping and tree planting within the development (i.e. all private roads) to ensure the trees are sufficiently maintained in perpetuity. This should include, but is not limited to:
- a. *Pruning and staking of trees*
 - b. *Replacement of dead trees or plants*
 - c. *Maintenance of garden beds*
 - d. *Maintenance of street berms*
 - e. *Watering of trees and garden beds*
 - f. *Outline who is responsible for administration (i.e. the Body Corporate)*
 - g. *Outline how the maintenance will be financed*
 - h. *Measures to ensure the maintenance is undertaken in perpetuity*
 - i. *Penalties that apply under the Body Corporate if the condition is not met.*

The *Landscaping Maintenance Plan and Program* is to be approved by the NCC Parks, Reserves and Sportsgrounds Team Leader (or nominee) and will need to be an ongoing requirement on tied to the Body Corporate (or other managing entity) managing the site.