

**RESOURCE CONSENT SUB~~1920~~/47312 AND LUC19/47535**

**Granted under Sections 95A, 95B, 95D, 95E, 104, 104D, 108, and 220 of the Resource Management Act 1991.**

<b>Applicant:</b>	<b>Manor Property Limited</b>
<b>Location:</b>	<b>19 Egmont Road, New Plymouth</b>
<b>Legal Description:</b>	<b>Lot 2 DP 400849 (held in RT 401595)</b>
<b>Status:</b>	<b>The proposal a Non-Complying Activity under the Operative New Plymouth District Plan</b>
<b>Proposal:</b>	<b>Non-Complying Activity 2 Lot Residential Subdivision and Land-use consent for industrial activities on Lots 1 and 2</b>

**SUBDIVISION DECISION:**

In accordance with Section 104 and 104D of the Resource Management Act 1991, consent is granted on a non-notified basis to undertake a three lot subdivision at 19 Egmont Road, New Plymouth as shown on the scheme plan submitted with application SUB~~1920~~/47312 submitted by BTW Company and entitled "Lots 1 – 3 being a Proposed Subdivision of Lot 2 DP 400849" Drawing number: 180802.02, Rev~~542~~; dated: ~~April 2019~~ May 2020.

**Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991:**

1. The subdivision activity shall be carried out in accordance with the plans and all information submitted with the application, and all referenced by the Council as consent number SUB19/47312.
2. The application for a certificate under section 224(c) of the RMA shall be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent have been complied with and that in respect of those conditions that have not been complied with:
  - a. a completion certificate has been issued in relation to any conditions to which section 222 applies;
  - b. a consent notice has been or will be issued that in relation to any conditions to which section 221 applies;

### **Survey Plan Approval**

3. The survey plan shall conform with the subdivision scheme plan submitted by BTW Company and entitled "Lots 1 – 3 being a Proposed Subdivision of Lot 2 DP 400849" Drawing number: 180802.02, Rev~~542~~; dated: ~~April 2019~~May 2020.

### **Vehicle Entrance**

4. A heavy industrial vehicle crossing shall be constructed to serve Lots 1 and 2 to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard (CL.3.3.17.1).

#### Advice Note

An application with the appropriate fee shall be made to the Council for a new Vehicle Crossing, and upon approval the vehicle crossing is to be installed by a Council approved contractor at the ~~applicant's consent holder's~~ cost.

### **Water Services**

5. ~~An individual water connection incorporating a manifold assembly shall be provided for all Lots 1 and 2 within the development.~~

a) All new reticulation shall be designed and constructed to the requirements of:

- i) The NPDC Consolidated Bylaws 2014 Part 14 Water, Wastewater and Stormwater Services.
- ii) The Council's Land Development & Subdivision Infrastructure Standard requirements.

6. Lots 1 and 2 shall be served by a new water connection. Connection shall be made to the existing 150mm distribution main along Egmont Road.

7. An application for service connection and infrastructure connection to the existing Council main is required. The connection and meter shall be installed by a Council approved contractor. An as built plan of all connections is required from the approved contractor and the supply of this plan by the contractor forms part of this consent. (Backflow preventer for industrial) (a testable medium risk Council approved backflow preventer with a water meter downstream of the backflow preventer.)

8. Confirmation that there are no cross-boundary water connections shall be provided.

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~~7.~~

*Advice Notes:*

*Lot 3 can keep its restricted water supply until further subdivision of this Lot takes place.*

*The Consent Holder shall cover the cost of each water meter as part of the service connection fee. Each meter shall be supplied and installed by Council.*

~~8. Confirmation that there are no cross-boundary water connections shall be provided.~~

~~9. The developer shall cover the cost of each water meter as part of the service connection fee. Each meter shall be supplied and installed by Council.~~

**Sewer Services**

~~10.9.~~ A sewer connection shall be provided for Lots 1 and 2 within the development.

- a) All new reticulation shall be designed and constructed to the requirements of:
  - i) The Building Act,
  - ii) The NPDC Consolidated Bylaws 2014 Part 14 Water, Wastewater and Stormwater Services.
  - iii) The Council's Land Development & Subdivision Infrastructure Standard.

*Advice Note:*

~~11.~~ *For a new connection to the sewer main an application with the appropriate fee is to be made to Council, and upon approval this connection is to be installed by a Council approved contractor at the applicant's consent holder's cost.*

**Engineering plans**

~~12.10.~~ An engineering plan and specification for the stormwater, earthworks, roading, street lighting isolux design shall be submitted and approved by the Council prior to the commencement of work.

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~~13-11.~~ All work shall be constructed under the supervision of a suitably qualified person who shall also certify that the work has been constructed to the approved Engineering Plan/Infrastructure Standard requirements.

~~14-12.~~ The supervision of the work, and its certification and the provision of as built plans shall be as prescribed in section 1.8 of NPDC Land Development & Subdivision Infrastructure Standard.

~~15-13.~~ A Council engineering *plan approval/inspection fee* shall apply at cost.

~~16-14.~~ A schedule of assets vested in the Council is required.

~~17-15.~~ A memorandum shall be shown on the survey plan and easements created at the time of depositing the plan for the easements in gross.

