

Date:	26 February 2024	Application Number:	SG-2023-110234-03, LU-2023-110235-03, LU-2023-112034-00, SG-2023-112035-00 & 21-2023-112073-00
Reporting Planner:	Kimberley Morete		

Related Applications:	Original decision SG-2021-110234-00, LU-2021-110235-00 & NC-2021-110236-00 First variation decision SG-2022-110234-01, LU-2022-110235-01 & NC-2022-110236-01 Second variation decision SG-2023-110234-02, LU-2023-110235-02 & NC-2023-110236-02
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Applicant:	Oakview Investments Limited
Property Address:	Back Ormond Rd/Hansen Rd
Legal Description:	Lot 174 DP 581536 contained in Record of Title 1084844 and Lot 1 DP 554308 contained in Record of Title 963515
District Plan:	Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan
Zoning:	General Residential
Other Restrictions:	Taruheru Block Structure Plan Area, Eastland Network 110kV line, Land Overlay 1
Activity Status:	Discretionary

1.0 Resource Consent Decision

Pursuant to sections 34A(1), Section 104, 127, 106, 220 and 108 of the Resource Management Act 1991, the Gisborne District Council, under delegated authority, grants the application by Oakview Investments Limited **subject to the conditions below**.

1.1 The Approved Activity

Consent is granted to change a number of conditions of resource consent SG-2021-110234-00, LU-2021-110235-00 & NC-2021-110236-00 (including previous variations) in order to make changes to the internal layout of the subdivision and further subdivision of the last remaining super-lot (Lot 163). This proposal also includes the subdivision of an adjoining block not previously part of the development (Lot 1 DP 554308) into four residential lots and one jointly owned access lot, and the cancellation of consent notice conditions contained on the Record of Title for this adjoining block.

- 1) *Please note that the plans which are approved are stamped Approved Plan and attached to this consent.*
- 2) *A copy of the Planners decision report can be obtained upon request.*

The changes made to conditions are listed in Schedule 1 and the complete set of conditions and advice notes are listed in Schedule 2.

1.2 Approved Plans

Note: Deletions are shown in ~~strike through~~, additions are underlined:

Document	Prepared by:	Reference No.	Sheet No.	Date:
Lots 1 to 173 being a Proposed Subdivision of Lot 2 DP424055	C & R Surveyors Limited	6376_SP_1 to 6376_SP_11	1 to 11	19 February 2021
Lots 201 to 242 being a Proposed subdivision of Lots 73 to 79 & 158 to 161 SG-2021-110234-00(Lot 2 DP 424055)	C & R Surveyors Limited	6376_Variation1	1 to 4	22 August 2021
<u>Lots 93 to 97, 129 to 133, 151 to 157, 227 to 237 & 243 to 270 being a Proposed Subdivision of Lots 81 to 97, 129 to 133, 151 to 157, 163, 167, 168 & 227 to 237 SG-2021-110234-01. Lot 174 DP 581536 & Section 1 SO 549516</u>	<u>Surveying & Development Consulting Ltd.</u>	<u>6376 SPV2 1</u>	<u>1 to 18</u>	<u>20 July 2023</u>
Oakview Landscape Plans	Kamo Marsh Landscape Architects	5109 Oakview Revision A	1001 to 1015	25 February 2021
<u>Landscape Concept</u>	<u>Kamo Marsh Landscape Architects</u>	<u>5109 - Revision B</u>	<u>Page 107</u>	<u>16 August 2023</u>

Detailed Site Assessment with National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	EAM NZ LTD – Environmental Consultants	EAM2062-REP-01	-	January 2021
Site Remedial Action Plan	EAM NZ LTD – Environmental Consultants	EAM2062-REP-02-RAP	-	February 2021
<u>Preliminary Site Investigation</u>	<u>EAM NZ LTD – Environmental Consultants</u>	<u>EAM2414-01</u>	=	<u>June 2023</u>
Infrastructure Design Report And as updated by:	Aspire	REPORT 1517 – 3 1517-RC-RD306 to 307 1517-RC-SW401 to 404 1517-RC-WW501 to 504	- Rev A	February 2021 14 June 2021
Infrastructure Design Report	Aspire	REPORT 1517 – 12		21 February 2022
<u>Infrastructure Design Report</u>	<u>Aspire</u>	<u>REPORT 1517 – 22</u>	=	<u>28 August 2023</u>
Stormwater Management Report And as updated by: Oakview Investments Limited, Proposed Wetland design for residential subdivision.	Aspire	REPORT 1517- 2 1517 M2 1517 M3	-	February 2021 9 June 2021 29 July 2021
Geotechnical Investigation Report	Initia Geotechnical Specialists	REF 665 REV A	-	February 2021

<u>Oakview Subdivision Land Extension Geotechnical Assessment Letter</u>	<u>Initia Geotechnical Specialists</u>	<u>P-000665</u>	=	<u>19 July 2023</u>
Oakview Subdivision TIA	TEAM	Z:\2020_PROJECTS\20443 - HANSEN ROAD DEVELOPMENT\DOCS\OAKVIEW RESIDENTIAL SUBDIVISION DRAFT.DOCX	-	25 February 2021
Freshwater Ecology Classifications – Hansen Road and Back Ormond Road, Gisborne	Bioresearches	64029	-	26 January 2021

Amendments to Conditions

Note: Deletions are shown in ~~strike through~~, additions are underlined:

1. The proposal shall proceed in general accordance with the information and plans submitted by the consent holder in support of application number SG-2021-110234-00, LU-2021-110235-00 and NC-2021-110236-00 officially received by the Council on 2 March 2021 and all further information received by 30 July 2021 and as amended by SG-2022-110234-01, LU-2022-110235-01 and NC-2022-110236-01 officially received by the Council on 14 March 2022, SG-2022-110234-02, LU-2022-110235-02 and NC-2022-110236-02 amended by section 128 review granted on 13 March 2023 and SG-2022-110234-03, LU-2022-110235-03, NC-2022-110236-03, LU-2023-112034-00, SG-2023-112035-00 and 21-2023-112073-00 officially received by the Council on 5 October 2023. The approved drawings are listed in the table in section 1.2 of this report. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.

3. Power shall be provided to the boundary of all residential Lots (~~including Super Lots and to the net area of Lot 16 and Lot 77~~), excluding Lots ~~157, 161, 162, and 172, 157, 215 and 270~~. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder shall provide evidence from the relevant network utility provider that power is available at the boundary of all residential Lots, excluding Lots ~~157, 162, and 172, 157, 215 and 270~~.

Note: The expectation is that all lots including those serviced by shared access be provided to the respective lot boundaries with a power connection that provides live power at the boundary.

4. Telecommunications shall be provided to the boundary of all Lots, excluding Lots ~~157, 162, and 172, 157, 215 and 270~~. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder shall provide evidence from the relevant network utility provider that telecommunications are available at the boundary of all Lots, excluding Lots ~~157, 162 and 172, 157, 215 and 270~~, or alternatively, that wireless technology is available.

6. The subdivision may be undertaken in stages as shown on the Overall Staging Plan Variation 2 prepared by ~~C&R Surveyors Limited~~ Surveying & Development Consulting Ltd (reference: Job No. 6376_SPV2_12 to SPV2_1118 and dated 8 March 2021 20 July 2023). If the subdivision is implemented in stages, the stages may be undertaken in any order or combination of stages. All conditions required to be met for each stage shall be completed to enable the issue of the s224 Certificate for that particular stage.

Amalgamation Conditions (Request ID 1741742 ~~and 1780916 and 1878028~~)

12. Lot ~~167-249~~ hereon to be held as to four undivided one-fourth shares by the owners of Lots ~~83245 to 86248~~ hereon.

13. Lot ~~168255~~ hereon to be held as to four undivided one-fourth shares by the owners of Lots ~~88251 to 91254~~ hereon.

16B. Lot 237 (legal access) shall be held as to ~~four~~ six undivided one-~~sixth~~ quarter shares by the owners of Lots 229,230, 233 to 236 hereon.

16C Lot 263 hereon to be held as to four undivided one-fourth shares by the owners of Lots 259 to 262 hereon.

17. The survey dataset shall be prepared to show:

- a) Lot 80 to vest in the Council as Road
- ~~b) Lot 157 shall be a minimum of 20m wide.~~
- c) Lot 162 to vest in the Council as Local Purpose Reserve (Drainage)
- d) Lot 172 to vest in the Council as Accessway

29. The consent holder shall provide complete engineering drawings in accordance with Gisborne District Council's Engineering Code of Practice 2000 (see note below), detailing all bulk earthworks, proposed new or altered public assets including stormwater, wastewater and water services, for the ~~total~~ proposed subdivision stages prior to commencement of construction works on-site. These drawings shall be submitted for acceptance and approval to the Council's Development Engineer, Environmental Services & Protection confirming that the design is in accordance with the Code of Practice, or otherwise agreed to by Council's Consent Manager or as specified within this consent.

The engineering drawings shall include but not be limited to:

- a) Roading – full base and construction layers including surface treatment (AC and/or Chipseal where proposed).
- b) All right of ways/JOAL's – full design
- c) All infrastructural services
- d) Street lighting including provision of a specific Street Light Design Plan for acceptance by Council's Capital Manager (Journeys)

Note: The proposed streetlights must be in accordance the current suite of lights and poles accepted by Council. Colour powder coating options for the poles can be considered as well as other pole and light types provided these are approved by Council's Capital Manager (Journeys).

- e) Proposed road name signage.
- f) Stormwater design & control/treatment structures within the subdivision to the relevant outlet points
- g) Intersection design at the new road interface with Hansen Road
- h) Roadmarking
- i) All streetscape and proposed planting
- j) The design and location of all footpaths. (Note that Councils preference is for footpaths to be 1.5m in width)

Note: The designs for roading may reference NZT4404:2010 or Austroads for standards where the Engineering Code of Practice is lacking guidance. All infrastructure materials shall comply with relevant standards acceptable to GDC. The consent holder should check these standards with relevant Council staff.

