

## Appendix 1: Draft Conditions of Consent.

### Approved Plans:

- The use and development of the land shall be undertaken in accordance with the application submitted with application No. LUC22/48356 including further information submitted during the processing of the application and with the following plans:

Plan No	Name	Revision	Date
Sk230721	Ground Floor Plan - Outdoor area circles & Acc Carpark	A	21.7.23
RC-010	Proposed Site Plan - Roof	A	2.11.22
RC-011	Proposed Site Plan – Ground Floor	A	2.11.22
RC-020	Floor Plan – Type A	A	2.11.22
RC-021	Floor Plan – Type B	A	2.11.22
RC-022	Floor Plan – Type C	A	2.11.22
RC-023	Floor Plan – Type D	A	2.11.22
RC-024	Floor Plan – Type E	A	2.11.22
RC-030	Proposed Site Elevation - North	A	2.11.22
RC-031	Proposed Site Elevation – South	A	2.11.22
RC-032	Proposed Site Elevation - East	A	2.11.22
RC-033	Proposed Site Elevation - West	A	2.11.22
RC-034	Proposed Site Elevation - North (Block B)	A	2.11.22
RC-040	Proposed Sections - Block A	A	2.11.22
RC-041	Proposed Sections - Block A & B	A	2.11.22
RC-042	Proposed Sections - Block A & B	A	2.11.22
RC-080	3D Views - Unit 1 off Barrett Street	A	2.11.22
RC-081	3D Views - Morley Street Elevation	A	2.11.22
RC-082	3D Views - Looking up Morley Street	A	2.11.22
RC-083	3D Views - Corner	A	2.11.22
RC-084	3D Views - Southern Courtyards (no vegetation)	A	2.11.22
RC-085	3D Views - Aerial (no vegetation)	A	2.11.22
210	Proposed Contours Plan	1	26.10.22
230	Proposed Cut and Fill Contour Plan	1	26.10.22
300	Proposed Accessway Plan	1	26.10.22

### Construction Noise:

- The consent holder shall at all times adopt the best practicable option to ensure the emission of construction noise does not exceed a reasonable level in accordance with Section 16 of the Resource Management Act 1991 and comply with the relevant construction noise provisions of the PDP.

### Communications and Public Liaison:

3. 48 hours prior to the commencement of earthworks, the consent holder shall submit to the Council's Planning Lead, confirmation of a project liaison person who is to be the main contact for all persons impacted by the construction of the project. If the liaison person is not available for any reason, an alternative contact shall be provided, to ensure that a liaison person is available by telephone 24 hours per day/seven days per week during the duration of the demolition and construction phase of the development.

### Complaints Register:

4. At all times during the earthworks and construction period of the proposal and for a period of 6 months following completion of construction the consent holder shall maintain a register of any complaints received alleging adverse effects from, or related to, the exercise of the consent. The record shall include:
  - a) The name and address (where this has been provided) of the complainant;
  - b) Identification of the nature of the complaint;
  - c) Location, date and time of the complaint and of the alleged event;
  - d) Weather conditions at the time of the complaint (as far as practicable), including wind direction and approximate wind speed if the complaint relates to air discharges;
  - e) The outcome of the consent holders investigation into the complaint;
  - f) Measures taken to respond to the complaint; and
  - g) Any other activities in the area, unrelated to the project, which may have contributed to the complaint (such as non-project construction or unusually dusty conditions generally).
5. Where a complaint is received the consent holder shall:
  - a) Acknowledge the complaint within 2 working days,
  - b) Promptly investigate, identify the level of urgency in respect of the complaint and communicate that to the complainant; and
  - c) Take reasonable steps to remedy or mitigate the matters giving rise to the complaint if there are reasonable grounds for the complaint within 10 working days of receiving the complaint or such sooner time as may be reasonably necessary in the circumstances.
6. The consent holder shall also maintain a record of its responses and any remedial actions undertaken. This record shall be maintained on site and shall be made available to the Council's Compliance and Monitoring Officer every month until the construction period is concluded.

### Hours of Construction Work:

7. The working hours for any earthworks or construction activities on the site, including the transport of excavated material from (or to) the site, are restricted to:
  - Monday to Saturday 7:30am to 5:30pm;
  - No work is to be carried out on Sundays or public holidays.