~~18-16.~~ Easements shall be provided in favour of the Council where the Council owned pipeline crosses private property, or to provide access over private property to the Council's assets, and around Council assets for the purposes of maintenance and operation.

- a) Such easements should be 3 metres wide in the case of pipelines or access, and shall be provided at least 2 metres clearance around other Council assets e.g. manholes.
- b) Where the pipes are laid to a depth of 2 metres or more, greater easement width may be required to facilitate maintenance.

### **Road upgrade**

~~19-17.~~ Kerb and channel, berm, street lights and stormwater disposal is required to be installed from the end of the kerb line at the junction of Oropuriri Road to the start of the new pond at the southern end of Lot 2. The new kerb line shall follow the same line as the existing at Oropuriri Road junction. The road width shall be no less than ~~???~~ at this point and ideally be constructed to the H2 road design in the Infrastructure Standard ~~excluding a footpath.~~

### **Future Growth**

~~20.~~ ~~A draft design for the future intersection roading layout shall be provided that will provide access to the larger Lot 3. The intersection design shall go back to the low point in the road and incorporate the future stormwater layout for this area.~~

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**Commented [LB2]:** As far as I am aware, this work has not been agreed to be cost shared.

**Commented [DM3]:** No footpath to continue, so is not necessary

**Commented [DM4]:** Already provided in the original application Appendix G and the intersection is not proposed for this application.

## **Damage to council assets**

~~21.18.~~ The ~~owner, builder/developer or appointed agent responsible for building/development work~~ consent holder must repair, to the satisfaction of Council, damaged roads, channels drains, vehicle crossings and other assets vested in council adjacent to the land where the building/construction subdivision work takes place.

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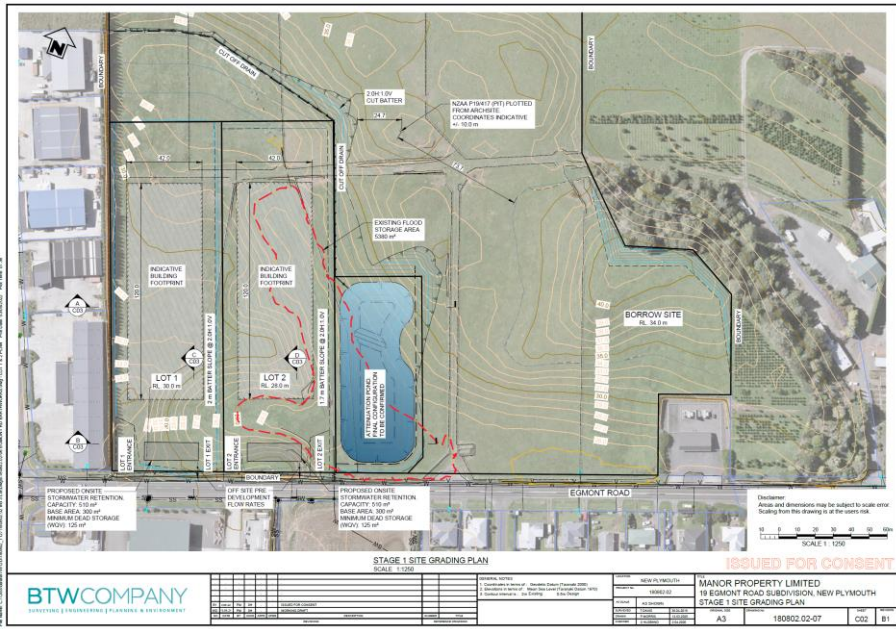
~~22.19.~~ Safe and continuous passage by pedestrians and vehicles shall be provided for along Egmont Road. Footpath or road shall be restored to the Council's satisfaction as early as practicable. ~~Developers~~ The Consent Holder is ~~are~~ required to pay for any damage to the road or street that results from their development. The ~~developer~~ Consent Holder must employ a council approved contractor to carry out such work.

## **Earthworks**

20. Earthworks shall be undertaken in general accordance with the plans:  
20.1 Stage 1 Site Grading Plan, Drawing No. 180802.02-07, Sheet C02, Revision B1;  
20.2 Stage 1 Sections, Drawing No. 180802.02-07, Sheet C03, Revision B1;  
and  
20.3 Stage 1 Earthworks Cut Fill Plan, Drawing No. 180802.02-07, Sheet C04, Revision B1;  
as shown in Figures 1-3 below.