33. All residential Lots 1 to 72, Lots 81-156, Lots 201-209, Lots 211-236, Lots 238-242, and Lot 163 shall be provided with human wastewater connection points to the proposed human wastewater reticulation system and also potable water connections within the proposed subdivision in accordance with the Engineering Code of Practice 2000. The consent holder shall provide written confirmation that the connections have been completed as per the Engineering Code of Practice 2000, or otherwise as agreed with Council's Development Engineer, Environmental Services & Protection. The connections shall be constructed in accordance with the wastewater and water design for the subdivision as separately conditioned for engineering drawings. Water connection to each Lot shall have a minimum of 20mm (internal diameter) lateral and ACUFLO Dual Check manifold backflow preventer in Blue lid manifold box.
35. The consent holder shall construct new vehicle crossings to all right of way (ROW)/JOAL accessways serving Lots 2-7, ~~Lots 84-85, Lots 89-90,~~ Lots 52, 59, Lots 67-69, Lots 112-114, Lots 117-118, Lots 121-122, Lots 204-205, Lots 229-236, Lots 245-248, Lots 251-254, and Lots 259-262, ~~and Lot 162~~ in accordance with the subdivision application, and to meet Gisborne District Council's Engineering Code of Practice 2000 for new residential crossings. The vehicle crossings shall be formed with concrete/sealed between the kerb and property boundary.
36. Prior to requesting approval under Section 224 of the Resource Management Act 1991 for any of Stages 5 5A, 5B, 7, 7A and 7B, the consent holder shall provide complete engineering drawings in accordance with Gisborne District Council's Engineering Code of Practice 2000 or as otherwise agreed by the Consent Manager (see note below), detailing all bulk earthworks, proposed services infrastructure (stormwater, wastewater, water services, gas, power, telecom), for the Cameron Road link. These drawings shall be submitted for certification to the Council's Development Engineer, Environmental Services & Protection.

The engineering drawings shall include but not be limited to:

- a) Rooding – full base and construction layers including surface treatment (AC and/or Chipseal where proposed).
- b) All infrastructural services.
- c) Street lighting – including light standards and type of bulb as approved by Council's Journeys Team.
- d) Proposed road name signage.
- e) Stormwater design & control/treatment structures within the subdivision to the relevant outlet points.
- f) Intersection design at the new road interface with Cameron Road.
- g) Roadmarking.
- h) All streetscape and proposed planting.
- i) The design and location of all footpaths. (Note that Council's preference is for footpaths to be 1.5m in width).

Note: The designs for rooding may reference NZT4404:2010 or Austroads for standards where the Engineering Code of Practice is lacking guidance. All infrastructure materials shall comply with relevant standards acceptable to GDC. The consent holder should check these standards with relevant Council staff.

45. The Consent Holder shall submit for certification to Council's Liveable Spaces Manager a final Landscape Planting Plan, prepared by a suitably qualified landscape architect, based on the Landscape Concept plans prepared by Kamo Marsh Landscape Architects (reference: Ref No.5109, dated ~~25 February 2021~~ 16 August 2023, Revision AB). The landscape planting plan shall include the following detail:
- a) A description of the proposed planting
 - b) A schedule of species to be planted which includes the botanical and common name of the species
 - c) Quantity of plants required for each site
 - d) The size of plants at the time of planting
 - e) The mature size of plants
 - f) Any effect on underground or overhead services
 - g) Staking requirements
 - h) Ongoing maintenance programme
 - i) The qualifications and experience of the person preparing the plan

Note: The person preparing the plan should liaise with Council's Liveable Communities team to discuss appropriate species and any other requirements (such as root barriers) that they may have. Planting plans may be prepared in stages relating to any stages the subdivision is proposed to be implemented in.

49. Pursuant to Section 221 of the Resource Management Act 1991 a consent notice condition shall be imposed on the Records of Title of all residential lots (~~excluding Lots 162-163, Lots 201-209, Lots 211-214, Lots 216-236, and Lots 238-242~~) advising as follows:
- a) Any application(s) for building consent to erect any new habitable building shall include a 'Site Specific Bearing Capacity Report' prepared by a geo-professional specialising in the field of geotechnical engineering, which is in accordance with the recommendations in the Geotechnical Report prepared by INITIA Reference: 665 Rev A, dated February 2021, which shall include but not limited to:
 - i. Certification to the satisfaction of the Consent Authority that the design of the foundations of the proposed building are suitable with respect to the bearing strength of the supporting ground (In accordance with the relevant New Zealand Standard); and
 - ii. Addresses any potential for expansive soils, non-engineered fill and if appropriate liquefaction or differential settlement that may need to be incorporated into the foundation design for new buildings; and.
 - iii. Specifies as appropriate, any remedial works or mitigation measures to be undertaken to protect the development from natural hazards.

The building shall be constructed in accordance with the recommendations in the submitted Geotechnical Report.

Note: Reference should be made to the minimum requirements outlined in the Gisborne District Council 'Minimum Requirements for Geotechnical Reports' document – December 2021.

~~51. Pursuant to Section 221 of the Resource Management Act 1991 a consent notice condition shall be imposed on the Records of Title of Lot 163, Lots 201-209, Lots 211-214, Lots 216-236 and Lots 238-242 advising as follows:~~

~~a) Any application(s) for building consent to erect any new building and/or structure shall include a 'Site Specific Geotechnical Report' prepared by a geo-professional specialising in the field of geotechnical engineering, which is in accordance with the recommendations in the Geotechnical Report prepared by INITIA Reference: 665 Rev A, dated February 2021, which shall include but not limited to:~~

~~i. Certification to the satisfaction of the Consent Authority that the design of the foundations of the proposed building are suitable with respect to the bearing strength of the supporting ground (In accordance with the relevant New Zealand Standard); and~~

~~ii. Addresses any potential for expansive soils, non-engineered fill and if appropriate liquefaction or differential settlement that may need to be incorporated into the foundation design for new buildings; and.~~

~~iii. Specifies as appropriate, any remedial works or mitigation measures to be undertaken to protect the development from natural hazards.~~

~~The building shall be constructed in accordance with the recommendations in the submitted Geotechnical Report.~~

~~**Note:** Reference should be made to the minimum requirements outlined in the Gisborne District Council 'Minimum Requirements for Geotechnical Reports' document – December 2021.~~

52. A consent notice condition shall be imposed on the Records of Title of all lots (excluding Lot 162, ~~Lot 163, Lots 164—172~~ and Lot 215) advising as follows:

a) Due to wastewater capacity constraints no further subdivision of the lots shall be undertaken and development shall also be limited to one habitable building per lot, unless additional capacity is confirmed by Council. For clarity the term 'one habitable building per lot' in this condition prevents the erection or use of any one or more of the following:

- A minor dwelling, being a dwelling comprising less than 60m² gross floor area, whether attached to, part of, or detached from, the primary dwelling
- A self-contained unit of any size, whether attached to, part of, or detached from, the primary dwelling
- Multi-unit developments, including but not limited to, duplexes
- More than one kitchen within the primary dwelling
- More than one kitchen on the property in its entirety

53. A consent notice condition shall be imposed on the Record of Title of Lot 1, Lots 8-16, Lots 17-51, Lots 53-58, Lots 60-66, Lots 70-72, ~~79, Lots 81-83, Lots 86-88, Lots 93-111, Lots 115-116, Lots 119-120, Lots 123-156, Lot 163, Lots 201-209, Lots 211-2326, Lots 238-245, Lot~~

~~248, Lots 250-251, Lot 254, Lots 256-259, Lot 262, and Lots 264-269 and Lots 238-242~~
advising as follows:

- a) At building consent stage, a vehicle crossing shall be constructed to the subject Lot to meet Gisborne District Council's Engineering Code of Practice 2000 for new residential crossings. The vehicle crossing shall be formed with concrete /sealed between the kerb and property boundary.

Note: Where appropriate, vehicle crossing may be provided from a Jointly Owned Access Lot (JOAL) or the adjacent road ~~e.g., Lot 58~~

56. A consent notice condition shall be imposed on the Records of Title of Lots 59-68, ~~Let 160~~, Lot 162 and Lots 222 - 224 advising as follows:

- a) Bund planting shall be maintained in good health and condition unless plantings are assessed by an arborist experienced in the assessment of plant health, as being a danger to life or property. Any dead, dying or diseased plants shall be replaced in the subsequent planting season so as to maintain the mitigation planting intended by these conditions. Any replacement planting shall be in accordance with the Landscape Planting Plan required by condition 45 of Subdivision and Land Use consent decision SG-2021-110234-00, LU-2021-110235-00 and NC-2021-110236-00. Under no circumstances shall Agapanthus, or any other plants that are identified in the Regional Pest Management Plan, be planted as they will spread rapidly and potentially overwhelm the slower growing native species.

59. A consent notice condition shall be imposed on the Record of Title for Lot 157 and 270 advising as follows:

- a) This Lot shall not be developed, subdivided or built upon until it is determined whether the land is required for a road or service connections. If the land is required for a road or service connections the land shall be then vested to Gisborne District Council. ~~If the land is not required for a road connection this shall be confirmed in a written statement from Gisborne District Council and this consent notice discharged enabling development of the site.~~
- b) If the land is not required for a road or service connection this shall be confirmed in a written statement from Gisborne District Council.
- c) In the case the lot is not needed for road or service connection, the lots shall be serviced with all reticulated services which include water, wastewater, stormwater, electricity and telecommunications.

61. Pursuant to Section 221 of the Resource Management Act 1991 a consent notice condition shall be imposed on the Records of Title for Lots 25-31, Lots 93-157, 216 to 236, 238 to 248, 250 to 254, 256 to 262, 264 to 270, advising as follows:

- a) At building consent stage the applicant shall provide to Council stormwater management of the entire Lot showing stormwater neutrality with attenuation on-site for the 10% AEP storm event using HIRDS v4 including climate change.

Conditions of Consent

Resource Consent No: SG-2023-110234-03, LU-2023-110235-03, LU-2023-112034-00, SG-2023-112035-00 & 21-2023-112073-00

1. The proposal shall proceed in general accordance with the information and plans submitted by the consent holder in support of application number SG-2021-110234-00, LU-2021-110235-00 and NC-2021-110236-00 officially received by the Council on 2 March 2021 and all further information received by 30 July 2021 and as amended by SG-2022-110234-01, LU-2022-110235-01 and NC-2022-110236-01 officially received by the Council on 14 March 2022, SG-2022-110234-02, LU-2022-110235-02 and NC-2022-110236-02 amended by section 128 review granted on 13 March 2023 and SG-2022-110234-03, LU-2022-110235-03, NC-2022-110236-03, LU-2023-112034-00, SG-2023-112035-00 and 21-2023-112073-00 officially received by the Council on 5 October 2023. The approved drawings are listed in the table in section 1.2 of this report. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
2. Pursuant to section 36 of the Resource Management Act 1991, the consent holder shall pay the actual and reasonable costs incurred by the Council when monitoring the conditions of this consent.