#### Erosion and Sediment Control Plan:

8. Prior to the commencement of any earthworks, the consent holder shall submit an Erosion and Sediment Control Management Plan (ESCMP) to the New Plymouth District Council Planning Lead or nominee for approval. The ESCMP shall be in general accordance with, but not limited to, the measures outlined within the engineering report by Envelope Engineering submitted with the application. Once approved the development shall be undertaken in accordance with the ESCMP.

#### Final Palette of Materials:

9. Prior to the lodgement of building consent, the consent holder shall provide a schedule of the external materials and colours to be utilised for Blocks A and B building facades to the Council's Planning Lead for approval. This shall include all visible external features including roofing, cladding, down pipes and guttering, windows and doors. The plan shall be generally consistent with the matters outlined in the application.

#### Hard and Soft Landscaping Plan:

10. A Hard and Soft Landscape Plan must be submitted to, and approved by, the Council's Planning Lead prior to landscaping works commencing onsite. The Plan shall be generally consistent with the Plan by Blac. Revision B dated 30.01.23.
11. Works undertaken in accordance with the Hard and Soft Landscape Plan approved under Condition 10 above, must be completed by the consent holder prior to the units being occupied.
12. All plantings must be monitored for 48 months from time of planting in order to allow for plant establishment to the satisfaction of the Council's Planning Lead. Within this period monitoring includes the removal of weeds within the vicinity of the plantings and the replacement of plants that die, or are removed, with plants of the same species and original size. Any plants that fail must be replaced at the expense of the consent holder. All plantings must continue to be maintained by the consent holder thereafter.
13. Landscaping shall be maintained to not impede direct sight from the kitchen areas of units 1-4 within Block A to the Mortley Street public footpath.

#### Existing Access:

14. The existing vehicle access on Morley Street shall be reinstated with curb and channel at the expense of the consent holder to the satisfaction of the Council's Planning Lead.

#### Cultural Monitoring:

15. No less than 5 working days prior to undertaking the earthworks, the consent holder shall engage Ngāti Te Whiti hapu to monitor site earthworks.

#### Accidental Discovery Protocol Cultural or Archaeological Artefacts:

16. The applicant is advised to contact Ngāti Te Whiti hapu and Heritage New Zealand if the presence of an archaeological or cultural artefacts are uncovered or are suspected of being uncovered. Work affecting archaeological sites is subject to a separate consent

process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as building modification or demolition, earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

Monitoring and Review:

17. The conditions of this consent may be reviewed by the Council in accordance with Section 128(1) of the Resource Management Act 1991 by serving notice within a period of twelve (12) months from the date construction commences on the site and thereafter within a period of three (3) months commencing on each anniversary of the date of the grant of this consent for a period of 1 year for any of the following purposes:
  - a) In order to deal with any adverse effects on the environment, which may arise from the exercise of this consent. These effects may come to the Council's attention via justified complaints, reports and/or observations by Council Officers; or
  - b) To deal with unintended inaccuracies contained in the consent application that materially influenced the decision made on the application and is such that it is necessary to apply more appropriate conditions to avoid, remedy or mitigate effects on the public realm or onto specific parties.

**Advice Notes:**

1. This consent lapses 5 years from the date it was granted unless the consent is given effect to before that date; or unless an application is made before the expiry of that date for the Council to grant an extension of time for establishment of the use. An application for an extension of time will be subject to the provisions of section 125 of the Resource Management Act 1991.
2. This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991.
3. At the time of Building Consent, the consent holder will be required to supply information for on-site stormwater control, water and sewer capacity.
4. Lighting used within the car park area shall comply with the relevant provisions of the Proposed District Plan and if applicable the, the Operative District Plan.
5. Any excavation that takes place within road reserve during this development shall require an approved Corridor Access Request (CAR). Refer to the National Code of Practice for Utility Operators' Access to Transport Corridors for additional information. Applications can be made via the website [www.beforeUdig.co.nz](http://www.beforeUdig.co.nz) or 0800 248 344. A CAR along with a Traffic Management Plan must be submitted a minimum of 5 working days before an operator intends to start work for minor works or 15 working days for major works and project works. All costs incurred shall be at the consent holder's expense.