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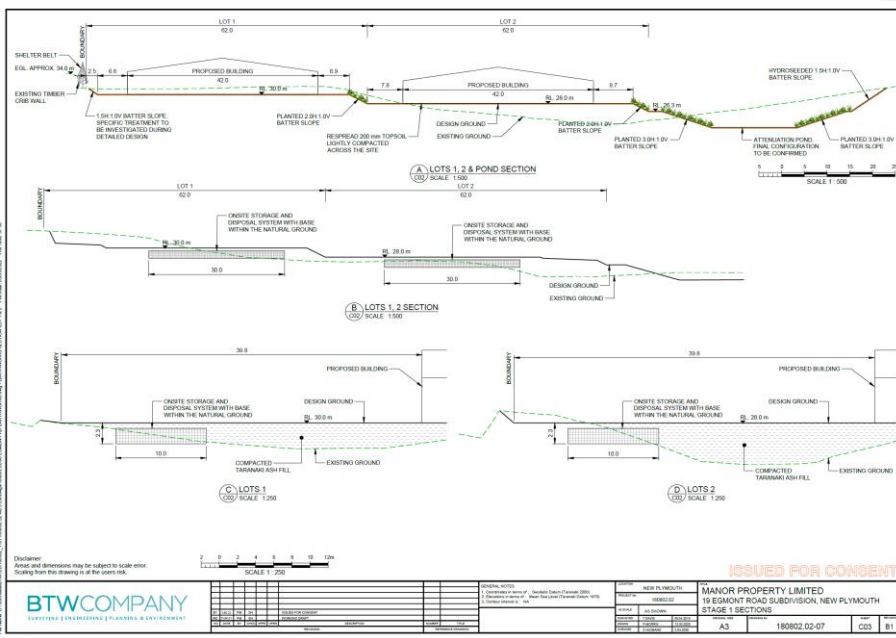
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**Figure 1:**

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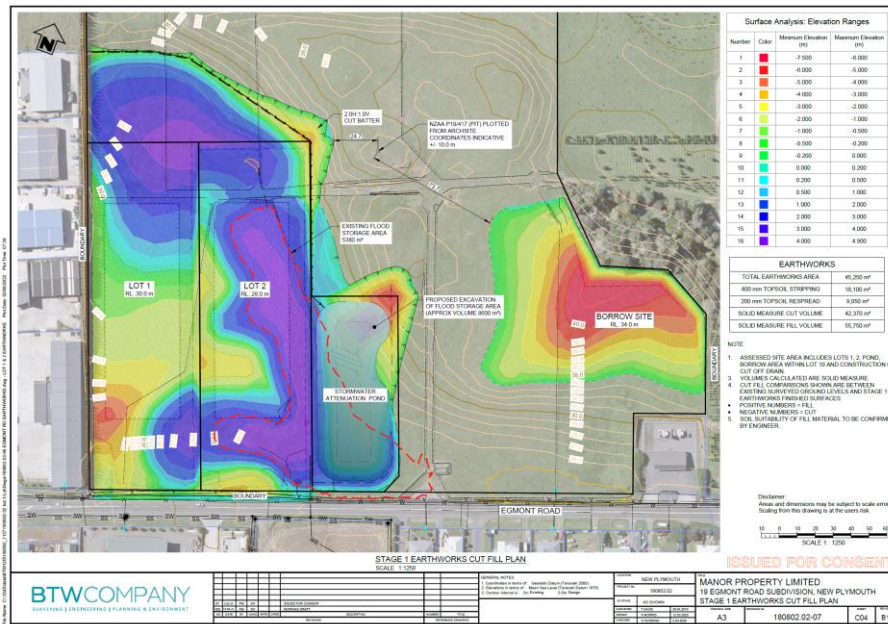
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**Figure 3:**

21. The current onsite flood storage volume of the overall site is to be maintained via excavation of an equivalent storage volume to mitigate any downstream effects from the proposed filling of proposed Lots 1 and 2. Detailed design, including the calculations and details of an appropriate compensation volume, are to be provided to council for certification prior to the pond being constructed.

23-22. The consent holder shall provide the following in relation to on-site earthworks:

- The consent holder shall appoint a suitably qualified engineer to design, control and certify all earthworks.
- All earthworks shall be carried out under the direct control of a suitably qualified engineer.
- Any uncompacted fill shall be identified and shall be shown on the final plans.
- Any works undertaken on site shall employ the best practical means of minimising the escape of silted water or dust from the site. A description of the proposed means of mitigating these temporary effects shall be submitted with the Engineering Plan and approved and installed prior to any works commencing. Regional Council approval shall be obtained where required for sediment control.
- Excavation works associated within the subdivision must be kept wholly within the boundaries of the subdivision and not encroach past the boundary on to neighbouring land or road reserve, unless agreed by Council.

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f) Any excavation works that take place over or near Council reticulation shall ensure that backfill/compaction and adequate cover complies with the Infrastructure Standard.

~~g) It is recommended that developments are designed to minimise changes to landfill except in circumstances where a Geo-Professional assesses that the natural landform presents risks to health, infrastructure or the environment.~~

~~24.23. All earthworks shall occur under the appropriate Archaeological Authority from Heritage New Zealand.~~

~~24. Ngāti Tawhirikura shall be informed nNot less than 7 working days prior to earthworks commencing, Ngāti Tawhirikura shall be provided the opportunity to provide a ~~All earthworks shall be occur with a hapū monitor present (at the applicants consent holder's expense)~~, if determined necessary by mana whenua to observe all topsoil-stripping earthworks. Ngāti Tawhirikura shall be informed not less than 7 working days prior to earthworks commencing.~~

~~25. A Earthworks Management Plan shall be provided to and certified by NPDC Planning Lead (or nominee) prior to undertaking any earthworks on site. This plan shall include erosion, sediment and stormwater controls on site, and detail on phasing / timing in order to maintain the current onsite flood storage volume of the overall site at all times during the earthworks. This plan shall be provided to mana whenua for review and comment prior to being certified by NPDC. Earthworks shall then be undertaken in accordance with the certified Earthworks Management Plan.~~