Provision of Power and Telephone;

3. Power shall be provided to the boundary of all residential Lots, excluding Lots 162, 172, 157, 215 and 270. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder shall provide evidence from the relevant network utility provider that power is available at the boundary of all residential Lots, excluding Lots 162, 172, 157, 215 and 270.

Note: The expectation is that all lots including those serviced by shared access be provided to the respective lot boundaries with a power connection that provides live power at the boundary.

4. Telecommunications shall be provided to the boundary of all Lots, excluding Lots 162, 172, 157, 215 and 270. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder shall provide evidence from the relevant network utility provider that telecommunications are available at the boundary of all Lots, excluding Lots 162 172, 157, 215 and 270, or alternatively, that wireless technology is available.
5. The existing easement rights to convey electricity and telecommunications & computer media created by Easement Instrument 8699682.3 shall be cancelled.

Staging:

6. The subdivision may be undertaken in stages as shown on the Overall Staging Plan Variation 2 prepared by Surveying & Development Consulting Ltd (reference: Job No. 6376_SPV2_2 to SPV2_18 and dated 20 July 2023). If the subdivision is implemented in stages, the stages may be undertaken in any order or combination of stages. All

conditions required to be met for each stage shall be completed to enable the issue of the s224 Certificate for that particular stage.

7. Prior to requesting approval under Section 224 of the Resource Management Act 1991 for each stage, the consent holder shall submit a written statement from a suitably qualified professional, that:
 - a) The physical works have been carried out in accordance with the certified engineering plans.
 - b) The physical works meet Gisborne District Council's Engineering Code of Practice 2000 or as otherwise agreed in writing by the Council's Development Engineer.

(Form Schedule 1C of NZS 4404:2010) shall be completed and submitted along with the written statement.

Lapse Period:

8. The period within which effect shall be given to the subdivision, shall be extended to 8 years from the date of issue.

Amalgamation Conditions (Request ID 1741742 and 1780916)

9. Lot 164 hereon to be held as to six undivided one-fifth shares by the owners of Lots 2 to 7 hereon.
10. Lot 165 hereon to be held as to four undivided one-fourth shares by the owners of Lots 52 & 58 to 60 hereon.
11. Lot 166 hereon to be held as to four undivided one-fourth shares by the owners of Lots 67 to 70 hereon.
12. Lot 249 hereon to be held as to four undivided one-fourth shares by the owners of Lots 245 to 248 hereon.
13. Lot 255 hereon to be held as to four undivided one-fourth shares by the owners of Lots 251 to 254 hereon.
14. Lot 169 hereon to be held as to five undivided one-fifth shares by the owners of Lots 111 to 115 hereon.
15. Lot 170 hereon to be held as to four undivided one-fourth shares by the owners of Lots 116 to 119 hereon.
16. Lot 171 hereon to be held as to four undivided one-fourth shares by the owners of Lots 120 to 123 hereon.
- 16A. Lot 210 (legal access) shall be held as to four undivided one-quarter shares by the owners of Lots 203 to 206 hereon.
- 16B. Lot 237 (legal access) shall be held as to six undivided one-sixth shares by the owners of Lots 229, 230, 233 to 236 hereon.
- 16C. Lot 263 hereon to be held as to four undivided one-fourth shares by the owners of Lots 259 to 262 hereon.

Vesting Condition

17. The survey dataset shall be prepared to show:
 - a) Lot 80 to vest in the Council as Road

- b) Lot 162 to vest in the Council as Local Purpose Reserve (Drainage)
- c) Lot 172 to vest in the Council as Accessway

General Construction Conditions

18. The consent holder shall ensure that all noise arising from construction work activities on the site are managed in such a way that they do not exceed the noise limits specified in Table below, when measured 1m from the most exposed façade of any building that is occupied during the works. Construction noise levels must be measured and assessed in accordance with New Zealand Standard 'NZS 6803:1999 Acoustics – Construction noise.'

Time of week	Time Period	Maximum noise level (dBA)	
		L _{eq}	L _{max}
Weekdays	6:30am - 7:30am	60	75
	7:30am - 6:00pm	75	90
	6:00pm - 8:00pm	70	85
	8:00pm - 6:30am	45	75
Saturdays	6:30am - 7:30am	45	75
	7:30am - 6:00pm	75	90
	6:00pm - 8:00pm	45	75
	8:00pm - 6:30am	45	75

L_{eq}(t) = 15 mins

Note: The consent holder is reminded of their general obligation under section 16 of the Resource Management Act 1991 to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.

Where external measurement of construction noise is impractical or inappropriate, the upper limits for the noise measured inside the building will be 20dB less than the relevant levels specified in the condition.

For a project involving a total duration of construction work that is more than 20 weeks the noise limits in Table 1 above shall be decreased by 5dB in all cases.

19. The consent holder shall ensure that all construction generated vibration levels arising from construction activity on the site do not exceed 2 mm/s peak particle velocity in occupied buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500 mm of ground level at the foundation of a single storey building).

If measured or predicted vibration from construction activities exceeds 2 mm/s PPV at occupied buildings, the Consent Holder shall consult with the affected receiver to:

- (a) Discuss the nature of the works and the anticipated days and hours when the exceedances are likely to occur; and
- (b) Determine whether the exceedances could be timed or managed to reduce the effects on the receiver.

The Consent Holder must maintain a record of these discussions and make them available to Council on its request.

20. Construction activities shall only be undertaken on Monday through to Saturday between the hours of 7:00am to 6:00pm. There shall be no work on Sundays.
21. Prior to the commencement of any activities associated with this consent, the consent holder shall submit a Construction Management Plan (CMP) for certification of Council's Compliance Monitoring & Enforcement Manager (compliance.admin@gdc.govt.nz). The CMP shall be prepared by a suitably qualified person and include specific details relating to avoiding, remedying or mitigating adverse dust, noise and vibration effects on neighbouring properties from construction, and management of all works associated with this development as follows:
 - a) Contact details of the appointed contractor or project manager (phone number, e-mail, postal address);
 - b) A general outline of the construction programme for each stage of development;
 - c) Applicable site noise and vibration limits set out in these conditions;
 - d) How dust will be managed from the site activities;
 - e) Programme of works and hours of operation;
 - f) Identification of surrounding noise and/or vibration sensitive receivers;
 - g) Programme of neighbour consultation and engagement;
 - h) A noise and vibration monitoring program to demonstrate consented noise and vibration limits are met;
 - i) Details about the works, including:
 - i. when the higher noise and vibration levels can be expected;
 - ii. the likely sources or causes of noise and vibration;
 - iii. methods for monitoring and reporting on noise and vibration;
 - iv. working hours;
 - v. a contact phone number for any concerns regarding noise and vibration; and
 - vi. when works could be scheduled to avoid the worst of the effects on the receivers.
22. The consent holder shall implement and maintain the measures outlined in the CMP required by condition 21 throughout the entire construction period.
23. All operations on the site shall be carried out in such a manner as to avoid the generation of objectionable or offensive dust travelling beyond the boundary of the site.
24. Should offensive or objectionable dust be observed beyond the boundary of the property, the activities on site generating the dust shall cease immediately and must not restart until such time as condition 23 can be complied with.

25. At least 10 working days prior to the commencement of activities on site, the consent holder shall provide written advice (via letterbox drop) of the proposed commencement date to owners and occupants of all properties directly adjacent to or on the opposite side of Hansen Road and Back Ormond Road from the site, and the Cameron Road link.

As a minimum, the written advice shall include:

- a) An overview of the construction works;
 - b) The mitigation measures to be implemented e.g., hours of operation and dust control;
 - c) A contact phone number for any concerns regarding noise and vibration, construction traffic, dust, or any other matter associated with the works.
26. The consent holder shall maintain complaints register, which shall be kept on-site at all times, and be available to Council compliance monitoring staff on request.
- Any complaints pertaining to the construction activities shall be recorded by the consent holder and shall include:
- a) The date, time and nature of the complaint;
 - b) Name, phone number and address of the complainant unless the complainant wishes to remain anonymous;
 - c) Action taken by the consent holder to remedy the problem;
 - d) The weather conditions at the time, including wind direction, wind strength and temperature, and;
 - e) Date and name of the person making the entry.
27. Details of any complaint shall be provided to the Gisborne District Council's Compliance Monitoring & Enforcement Manager within 24 hours of the complaint/s being made or the next working day.
28. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder shall submit a Site Validation Report (SVR) for the entire site for review and acceptance by the Council confirming that the land has been remediated to levels suitable for its intended purpose. The SVR shall be prepared by a suitably qualified and experienced person (SQEP) and in accordance with the Contaminated Land Management Guidelines No. 1 – Reporting on Contaminated Sites in New Zealand (Revised 2021).

Prior to s224 of the Resource Management Act 1991 Approval

Infrastructure Conditions

29. The consent holder shall provide complete engineering drawings in accordance with Gisborne District Council's Engineering Code of Practice 2000 (see note below), detailing all bulk earthworks, proposed new or altered public assets including stormwater, wastewater and water services, for the proposed subdivision stages prior to commencement of construction works on-site. These drawings shall be submitted for acceptance and approval to the Council's Development Engineer, Environmental Services & Protection confirming that the design is in accordance with the Code of Practice, or otherwise agreed to by Council's Consent Manager or as specified within this consent.

The engineering drawings shall include but not be limited to:

- a) Roading – full base and construction layers including surface treatment (AC and/or Chipseal where proposed).
- b) All right of ways/JOAL's – full design
- c) All infrastructural services
- d) Street lighting including provision of a specific Street Light Design Plan for acceptance by Council's Capital Manager (Journeys)

Note: The proposed streetlights must be in accordance the current suite of lights and poles accepted by Council. Colour powder coating options for the poles can be considered as well as other pole and light types provided these are approved by Council's Capital Manager (Journeys).

- e) Proposed road name signage.
- f) Stormwater design & control/treatment structures within the subdivision to the relevant outlet points
- g) Intersection design at the new road interface with Hansen Road
- h) Roadmarking
- i) All streetscape and proposed planting
- j) The design and location of all footpaths. (Note that Councils preference is for footpaths to be 1.5m in width)

Note: The designs for roading may reference NZT4404:2010 or Austroads for standards where the Engineering Code of Practice is lacking guidance. All infrastructure materials shall comply with relevant standards acceptable to GDC. The consent holder should check these standards with relevant Council staff.