~~26. Prior to the start of earthworks, CCTV shall be used on the stormwater network downstream of stormwater inlet NP-EGMO10902DI to determine where critical points may be (such as dips and/or pipes with flat gradients). These sections of pipe shall then be CCTVed at the consent holder's cost after the completion of earthworks to determine if any silt deposition has taken place. Any silt deposition which has taken place will be removed at the consent holder's cost. A Construction Management Plan shall be provided and certified by NPDC Planning Lead (or nominee) prior to undertaking any earthworks on site. This plan shall include erosion, sediment and stormwater controls on site. This plan shall be provided to mana whenua for review and comment prior to being certified by NPDC.~~

~~27. The planting of Figure 15 Planting Plan of the ALVE shall be undertaken in the first planting season following the completion of the earthworks on the borrow site of proposed Lot 3, either:~~

~~27.1 Prior to the application for 224c; or~~

~~27.2 Enforced as a consent notice on the title of Lot 3, requiring the same planting and timeframe.~~

Advice notes:

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Council have agreed to pay the cost of the first CCTV use with regard to Condition 26.

*Any retaining wall that falls outside the scope of Schedule 1 of the Building Act (2004) shall require a building consent. Earthworks that have the potential to undermine the stability of any adjoining property is to be assessed by a suitably qualified engineer with any remedial work to comply with the NZ Building Act 2004.*

*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 holders applicant's expense.*

*It is recommended that developments are designed to minimise changes to landfill except in circumstances where a Geo-Professional assesses that the natural landform presents risks to health, infrastructure or the environment.*

## **Stormwater**

~~26-28.~~ The applicant consent holder shall clearly demonstrate the suitability of each Lot to be able to dispose of stormwater from buildings, dwellings, paved and unpaved areas by a combination of:

~~26.1~~ on-site disposal where achievable for the 10% AEP 60 min duration storm event, and as identified in a detailed stormwater investigation and report (Condition 34); and

~~26.2~~ a centralised stormwater detention pond for the contributing catchment.

~~27.~~ On-site stormwater disposal (where required) to a standard and criteria to be agreed with Council once the detailed stormwater report (Condition 34) is completed and provided to Council. High level overflow shall be provided from each on-site stormwater disposal system to a new central detention pond.

~~28.~~ The consent holder shall dispose of stormwater, in excess of that catered for in condition 258, from buildings, paved and unpaved areas by a centralised stormwater detention pond for the contributing catchment, designed so that:

~~28.1~~ For the 5% AEP storm event if it can be demonstrated by way of an engineering report that emergency vehicles can travel through Egmont Rd across the Mangaone Stream in the 1% AEP design storm. The stormwater management system shall provide attenuation of peak flows, and shall be designed to ensure that, for the 5year and 100year ARI 24hr design storms:

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~~28.1.1 The outlet into the piped Council stormwater reticulation does not exceed the un-surcharged capacity of the downstream reticulation with a maximum outflow capacity of 320 l/s or that determined by a detailed pipe reticulation analysis and accepted by Council.~~

~~28.1.2 Secondary overflow to the Mangaone stream does not cause flooding to any higher reduced level of that already caused by the larger contributing upstream catchment to the Mangaone Stream.~~

~~28.2 An overflow weir is provided to the pond that will be able to safely convey the resultant pond outflow for the 1% AEP design storm, with an additional 100mm freeboard, in case the piped outlet becomes blocked.~~

~~28.3 The stormwater management system shall include specific design to provide capture and removal of silts and coarse sediments. Silt introduction to the pond is minimised or eliminated with a structure or device constructed upstream of the detention pond.~~

~~28.4 The stormwater detention pond should include suitable access to enable maintenance operations (including access for a small digger) to be undertaken without causing damage to the structure.~~

~~28.5 Soakage should be provided for in the pond by means of allowing dead storage. The volume of the dead storage should be a combination of the volume required to meet NZBC E1 requirements for the entire site and natural storage already present on site.~~

~~28.6 The outlet for the pond will be provided with a primary high level outlet (positioned to create the required dead storage) and a suitable "scour valve" type arrangement, which will allow for the effective drainage of the dead storage volume if required.~~

~~28.7 The hydraulic design of the pipeline(s) discharging into the stormwater detention pond should consider the appropriate tailwater level and the outlet design the tailwater in the system it is discharging into.~~

~~28.8 Scour protection should be provided for discharge points into the pond and spillways if and where required. Scour protection to detention pond inlets and outlets shall be designed taking into consideration staging of pond construction, silt management structures, and pond ecology ie. short circuiting etc.~~

~~28.9 A design for the future road (from the intersection of Egmont Rd to 20m past the low point / sag in the future road) and stormwater management structures shall be provided to ensure the design is correct for the future staging of development within the area.~~

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~~29. The stormwater design shall accommodate the existing stormwater demand which drains to the property from Egmont Road, and the stormwater from Oropuriri Road and excess demand generated from SWMH NP-EGMON0024DH/1 as a result of the reducing a section of the pipe between SWMH NP-EGMON0024DH/1 and SWMH NP-EGMON0030DH/1 to 300 mm.~~

~~30. Excess demand resulting from the restriction mentioned in condition 28 will be diverted to the centralised detention pond by means of a new pipe constructed beneath Egmont Road, ideally connecting from SWMH NP-EGMON0030DH, or a new SWMH if levels do not allow for a connection into the preferred SWMH.~~

~~31. The outlet for the pond will consist of a new pipe, sized in order to not exceed the maximum allowable discharge from the pond and constructed beneath Egmont Road and connect to SWMH NP-EGMON0030DH/1.~~

~~32. Secondary overland flow from the new detention pond is required to drain along the east side of Egmont Road, south to the Mangaone Stream. The secondary overland flow path is required to be designed and constructed by the consent holder to accommodate the demand that will be generated in a 1% AEP 24-hour event, with the pond outlet 50% blocked.~~

~~33. No flooding or nuisance is to be created by the increased stormwater surface flow in the catchment upstream or downstream of the development. To ensure that this does not occur, a detailed stormwater report from a suitably qualified and experienced person is required to be provided, and shall include but not be limited to:~~

~~33.1 A detailed catchment analysis, including peak 20%, 5% and 1% AEP flows (existing and fully developed), and details of any remedial works required to mitigate any adverse effects.~~

~~33.2 A design of a hydraulically neutral stormwater discharge system from the development.~~

~~33.3 The winter water table levels on each Lot and especially within the planned detention pond areas.~~

~~33.4 Soakage testing within the planned detention pond areas for on-site stormwater disposal as detailed in NZBC E1/VM1.~~

~~33.5 Detention pond design and details, including a well-articulated hydraulic design.~~

~~34. Stormwater easements shall be located in a position so that it will be along a future property boundary rather than across a Lot if required.~~

~~35-29. Secondary flow paths shall be shown on a Plan and shall not be across private property.~~

~~36-30. Where common service trenches are proposed to be used, NPDC shall require cross sections on the engineering plans showing separation distances both horizontally and vertically. Refer to Fig 3.0c of the Infrastructure Standard.~~

~~37-31. For Lots within the application site adjacent to secondary flow paths and/or ponding areas the building platform level or underside of floor slab or floor joists shall be a minimum of:~~

~~37-131.1 300mm for Industrial Buildings~~

~~37-231.2 500mm for Residential buildings~~

above the specified 1% AEP flood level. This will allow for the minimum freeboard protection as referred to in Clause 4.3.5.2 of the Infrastructure Standard. Finished

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floor levels for all Lots shall be shown on the final engineering plans. Levels shall be shown in relation to Taranaki Datum.

~~38.32.~~ If required by the Taranaki Regional Council a consent shall be obtained for stormwater discharge and silt control.

~~38.132.1~~ These consents are to be sighted by the Council prior to the commencement of any work on site.

32.2 Any consent required shall be obtained in the name of the ~~developer~~ consent holder.

*Advice Note: The Council shall accept the responsibility for any consent for an infrastructure asset upon acceptance of that asset.*

33. Pursuant to Section 221 of the RMA a consent notice shall be registered on the title for Lots 1 and 2 as follows:  
*“Onsite stormwater design of any new building/structure shall be undertaken by a suitably qualified person in accordance with the following requirements:  
- Stormwater discharge from the site shall be provided with water quality treatment and be hydraulically neutral, or  
- Stormwater from the site shall be in accordance with the requirements of the specified catchment wide NPDC stormwater management system”.*

34. A stormwater report will be required from a suitably qualified and experienced person, prior to construction of the attenuation pond on Lot 3, and shall include but not be limited to:

- a) A clear and descriptive design statement, detailing the existing and proposed stormwater management and groundwater conditions, and the intended design approach.
- b) A stormwater catchment / sub-catchment plan to accompany any stormwater calculations which can be easily related to the calculations.
- c) Stormwater design calculations (including peak flow and volume) for both the primary and secondary stormwater systems, for existing and proposed (Lots 1 & 2 fully developed) landuse, for the 20%, 10% and 1% AEP events including RCP6.0 Climate Change allowance.
- d) Conceptual stormwater design details for Lots 1 & 2 demonstrating hydraulic neutrality for peak flows.
- e) Design calculations for the relocated attenuation pond showing that the existing storage characteristics and NPDC Stormwater Network operatively are maintained.
- f) Adequate on-site soakage testing for the proposed Lots as per NZBC E1/VM1 Section 9.0.2, that demonstrate the capability for on-site stormwater disposal including winter water table levels for each lot and the relocated attenuation pond.

~~38.2~~ An Operations and Maintenance Plan is required at the Detailed Design Stage for all Stormwater systems

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Stormwater detention pond planting, access and fencing

Lot 4 shall vest in the New Plymouth District Council as a utility reserve.