- 29A. Where existing or proposed Council reticulation/trunk mains are located within individual Lots and/or Jointly Owned Access Lots, prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder shall arrange to create 3 metre minimum width services easement(s) in gross, placed centrally over the main. The easement documentation shall be prepared at the applicants cost and registered against the relevant Records of Title.

Note: Easements for pipes shall be placed centrally over the pipe location and shall be contained wholly within the lots.

30. The consent holder shall submit to Council's Development Engineer, Environmental Services & Protection, a Stormwater Management Plan (SWMP) for the entire subdivision for certification. This is to be based on attenuation and treatment for the 10% AEP storm event and in compliance with the provisions of the Tairāwhiti Resource Management Plan including the Fresh Water Plan and in accordance with Auckland Council GD01. Overland pathway for the 1% AEP storm event is to be identified and kept free from possible buildings and structures, these should be on public land.
31. The consent holder shall provide a stormwater reticulation system and connections to service each lot and the entire subdivision. This system shall be based on the approved Stormwater Management Plans submitted for acceptance and the full infrastructure engineering plans submitted also.

32. The consent holder shall comply with all sanitisation and pressure testing of the relevant wastewater/stormwater and water mains. The consent holder shall arrange for Council Utilities inspector to be on site to witness the testing.
33. All residential Lots shall be provided with human wastewater connection points to the proposed human wastewater reticulation system and also potable water connections within the proposed subdivision in accordance with the Engineering Code of Practice 2000. The consent holder shall provide written confirmation that the connections have been completed as per the Engineering Code of Practice 2000, or otherwise as agreed with Council's Development Engineer, Environmental Services & Protection. The connections shall be constructed in accordance with the wastewater and water design for the subdivision as separately conditioned for engineering drawings. Water connection to each Lot shall have a minimum of 20mm (internal diameter) lateral and ACUFLO Dual Check manifold backflow preventer in Blue lid manifold box.
34. The consent holder shall provide complete engineering drawings in accordance with Gisborne District Council's Engineering Code of Practice 2000 (unless otherwise agreed by Council's Consent Manager) for any upgrading or works including pavement and footpaths within Hansen Road. These drawings shall be submitted for approval to Council's Development Engineer, Environmental Services & Protection,

Note: Kerb & Channel will be required on both sides of Hansen Road, from the subdivision entrance to the Back Ormond Road intersection. This may be included in a Developer Agreement with Council with regards to utilisation of funds available to deliver the required infrastructure. In addition to the Code of Practice, the developer may design in accordance with Austroads or NZS4404:2010 (Form Schedule 1A of NZS 4404:2010) shall be completed and submitted along with the drawings.
35. The consent holder shall construct new vehicle crossings to all right of way (ROW)/JOAL accessways serving Lots 2-7, Lots 52, 59, Lots 67-69, Lots 112-114, Lots 117-118, Lots 121-122, Lots 204-205, Lots 229-236, Lots 245-248, Lots 251-254 and Lots 259-262 in accordance with the subdivision application, and to meet Gisborne District Council's Engineering Code of Practice 2000 for new residential crossings. The vehicle crossings shall be formed with concrete/sealed between the kerb and property boundary.
36. Prior to requesting approval under Section 224 of the Resource Management Act 1991 for any of Stages 5, 5A, 5B, 7, 7A and 7B, the consent holder shall provide complete engineering drawings in accordance with Gisborne District Council's Engineering Code of Practice 2000 or as otherwise agreed by the Consent Manager (see note below), detailing all bulk earthworks, proposed services infrastructure (stormwater, wastewater, water services, gas, power, telecom), for the Cameron Road link. These drawings shall be submitted for certification to the Council's Development Engineer, Environmental Services & Protection.

The engineering drawings shall include but not be limited to:

- a) Roothing – full base and construction layers including surface treatment (AC and/or Chipseal where proposed).
- b) All infrastructural services.
- c) Street lighting – including light standards and type of bulb as approved by Council's Journeys Team.

- d) Proposed road name signage.
- e) Stormwater design & control/treatment structures within the subdivision to the relevant outlet points.
- f) Intersection design at the new road interface with Cameron Road.
- g) Roadmarking.
- h) All streetscape and proposed planting.
- i) The design and location of all footpaths. (Note that Councils preference is for footpaths to be 1.5m in width).

Note: The designs for roading may reference NZT4404:2010 or Austroads for standards where the Engineering Code of Practice is lacking guidance. All infrastructure materials shall comply with relevant standards acceptable to GDC. The consent holder should check these standards with relevant Council staff.

- 37. The consent holder shall construct all infrastructure in accordance with accepted and approved drawings submitted in accordance with conditions 29, 31, 34 and 36. All work shall be completed to the satisfaction of Council's Consents Manager, Environmental Services & Protection, and shall be at the consent holder's expense.
- 38. The consent holder shall submit a written statement from a suitably qualified professional, that:
 - a) The physical works have been carried out in accordance with the condition 37 and the accepted and approved engineering plans.
 - b) The physical works meet Gisborne District Council's Engineering Code of Practice 2000 or as otherwise agreed in writing by the Council's Development Engineer.

Note: (Form Schedule 1C of NZS 4404:2010) shall be completed and submitted along with the written statement.

- 39. The consent holder shall submit completed 'as built' plans and RAMM data to Council's Development Engineer, Environmental Services & Protection in accordance with Gisborne District Council's Engineering Code of Practice 2000. The plans shall include but not be limited to:
 - a) All public and private infrastructural assets within the subdivision and showing connections to relevant services outside the subdivision.
 - b) Measurements shall be shown to relevant boundaries and physical features to assist location in future years.
 - c) The applicant shall contact the Councils asset manager (four waters) for relevant data recording standards expected on the as-builts.
 - d) The applicant shall contact Council's Journeys team for standards and requirements for capture and submitting of RAMM data for the roading assets created.

Geotechnical Conditions

- 40. Prior to construction of civil infrastructure and buildings the consent holder shall undertake cyclic softening and lateral spreading assessments on the proposed batter slope and assessment of potential deformation associated with the pond. To mitigate

the risk associated with cyclic softening and lateral spreading_the following matters shall be considered:

- a) Setbacks from the stormwater pond and recommendation for appropriate foundations
- b) Appropriate ground improvement techniques
- c) Use of appropriate slope angles
- d) No-build zone

41. Prior to the construction of the stormwater pond, the consent holder shall provide complete engineering drawings (detailing all including setbacks from the pond, no-build zone, pond batters, slope erosion protection methods, etc.) for the same pond in accordance with the relevant New Zealand Standard. These drawings shall be submitted for certification by Council's Development Engineer, Environmental Services & Protection that the design is in accordance with the Code of Practice, or otherwise agreed to by Council's Consent Manager, Environmental Services & Protection.

Form Schedule 1A of NZS 4404:2010 shall be completed and submitted along with the drawings.

42. Prior to requesting approval under Section 224 of the Resource Management Act 1991, the consent holder shall submit a written statement from a Chartered Professional Engineer, that:

- a) The physical works (construction of stormwater pond) have been carried out in accordance with the engineering plans in condition 41.
- b) The physical works meet Gisborne District Council's Engineering Code of Practice 2000 or as otherwise agreed in writing by the Council's Consent Manager.

Form Schedule 1C of NZS 4404:2010 shall be completed and submitted along with the written statement.

43. A geotechnical completion report prepared by a Chartered Professional Geotechnical Engineer, who has monitored the work, shall be submitted after the earthwork process to the Gisborne District Council's Development Engineer, Environmental Services & Protection: attesting to the suitability of the land for its intended purpose, using the updated seismic parameters (PGA & magnitude) recommended by NZGS, which shall include but not limited to:

- a) Outline the bearing strength of supporting ground, which can be assessed from the results of testing during earthworks; and
- b) Addresses any risks for cyclic softening, and update the results of liquefaction, lateral spreading and consolidation settlement especially for Lots 216 - 225 and Lots 238-242 (close vicinity of the stormwater pond) which has been peer reviewed by Rick Wentz (Wentz-Pacific).

The form in Schedule 2A of NZS 4404:2010 shall be completed and submitted along with the geotechnical completion report, and this report may be subjected to independent peer review at the applicant's cost.

Note: It is desirable to monitor throughout the earthwork process and after fill placement to confirm the settlement behaviour, rather than only at the end of earthworks.

44. Localised additional excavation and replacement with engineered fill shall be required in Zones B and E, to maintain a reasonable crust of non-liquefiable material contingent on observed groundwater levels.

Landscaping Conditions

45. The Consent Holder shall submit for certification to Council's Liveable Spaces Manager a final Landscape Planting Plan, prepared by a suitably qualified landscape architect, based on the Landscape Concept plans prepared by Kamo Marsh Landscape Architects (reference: Ref No.5109, 16 August 2023 Revision B). The landscape planting plan shall include the following detail:

- j) A description of the proposed planting
- k) A schedule of species to be planted which includes the botanical and common name of the species
- l) Quantity of plants required for each site
- m) The size of plants at the time of planting
- n) The mature size of plants
- o) Any effect on underground or overhead services
- p) Staking requirements
- q) Ongoing maintenance programme
- r) The qualifications and experience of the person preparing the plan

Note: The person preparing the plan should liaise with Council's Liveable Communities team to discuss appropriate species and any other requirements (such as root barriers) that they may have. Planting plans may be prepared in stages relating to any stages the subdivision is proposed to be implemented in.

46. Prior to requesting approval under Section 224 of the Resource Management Act 1991, the Consent Holder shall implement the landscape planting in accordance with the Landscape Plan(s) required by condition 45.
47. The consent holder shall maintain the planting required under condition 46 in good health and condition for a minimum of two years after section 224 approval unless they are assessed by an arborist experienced in the assessment of plant health, as being a danger to life or property. Any dead, dying or diseased plants shall be replaced in the subsequent planting season so as to maintain the mitigation planting intended by these conditions.

Note: Council's Liveable Communities team will undertake a review of the plantings (during and after planting) to highlight any areas of concern early on, so that it can be remedied. There will also be a walkover of the site done before the Defects Liability Period ends to ensure that Council are happy to accept the plantings/trees.

48. Prior to requesting approval under Section 224 of the Resource Management Act 1991, the Consent Holder shall submit detailed design(s) of the fencing to be constructed along the rear boundary of sites which back onto the stormwater pond.

The fencing design(s) shall be certified by Council's Liveable Communities team prior to construction.

Section 221 of the Resource Management Act 1991 Consent Notice Conditions

49. Pursuant to Section 221 of the Resource Management Act 1991 a consent notice condition shall be imposed on the Records of Title of all residential lots advising as follow:

- b) Any application(s) for building consent to erect any new habitable building shall include a 'Site Specific Bearing Capacity Report' prepared by a geo-professional specialising in the field of geotechnical engineering, which is in accordance with the recommendations in the Geotechnical Report prepared by INITIA Reference: 665 Rev A, dated February 2021, which shall include but not limited to:
 - iv. Certification to the satisfaction of the Consent Authority that the design of the foundations of the proposed building are suitable with respect to the bearing strength of the supporting ground (In accordance with the relevant New Zealand Standard); and
 - v. Addresses any potential for expansive soils, non-engineered fill and if appropriate liquefaction or differential settlement that may need to be incorporated into the foundation design for new buildings; and.
 - vi. Specifies as appropriate, any remedial works or mitigation measures to be undertaken to protect the development from natural hazards.

The building shall be constructed in accordance with the recommendations in the submitted Geotechnical Report.

Note: Reference should be made to the minimum requirements outlined in the Gisborne District Council 'Minimum Requirements for Geotechnical Reports' document – December 2021.

50. Pursuant to Section 221 of the Resource Management Act 1991 a consent notice condition shall be imposed on the Record of Title of Lot 215 advising as follows:

- a) Any application(s) for building consent to erect any commercial building and/or structure shall include a 'Site Specific Geotechnical Report' prepared by a geo-professional specialising in the field of geotechnical engineering, which is in accordance with the recommendations in the Geotechnical Report prepared by INITIA Reference: 665 Rev A, dated February 2021, which shall include but not limited to:
 - i. Certification to the satisfaction of the Consent Authority that the design of the foundations of the proposed building are suitable with respect to the bearing strength of the supporting ground (In accordance with the relevant New Zealand Standard); and
 - ii. Addresses any potential for expansive soils, non-engineered fill and if appropriate liquefaction or differential settlement that may need to be incorporated into the foundation design for new buildings; and.

- iii. Specifies as appropriate, any remedial works or mitigation measures to be undertaken to protect the development from natural hazards.

The building shall be constructed in accordance with the recommendations in the submitted Geotechnical Report.

Note: Reference should be made to the minimum requirements outlined in the Gisborne District Council 'Minimum Requirements for Geotechnical Reports' document – December 2021.

51. A consent notice condition shall be imposed on the Records of Title of all lots (excluding Lot 162, Lot 172 and Lot 215) advising as follows:
 - a) Due to wastewater capacity constraints no further subdivision of the lots shall be undertaken and development shall also be limited to one habitable building per lot, unless additional capacity is confirmed by Council. For clarity the term 'one habitable building per lot' in this condition prevents the erection or use of any one or more of the following:
 - A minor dwelling, being a dwelling comprising less than 60m² gross floor area, whether attached to, part of, or detached from, the primary dwelling
 - A self-contained unit of any size, whether attached to, part of, or detached from, the primary dwelling
 - Multi-unit developments, including but not limited to, duplexes
 - More than one kitchen within the primary dwelling
 - More than one kitchen on the property in its entirety
52. A consent notice condition shall be imposed on the Record of Title of Lot 1, Lots 8-16, Lots 17-51, Lots 53-58, Lots 60-66, Lots 70-72, Lots 93-111, Lots 115-116, Lots 119-120, Lots 123-156, Lots 211-232, Lots 238-245, Lot 248, Lots 250-251, Lot 254, Lots 256-259, Lot 262, and Lots 264-269 advising as follows:
 - a) At building consent stage, a vehicle crossing shall be constructed to the subject Lot to meet Gisborne District Council's Engineering Code of Practice 2000 for new residential crossings. The vehicle crossing shall be formed with concrete /sealed between the kerb and property boundary.

Note: Where appropriate vehicle crossing may be provided from a Jointly Owned Access Lot (JOAL) or the adjacent road.
53. A consent notice condition shall be imposed on the Records of Title of Lots 68-69, Lot 72 and Lots 216 – 222 advising as follows:
 - a) Any fencing constructed along the common boundary with the stormwater pond shall be in accordance with the agreed fencing style required by condition 48 of Subdivision and Land Use consent decision SG-2021-110234-00, LU-2021-110235-00 and NC-2021-110236-00.
54. A consent notice condition shall be imposed on the Record of Title of Lot 215 advising as follows:
 - a) If a playground is to be installed on Lot 215, then the design of this shall be undertaken in conjunction with Council's Liveable Communities team who can provide approvals and guidance as required.

55. A consent notice condition shall be imposed on the Records of Title of Lots 59-68, Lot 162 and Lots 222 - 224 advising as follows:
- a) Bund planting shall be maintained in good health and condition unless plantings are assessed by an arborist experienced in the assessment of plant health, as being a danger to life or property. Any dead, dying or diseased plants shall be replaced in the subsequent planting season so as to maintain the mitigation planting intended by these conditions. Any replacement planting shall be in accordance with the Landscape Planting Plan required by condition 45 of Subdivision and Land Use consent decision SG-2021-110234-00, LU-2021-110235-00 and NC-2021-110236-00. Under no circumstances shall Agapanthus, or any other plants that are identified in the Regional Pest Management Plan, be planted as they will spread rapidly and potentially overwhelm the slower growing native species.
56. A consent notice condition shall be imposed on the Records of Title of Lots 59-68 and Lots 222 – 224 advising as follows:
- a) Dwellings shall be constructed in compliance with Rule C11.2.15.5 (acoustic protection for arterial roads) of the Tairāwhiti Resource Management Plan. An acoustic design certificate shall be provided with the building consent application to show how is met using appropriate noise mitigation measures.
57. A consent notice condition shall be imposed on the Record of Title of Lot 215 advising as follows:
- a) Wired power services are not installed to the net area of the site. Connection to this service will be at the full cost of the landowner.
58. A consent notice condition shall be imposed on the Record of Title for Lot 157 and 270 advising as follows:
- a) This Lot shall not be developed, subdivided or built upon until it is determined whether the land is required for a road or service connections. If the land is required for a road or service connections the road shall be formed and then vested to Gisborne District Council.
 - b) If the land is not required for a road or service connection this shall be confirmed in a written statement from Gisborne District Council.
 - c) In the case the lot is not needed for road or service connection, the lots shall be serviced with all reticulated services which include water, wastewater, stormwater, electricity and telecommunications.
59. A consent notice condition shall be imposed on the Record of Title for Lot 215 advising as follows:
- a) The area vested in Council for the purpose of a recreation reserve shall be no smaller than 2674m².
60. Pursuant to Section 221 of the Resource Management Act 1991 a consent notice condition shall be imposed on the Records of Title for Lots 25-31, Lots 93-157, 216 to 236, 238 to 248, 250 to 254, 256 to 262, 264 to 270, advising as follows:
- a) At building consent stage the applicant shall provide to Council stormwater management of the entire Lot showing stormwater neutrality with attenuation on-site for the 10% AEP storm event using HIRDS v4 with climate change.

61. Pursuant to Section 221 of the Resource Management Act 1991 a consent notice condition shall be imposed on the Records of Title for Lots 25-31, Lots 93-157, 216 to 236, 238 to 248, 250 to 254, 256 to 262, 264 to 270, advising as follows:
- a) At building consent stage the applicant shall provide to Council stormwater management of the entire Lot showing stormwater neutrality with attenuation on-site for the 10% AEP storm event using HIRDS v4 including climate change.

ADVICE NOTES

- a) This subdivision resource consent lapses 8 years after the date of commencement of the consent unless the consent is given effect to or an application is made and granted for an extension of time. A subdivision is given effect to when a survey plan in respect of the subdivision has been submitted to the Council under section 223 but shall lapse if the survey plan is not deposited in accordance with section 224. In accordance with section 224(h) no survey plan shall be deposited unless less than 3 years has elapsed since the Council has approved the survey plan.
- b) All work or discharge to or within the road reserve requires a Corridor Access Request (CAR). This includes any upgrades to vehicle crossings and the installation of infrastructure and services. A CAR can be made via the BeforeUDig website or directly to Gisborne District Council. A traffic Management Plan shall be submitted with the CAR.
- c) The Applicant may enter into a Developer Agreement with Council with regards to utilisation of funds available and to deliver the required infrastructure. Any Developer Agreement will override conditions of this consent requiring infrastructure to be provided at the Consent Holder's cost.
- d) The Consent Authority may as part of the s224 sign off or at any other stage of the development process, seek Professional Assistance to Interpret Engineering Information that is contained within earthworks completion reports or Peer Review of any other documentation that is supplied, at the applicants cost.
- e) The development contribution estimated for this proposal is \$1,880,240.80 (this includes an additional \$273,736.80 generated by the further subdivision of super-lots). This contribution is to be paid to Council prior to applying for a certificate pursuant to section 224 of the Resource Management Act 1991.
- f) The Land Use consent does not specifically authorised development of the Commercial Lot. Individual Land Use consent will be required to be obtained once the development specifics for the Commercial Lot is known.
- g) The Land Use consent also does not authorise non-compliance of any of the other General Standards applicable to residential development such as (but not limited to) yard setback, height and site coverage.
- h) The Consent Holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.
- i) The Consent Holder is advised that non-compliance with consent conditions may result in enforcement action against the Consent Holder and/or their contractors and any landowner.

- j) The Consent Holder is advised that this consent does not in itself give any authority to enter or carry out work on private land nor does it imply any exclusive right to operate over the area allotted to the holder. It also does not excuse the holder from obtaining all other legal and statutory requirements for instance the legal access through private land and the Health and Safety Act.
- k) Given the possibility for both vertical and lateral deformations as a result of liquefaction under seismic loading, it is recommended that:
 - 1. Critical services be located away from the western or southern sections of the proposed stormwater pond; and
 - 2. Flexible materials and connections shall be used to allow efficient repair if damage was to occur as a result of liquefaction; and
- l) No archaeological sites whether recorded or unrecorded under Subpart 2 of the Heritage New Zealand Pouhere Taonga Act 2014 can be destroyed, damaged or modified without the consent of Heritage New Zealand. In the event that an archaeological site(s) and/or Koiwi are unearthed, the Consent Holder is advised to immediately stop work on the part of the site that the archaeological site(s) is located, and contact Heritage New Zealand and all relevant iwi/hapu for advice. Heritage New Zealand contact details: email - info@lowernorthern@heritage.org.nz; phone - 07 577 4530. The Gisborne District Council is able to advise of the contact details for the relevant iwi and hapu in this area.
- m) The naming of roads must be in accordance with Gisborne District Council Road Naming Guidelines.
- n) Once the section 224C completion certificate has been issued by Council for this subdivision, Council will advise the consent holder of property number(s). Entrances are required to be accurately numbered in accordance with the Rural and urban addressing standard, AS/NZS4819:2011. To conform to the above standard, the existing property numbering may need to change.