A detailed landscape plan for Lot 4 prepared by a suitably qualified landscape professional shall be submitted to Council for approval by the NPDC Open Spaces Planner (or nominee) at the time of engineering approval. This plan shall detail:

An organic and natural curved shape for the pond which avoids straight lines and uses a natural rock or sloping batter edge;

Planting around the edge of the structure. This shall include a diverse range of indigenous species appropriate to the local environment, guided by but not limited to the Taranaki Regional Council Restoration Planting Guide. Plants shall include a mix of canopy, mid-level and groundcover;

Input from Ngāti Tawhirikura with regard to pond shape, edge design, and plant species;

One 5 bar wooden access gate (vehicle and pedestrian) — PSM 3.1 as per the NPDC Parks Standards Manual October 2010;

A compacted gravel timber-edged access zone at a location near the stormwater pipe outlet and/or forebay, constructed as per a typical path detail Type C and D of the NPDC Parks Standards Manual October 2010, extending the full width of the gate and of a depth to allow vehicle and/or digger parking adjacent to the gate;

That the fencing for the stormwater detention pond be as follows:

That fencing location shall be positioned to allow for planting on both sides to screen the fence. Where practical the fence shall be located on the slope of the stormwater detention area in order that the visibility of the fence height is reduced.

That fencing shall be 7 wire post and batten fence — PSM 1.11 as per NPDC Parks Standards Manual October 2010.

That one 5 bar wooden gate (vehicle and pedestrian) — PSM 3.1 as per the NPDC Parks Standards Manual October 2010 is provided at the gravel access point to ensure easy maintenance access for the stormwater detention area.

39. That the design of the stormwater detention pond shall take into account the following requirements:

To be designed to take into consideration the contribution the stormwater detention area will have on the amenity to the streetscape and local environment;

To be designed with an organic and natural shape and to avoid straight lines and unnatural hard-edged shapes.

The final design of the structure shall be provided to NPDC Open Spaces Planner (or nominee) for final approval.

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~~40. That a detailed landscape plan is prepared by a suitably qualified landscape professional and is submitted to Council for approval by the NPDC Open Spaces Planner at the time of engineering approval. This plan shall detail the type and scale of planting around the margins of the detention pond to enhance the amenity of the structure from the road and surrounding environment.~~

~~41. All areas of earthworks within Lot 4 shall be re-sown in grass within three months of completion of the earthworks and/or planted within the relevant areas as per the certified landscape plan.~~

~~42. That planting shown on the certified landscape plan shall be implemented in the first available planting season following construction of the stormwater detention area.~~

~~43. A bond and maintenance period of 18 months shall be put in place in which time any plant that dies or becomes diseased shall be replaced in the next available planting season. The site Lot 4 shall be kept clear of weeds and planting kept weed free during this maintenance period.~~

~~44. The landscape plan shall include fencing details and the following requirements:~~

~~44.1 That a compacted gravel timber edged access zone is provided at location near the stormwater pipe outlet and/or forebay and alongside wooden access gate. This shall be constructed as per a typical path detail Type C and D of the NPDC Parks Standards Manual October 2010. This should be designed to extend the full width of the gate and of a depth to allow vehicle and/or digger parking adjacent to the gate.~~

~~44.2 That the fencing for the stormwater detention pond be as follows:~~

~~a. That fencing location shall be positioned to allow for planting on both sides to screen the fence. Where practical the fence shall be located on the slope of the stormwater detention area in order that the visibility of the fence height is reduced.~~

~~b. That fencing shall be 7 wire post and batten fence — PSM 1.11 as per NPDC Parks Standards Manual October 2010.~~

~~c. That one 5 bar wooden gate (vehicle and pedestrian) — PSM 3.1 as per the NPDC Parks Standards Manual October 2010 is provided at the gravel access point to ensure easy maintenance access for the stormwater detention area.~~

~~43.3 That planting shall include a diverse range of indigenous species appropriate to the local environment and shall be guided by but not limited to the Taranaki Regional Council Restoration Planting Guide. The planting shall include a mix of canopy, mid-level and groundcover planting.~~

~~Restrictive covenant on Lots 1 and 2~~

~~45. The consent holder or future owners of proposed Lots 1 and 2 shall comply with the following:~~

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- ~~a. At least 20% of the site shall be planted in grass, vegetation and or landscaped with permeable materials~~
- ~~b. Landscaping shall occur along the road boundary to screen all structures, carparking and yard areas from the road with landscaping and planting that will within two years of planting reach a minimum height of 2m, with the exception of vehicle crossings, be a minimum depth of 2m from the road boundary.~~
- ~~c. No outdoor storage areas shall be visible from an adjoining property or road~~
- ~~d. Buildings shall be a maximum height of 12m and a height of no greater than RL37 datum level (Taranaki datum 1970) whichever is the lesser.~~
- ~~e. Buildings shall be setback 5m from the road boundary and side boundary.~~
- ~~f. All earthworks on site shall occur with a hapū monitor present at the consent holder or future owners expense if determined necessary by mana whenua.~~
- ~~g. Any activities that exceed 5000m<sup>2</sup> gross floor area will require an Integrated Transport Assessment considering both operational and construction effects, prepared by a suitably qualified traffic specialist and submitted for approval and certification from Council prior to undertaking the activity.~~
- ~~h. Non-habitable buildings may be used for industrial activities provided they comply with the relevant Operative District Plan Industrial Environment/ General Industrial Zoning provisions at the time of establishment and commencement.~~

~~46. The consent holder or future owners of proposed Lot 3 shall comply with the following:~~

- ~~a. All earthworks on site shall occur with a hapū monitor present at the consent holder or future owners expense if determined necessary by mana whenua.~~

~~47. Conditions 47 and 48 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new record of title(s) for Lots 1, 2 and 3 of the subdivision of Lot 2 DP 400849 as identified in each condition and shall be prepared by the Council at the cost of the consent holder.~~

36. PLACEHOLDER FOR CONDITION 33 / 34 TO BE REVIEWED BY MARK AS FOLLOWS, NOTING 5% HAS BEEN AGREED TO BE REVISED TO 10%, refer to minutes for stormwater meeting 10<sup>th</sup> June 2022.

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• **Retain old Clause 34 which is SW Design Reporting requirements**

Stormwater for development on Lots 1 and 2 is controlled via the consent notices (hydraulically neutral or connected to central system).

The condition could be provided as a condition of subdivision consent, as it applies to the compensation / attenuation area, e.g.

*"1. No flooding or nuisance is to be created by the increased stormwater surface flow in the catchment upstream or downstream of the site. To ensure that this does not occur, a detailed stormwater report from a suitably qualified and experienced person is required to be provided prior to construction of the pond on Lot 3, and shall include but not be limited to:*

*1.1 A detailed catchment analysis, including peak 20%, 5% and 1% AEP flows (existing and with Lots 1 and 2 fully developed), and details of any remedial works required to mitigate any adverse effects.*

*1.2 A design of a hydraulically neutral stormwater discharge system.*

*1.3 The winter water table levels on each Lot and within the proposed new attenuation pond area.*

*1.4 Soakage testing within the planned detention pond areas for on-site stormwater disposal as detailed in NZBC E1/VM1.*

*1.5 Detention pond design and details, including a well-articulated hydraulic design."*

• **Change Clause 34.3 'planned' to 'proposed new attenuation pond'**

Amended as above.

• **Change Clause 34.3 'pond' to 'tank'**

No Lot 1 or 2 design is required as part of subdivision, to be addressed at time of BC.

**Commented [DM22]:** As per meeting with Mark James 10/06/22

**Building platforms and onsite stormwater disposal systems**

~~48-37.~~ A report shall be provided from a suitably qualified person to confirm that there is available within Lots 1 and 2 a stable flood free building platform suitable for building foundations in accordance with the requirements of the New Zealand Building Code – Acceptable Solution B1/AS4 of Approved Document B1/4; Structure Foundations in the location of the identified building platform locations.

~~49.~~ A design shall be provided to show the secondary flow path of stormwater from the pond to the sumps in the low point under the railway bridge to the south of the site.

~~50-38.~~ Any recommendations requiring specific on-site stormwater and building platform shall be subject to Consent Notice under Section 221 of the Resource Management Act 1991.

~~51.~~ Confirmation is required if any consent from Taranaki Regional Council is necessary for stormwater and silt control. Any consents shall be sighted by Council prior to commencement of work on site. Any consent required shall be obtained in the name of the developer. The Council shall accept responsibility for any consent for an infrastructure asset (if deemed necessary) upon acceptance of that asset.

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**Commented [DM23]:** Not relevant, no pond

**Commented [DM24]:** Repetition of earlier condition

### **LANDUSE DECISION:**

In accordance with Section 104 and 104B of the Resource Management Act 1991, consent is granted to apply industrial zoning provisions to future development on Lots 1 and 2, as shown on the scheme plan for the subdivision Lot 2 DP 400849 and detailed in the application for SUB19/47312 and LUC19/47535 and revisions through responses to further information requests.

### **Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991:**

~~52.1.~~ The use and development of the land shall be ~~as described within the application and shall be~~ substantially in accordance with the ~~scheme plan submitted with~~ application SUB19/47312 and LUC19/47535, ~~and submitted by BTW Company Ltd and entitled "Lots 1-3 being a Proposed Subdivision of Lot 2 DP 400849" Drawing number: 180802.02, Rev42; dated: April 2019/May 2020.~~

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**Commented [DM25]:** The scheme plan isn't the only thing relevant. Suggest refer back to the application

~~53.2.~~ All activities and buildings on Lots 1 and 2 shall comply with the following ~~provisions unless compliance with the existing operative Rural Environment Area provisions are met. These provisions provide for activities of an industrial nature: and provide for non-compliances with the Rural Environment Area, provided the following are met:~~

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**Commented [DM26]:** No need to mention Rural rules. Either it complies with the Rural rules, or with this LUC.

- a. At least 20% of the site shall be planted in grass, vegetation and or landscaped with permeable materials. ~~Where practicable this area shall be incorporated into a water sensitive design solution receiving and treating stormwater and/or planted in native species as advised by Ngāti Tawhirikura to support birds, lizards and key native ecosystems found in the vicinity of this site.~~
- b. Landscaping shall occur along the road boundary to screen all structures, carparking and yard areas from the road with landscaping and planting that will within two years of planting reach a minimum height of 2m, with the exception of vehicle crossings, be a minimum depth of 2m from the road boundary.
- c. No outdoor storage areas shall be visible from an adjoining property or road
- ~~d.~~ Buildings shall be a maximum height of 12m and a height of no greater than ~~RL42 (Lot 1) and RL39.5 (Lot 2) datum level (Taranaki datum 1970) whichever is the lesser. RL37 datum level (Taranaki datum 1970) whichever is the lesser.~~
- d. Buildings shall be setback 5m from the road boundary and side boundary.
- ~~f.~~ ~~All earthworks on site shall occur with a hapū monitor present at the consent holder or future owners expense if determined necessary by mana-whenua.~~
- ~~g-f.~~ Any activities that exceed 5000m<sup>2</sup> gross floor area will require an Integrated Transport Assessment considering both operational and

**Commented [DM27]:** As per CIA recommendations and s92 response

**Commented [DM28]:** Have specified RLs which take into account finished BP level and 12m building on top of it

**Commented [DM29]:** Earthworks will have occurred and be finished for the subdivision, hence the condition up in SUB consent. Discussed with Rowan previously.

construction effects, prepared by a suitably qualified traffic specialist and submitted for approval and certification from Council prior to undertaking the activity.