REASONS FOR DECISION

Section 113(4) of the Resource Management Act 1991, requires that every decision on a resource consent that has not been notified shall be in writing and state reasons for the decision.

1. The actual and potential effects created by the proposed changed considered acceptable because subdivision of the last remaining super-lot and subdivision of adjoining Lot 1 DP 554308 into individual residential lots will still result in an appropriate residential density for the Taruheru block. These additional lots will all be serviced adequately with regards to power, water, wastewater and stormwater.
2. The proposal remains consistent with the objectives and policies of the Tairāwhiti Resource Management Plan.
3. Overall the proposal meets the purpose (Section 5) and principles (Sections 6-8) of the Resource Management Act 1991.

A copy of the Planning Officer's decision report, which explains further the reasons given above, can be forwarded to you upon request.

Under delegated authority,

Esther Kowhai



Dated at Gisborne this 21st day of May 2024.

Cancellation of Consent Notice

Section 221(3)(a) Decision of the Resource Management Act 1991

Section 221(3)(a) of the Resource Management Act 1991 (RMA) enables conditions specified in consent notices to be varied or cancelled by agreement between the land owner and the Council. The applicant has sought to cancel consent notice 232750.3 and 11957246.1 with regard to Lot 1 DP 554308 contained in Record of Title 963515 as the consent notice conditions are either currently redundant, or will become redundant, following the completion of the Oakview subdivision proposed through this application.

RECOMMENDATION:

THAT: Pursuant to Section 221(3) (a) of the Resource Management Act 1991, Consent Notice 232750.3 and 11957246.1 on Record of Title 963515 shall be cancelled.

Prepared by:

Approved by:



Kimberley Morete
Principal Planner

Esther Kowhai
Team Leader (District Consents)

Date: 17 May 2024

Date: 21 May 2024



**Sheet 1 of 18
Overall Scheme Plan
Variation 2**

**Proposed new Amalgamation
Conditions for JOAL's:**

- Lot 249 hereon to be held as to four undivided 1/4 shares by the owners of Lots 245 to 248 hereon.
- Lot 256 hereon to be held as to four undivided 1/4 shares by the owners of Lots 251 to 254 hereon.
- Lot 263 hereon to be held as to four undivided 1/4 shares by the owners of Lots 259 to 262 hereon.
- Lot 237 hereon to be held as to six undivided 1/6 shares by the owners of Lots 229, 230, 232 to 236 hereon.

Future Road connections:

Lot 157 and Lot 270 could be future road connections if required. Covered by Consent Notice.

**Original Subdivision Consent:
SG-2021-110234-00**

**Subdivision Consent Variation 1:
SG-2022-110234-01**

Total Area:	12,2156 ha.
Current Records of Title:	1084844 & 963515

- Notes:
1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

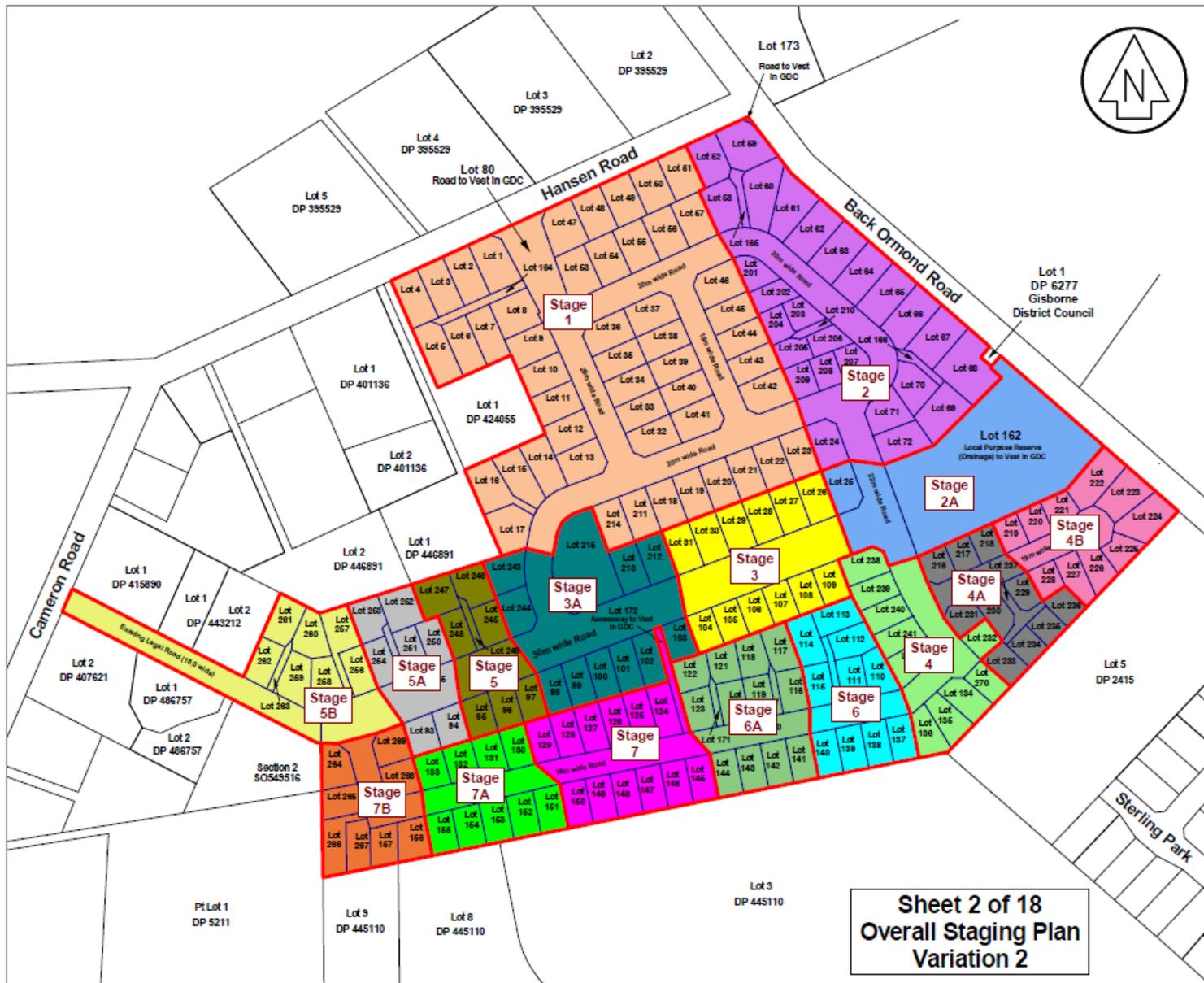
**Surveying & Development
Consulting Ltd.**

Phone 0274902876 Email: chris@gdc.co.nz

Client: **Oakview Investments Ltd.
Cnr Back Ormond Rd
& Hansen Road, Gisborne**

Drawing Title:
Lots 83 to 87, 129 to 133, 161 to 167, 227 to 237 & 243 to 270 being a Proposed Subdivision of Lots 81 to 87, 129 to 133, 161 to 167, 183, 187, 188 & 227 to 237 S-C-2021-110234-01, Lot 174 DP 681638 & Section 1 S-C 648616

Original Scale:	1:2500	Original Size:	A3
Date:	20 July 2023	Job Number:	6376_SPV2_1



Note: Stages 1 & 2 Completed
224C issued 10th Nov. 2022



Original Subdivision Consent:
SG-2021-110234-00

Subdivision Consent Variation 1:
SG-2022-110234-01

Total Area: 12.2156 ha.
Current Records of Title: 1064844 & 963515

- Notes:
1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

Surveying & Development Consulting Ltd.

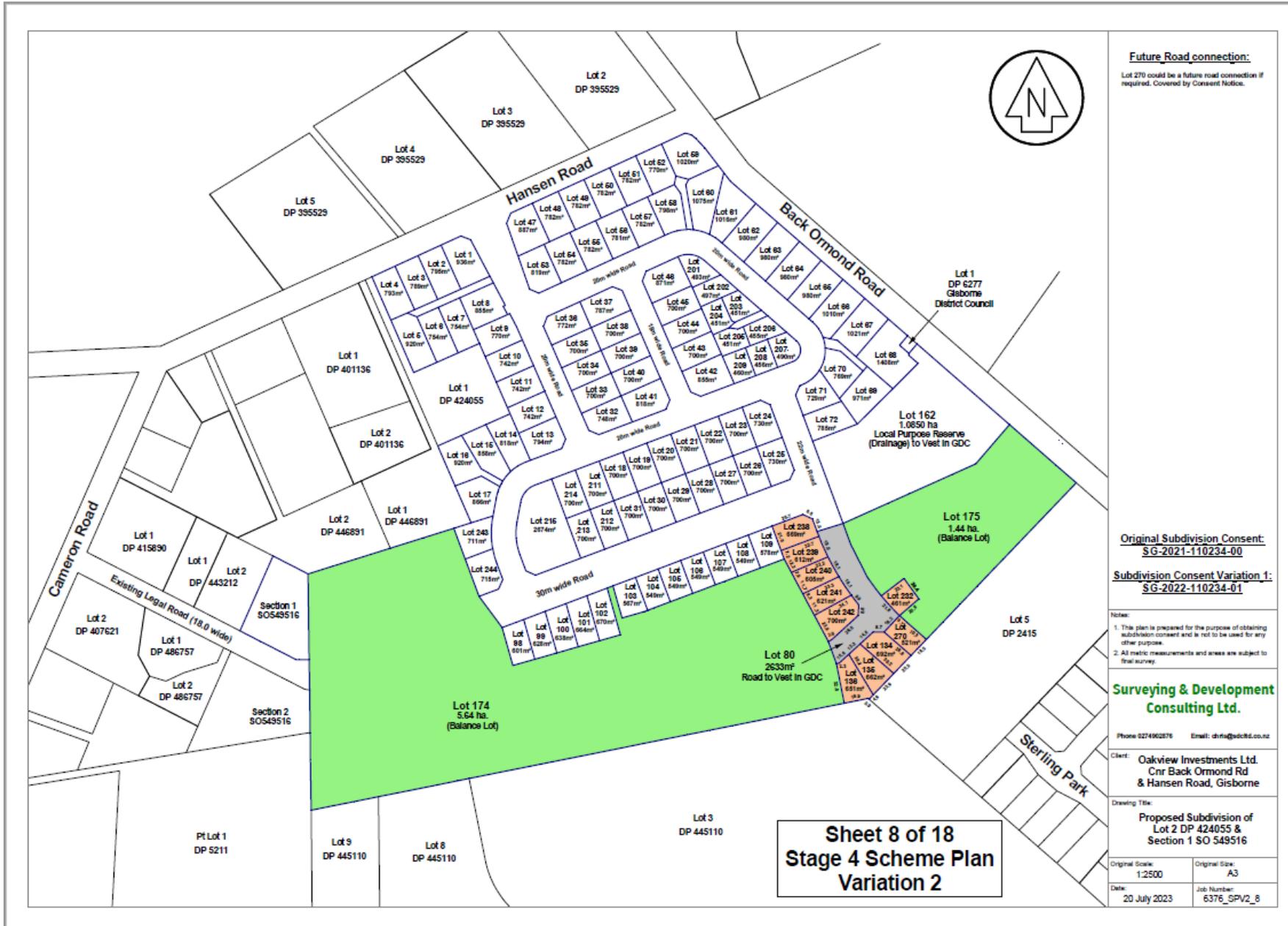
Phone 0274960276 Email: dinfo@sdcltd.co.nz