- g. Uses permitted on Lots 1 and 2 shall be industrial activities, defined as:  
h. "An activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity." Additionally, any office activity, retail activity and/or training space that is ancillary to an industrial activity must occupy no more than 15% of the gross floor area of the building or 180m<sup>2</sup> whichever is the lesser, and is located within the same building on the same site as the industrial activity. ~~Non-habitable buildings may be used for industrial activities provided they comply with the relevant Operative District Plan Industrial Environment/ General Industrial Zoning provisions at the time of establishment and commencement.~~

~~54.3. All earthworks shall occur under the appropriate Archaeological Authority from Heritage New Zealand.~~

~~55. All earthworks shall be occur with a hapū monitor present at the consent holders applicants expense if determined necessary by mana whenua. Ngāti Tawhirikura hapū shall be informed not less than 7 working days prior to earthworks commencing on site.~~

~~A Construction Management Plan shall be provided and certified by NPDC Planning Lead (or nominee) prior to undertaking any earthworks on site. This plan shall include erosion, sediment and stormwater controls on site. This plan shall be provided to mana whenua for review and comment prior to being certified by NPDC.~~

~~56.~~

~~4. Prior to construction of any building on Lot 1 or 2, a landscape plan Landscape Planting Plan for the relevant Lot shall be submitted to Council's Planning Lead (or nominee) for approval. The plan shall detail:~~

~~4.1 At least 20% of the site in permeable surfaces - planted in grass, native vegetation or landscaped with permeable materials. Where practicable this area shall be incorporated into a water sensitive design solution receiving and treating stormwater and/or planted in native species as advised by Ngāti Tawhirikura to support birds, lizards and key native ecosystems found in the vicinity of this site.~~

~~4.2 Landscaping along the road boundary to screen structures, carparking and yard areas from the road with landscaping and planting that will within two years of planting reach a minimum height of 2m, and with the exception of vehicle crossings, be a minimum depth of 2m from the road boundary.~~

~~5. All planting shall be maintained and any dead or diseased plants shall be replaced with a plant of a similar species and nature.~~

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**Commented [DM30]:** Industrial activities need to be specified / defined, referring to the ODP and PDP is confusing and hard to enforce, depending on what is operative at the time.

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**Commented [DM31]:** As explained earthworks will have been completed for the subdivision which is the appropriate time for monitors to be on-site. Not relevant for the LUC which is for an industrial activity. Discussed with Rowan.

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**Commented [LB32]:** And hapū for certification as requested in CIA

**Commented [LB33R32]:** Construction is likely to still occur on these allotments post subdivision so I think this needs to be in both land use and subdivision

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**Commented [DM34]:** As above. An Earthworks MP is relevant for hapū and has been included in the SUB. Not a relevant matter for the LUC.

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6. All landscaping on-site shall be implemented in accordance with the approved Landscape Planting Plan identified in condition 46 and shall occur prior to issue of Code of Compliance for each building/ development on each allotment.

#### Advice notes

*A Development Contribution for Lots 1 and 2 will be charged at the time of Building Consent*

*The applicant-consent holder should support hapū in providing and recommending any future road naming on site and naming of the development of the site.*

*The consent holder or future owners shall engage with hapū and iwi representatives to facilitate design of the permeable surfaces on Lots 1 and 2.*

*The consent holder shall support the ongoing engagement with hapū and iwi authorities through the development and establishment of activities on Lots 1 and 2 as outlined by the applicant-consent holder in response to the Cultural Impact Assessment undertaken.*

*If the consent holder:*

*(a) Discovers koiwi tangata (human skeletal remains), waahi taoka (resource of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder should, without delay:*

*(i) Notify the consent authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.*

*(ii) Stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.*

*(iii) Any koiwi tangata discovered should be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.*

*Site work should recommence following consultation with the Consent Authority, Heritage New Zealand, tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.*

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*(b) Discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder should without delay:*

*(i) Stop work within the immediate vicinity of the discovery or disturbance; and*

*(ii) Advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the tangata whenua, and if required, should make an application for an Archaeological Authority pursuant to the Historic Places Act 1993; and*

*(iii) Arrange for suitably qualified archaeologist to undertake a survey of the site.*

*Site work should recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua in the case of Maori features or materials, provided that any relevant statutory permissions have been obtained.*

#### **Consent Lapse Date**

*This consent lapses on **X September 2025** 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.*

*This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991.*

**DATED: X September 2020**

Rowan Williams  
PLANNING LEAD