Client: **Oakview Investments Ltd.**
Cnr Back Ormond Rd & Hansen Road, Gisborne

Drawing Title:
Lots 83 to 97, 128 to 133, 161 to 167, 227 to 237 & 243 to 270 being a Proposed Subdivision of Lots 81 to 97, 128 to 133, 161 to 167, 183, 187, 188 & 227 to 237 S-G-2021-110234-01, Lot 174 DP 681538 & Section 1 S-O 648618

Original Scale:	Original Size:
1:2500	A3
Date:	Job Number:
20 July 2023	6376_SPV2_2

Sheet 2 of 18
Overall Staging Plan
Variation 2



Future Road connection:

Lot 270 could be a future road connection if required. Covered by Consent Notice.

Original Subdivision Consent:
SG-2021-110234-00

Subdivision Consent Variation 1:
SG-2022-110234-01

- Notes:
1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

Surveying & Development Consulting Ltd.

Phone 0274962576 Email: drlng@sdcltd.co.nz

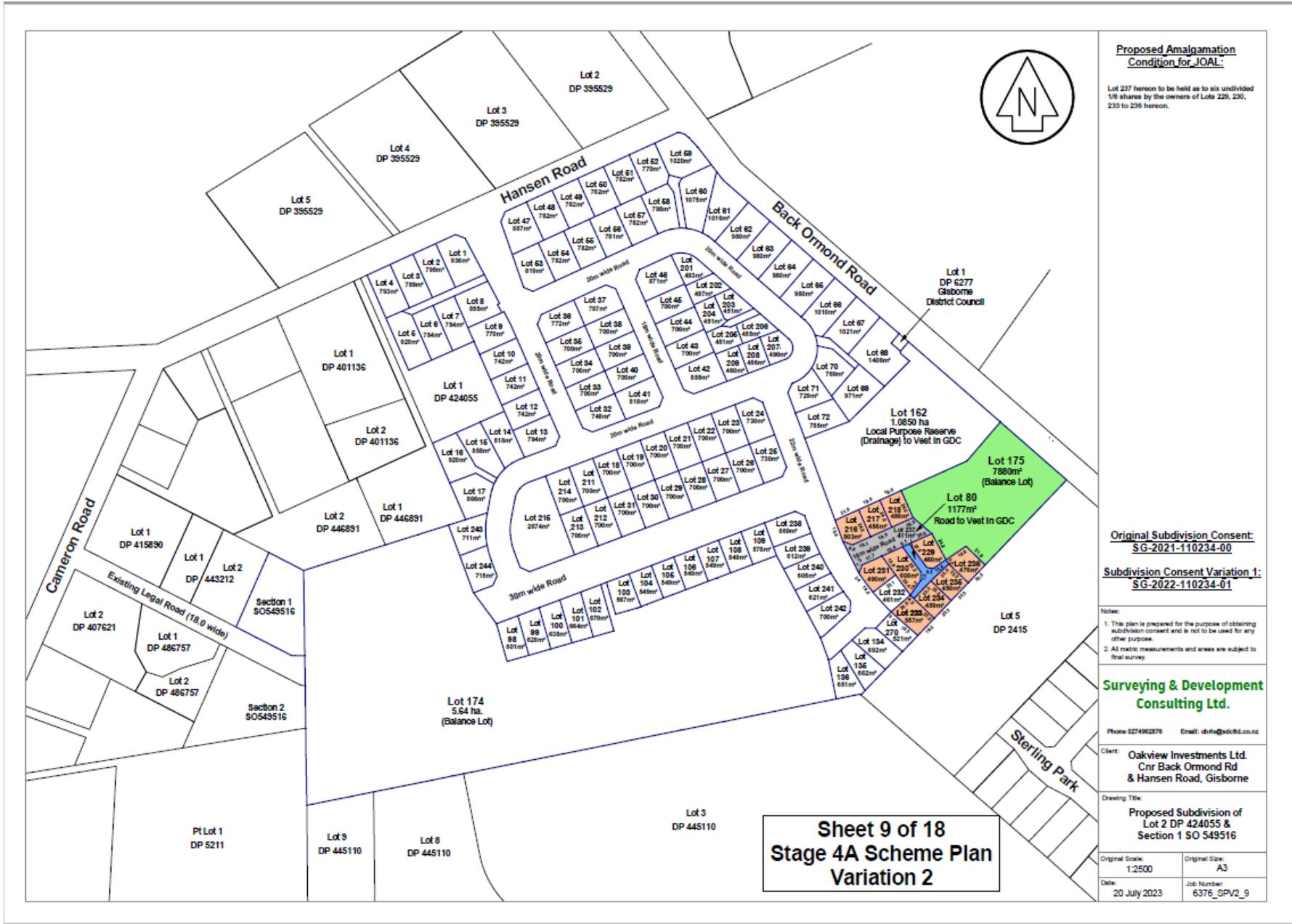
Client: Oakview Investments Ltd.
Cnr Back Ormond Rd & Hansen Road, Gisborne

Drawing Title:
Proposed Subdivision of
Lot 2 DP 424055 &
Section 1 SO 549516

Original Scale: 1:2500
Original Size: A3

Date: 20 July 2023
Job Number: 6376_SPV2_8

Sheet 8 of 18
Stage 4 Scheme Plan
Variation 2



Proposed Amalgamation Condition for JOAL:

Lot 237 hereon to be held as to six undivided 1/6 shares by the owners of Lots 229, 230, 233 to 236 hereon.

Original Subdivision Consent:
SG-2021-110234-00

Subdivision Consent Variation 1:
SG-2022-110234-01

- Notes:
1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

Surveying & Development Consulting Ltd.

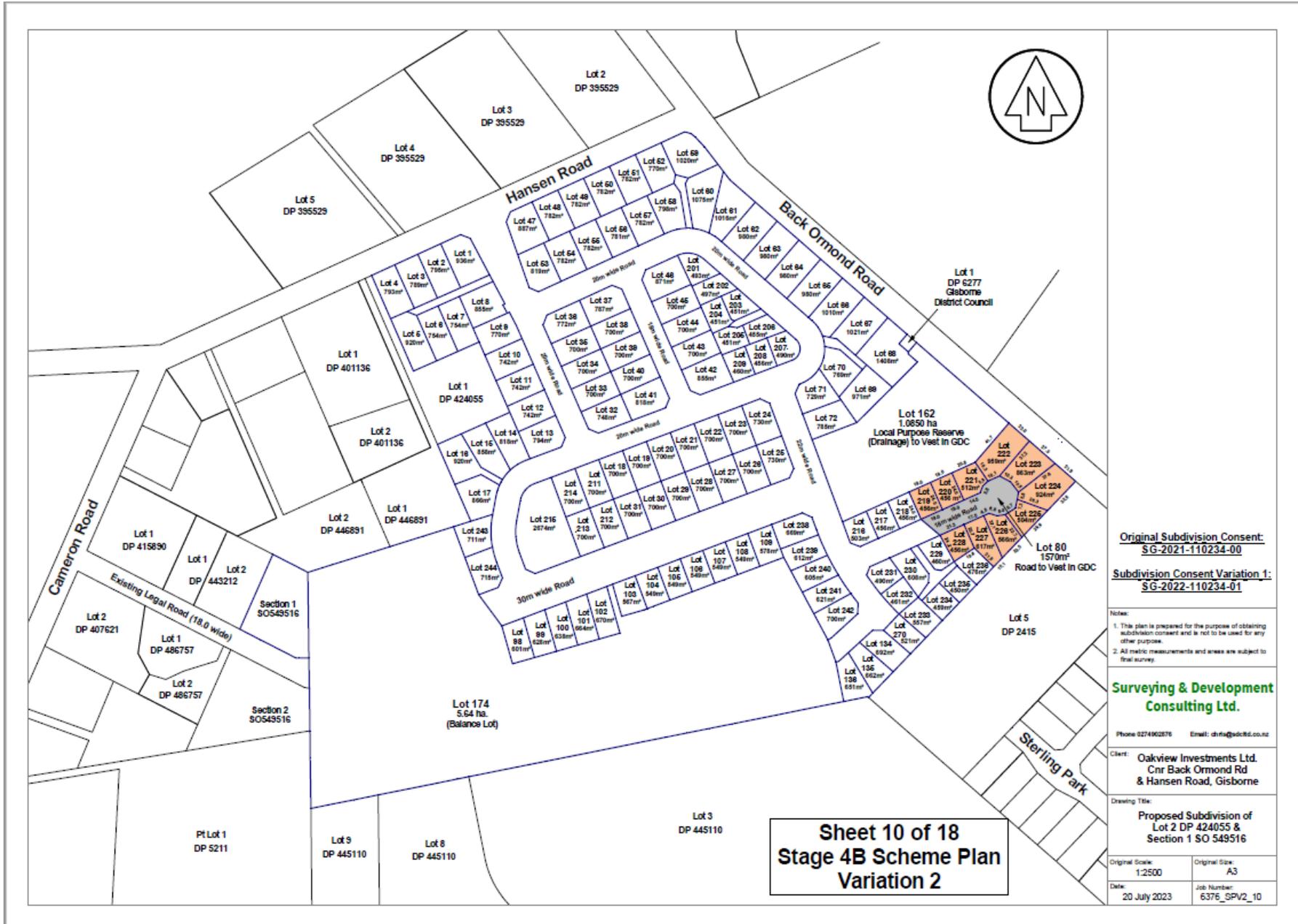
Phone 0274962876 Email: chrn@gdcd.co.nz

Client: Oakview Investments Ltd.
Cnr Back Ormond Rd & Hansen Road, Gisborne

Drawing Title:
Proposed Subdivision of Lot 2 DP 424055 & Section 1 SO 549516

Original Scale: 1:2500	Original Size: A3
Date: 20 July 2023	Job Number: 6376_SPV2_9

**Sheet 9 of 18
Stage 4A Scheme Plan
Variation 2**



Original Subdivision Consent:
 SG-2021-110234-00
 Subdivision Consent Variation 1:
 SG-2022-110234-01

Notes:
 1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

Surveying & Development Consulting Ltd.

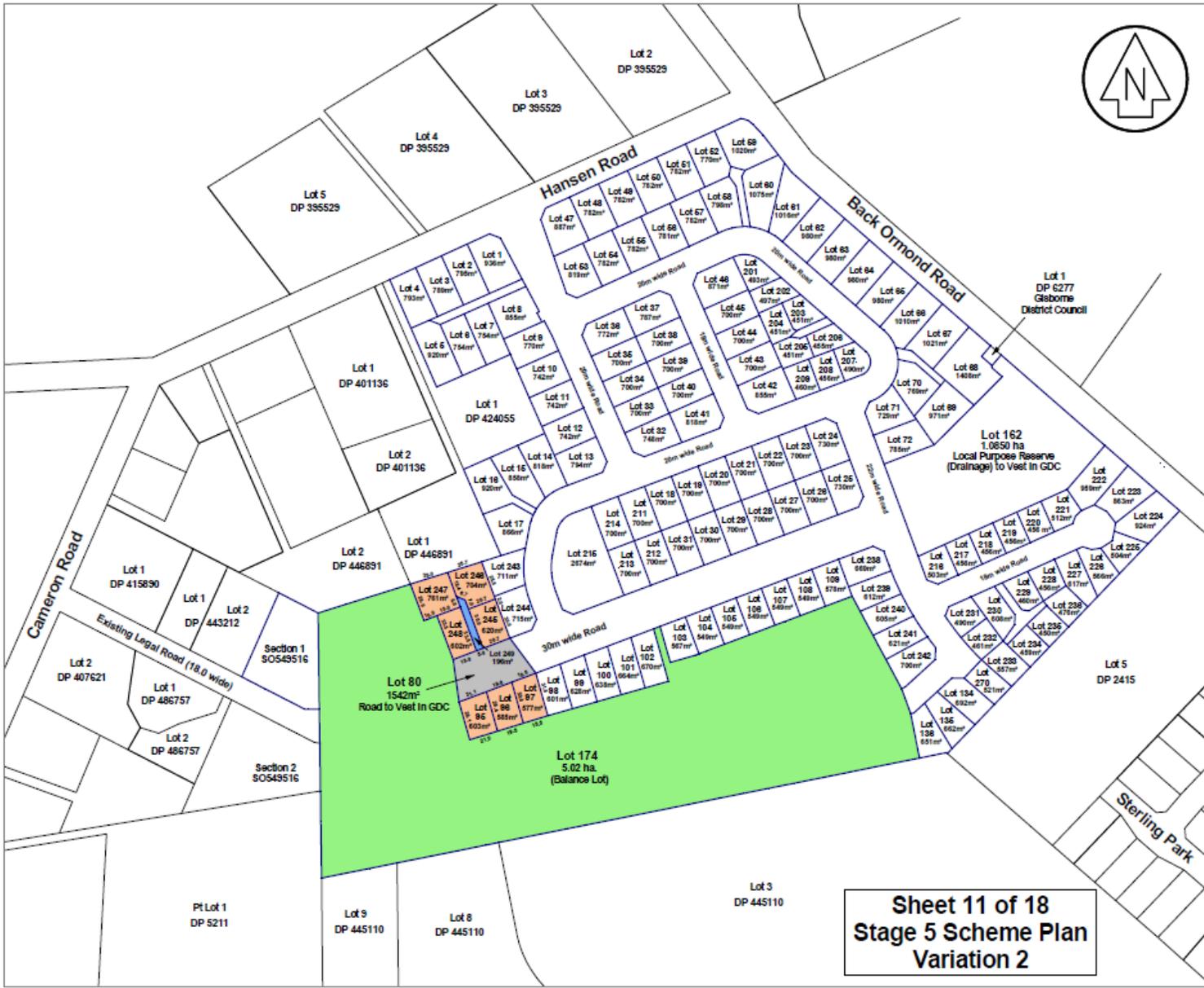
Phone 0274902876 Email: dhris@sdcltd.co.nz

Client: Oakview Investments Ltd.
 Cnr Back Ormond Rd & Hansen Road, Gisborne

Drawing Title:
 Proposed Subdivision of Lot 2 DP 424055 & Section 1 SO 549516

Original Scale: 1:2500	Original Size: A3
Date: 20 July 2023	Job Number: 6376_SPV2_10

**Sheet 10 of 18
 Stage 4B Scheme Plan
 Variation 2**



Proposed Amalgamation Condition for JOAL:

Lot 240 hereon to be held as to four undivided 1/4 shares by the owners of Lots 245 to 248 hereon.

Original Subdivision Consent:
SG-2021-110234-00

Subdivision Consent Variation 1:
SG-2022-110234-01

- Notes:
1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

Surveying & Development Consulting Ltd.

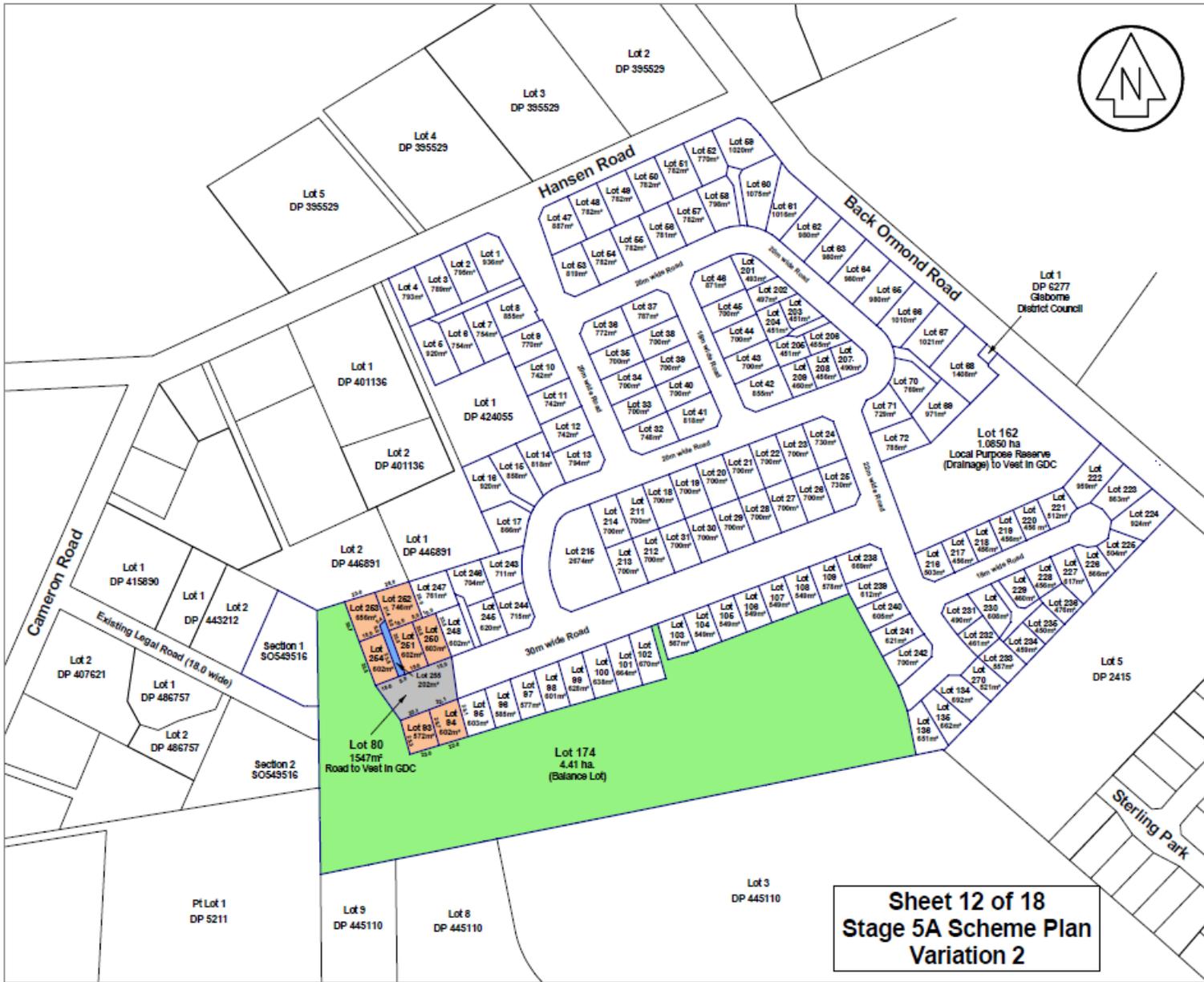
Phone 0274902876 Email: dinfo@sdcltd.co.nz

Client: Oakview Investments Ltd.
Cnr Back Ormond Rd & Hansen Road, Gisborne

Drawing Title:
Proposed Subdivision of Lot 2 DP 424055 & Section 1 SO 549516

Original Scale: 1:2500	Original Size: A3
Date: 20 July 2023	Job Number: 6376_SPV2_11

Sheet 11 of 18
Stage 5 Scheme Plan
Variation 2



Proposed Amalgamation Condition for JOAL:
 Lot 255 hereon to be held as to four undivided 1/4 shares by the owners of Lots 251 to 254 hereon.

Original Subdivision Consent:
 SG-2021-110234-00
Subdivision Consent Variation 1:
 SG-2022-110234-01

Notes:
 1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

Surveying & Development Consulting Ltd.

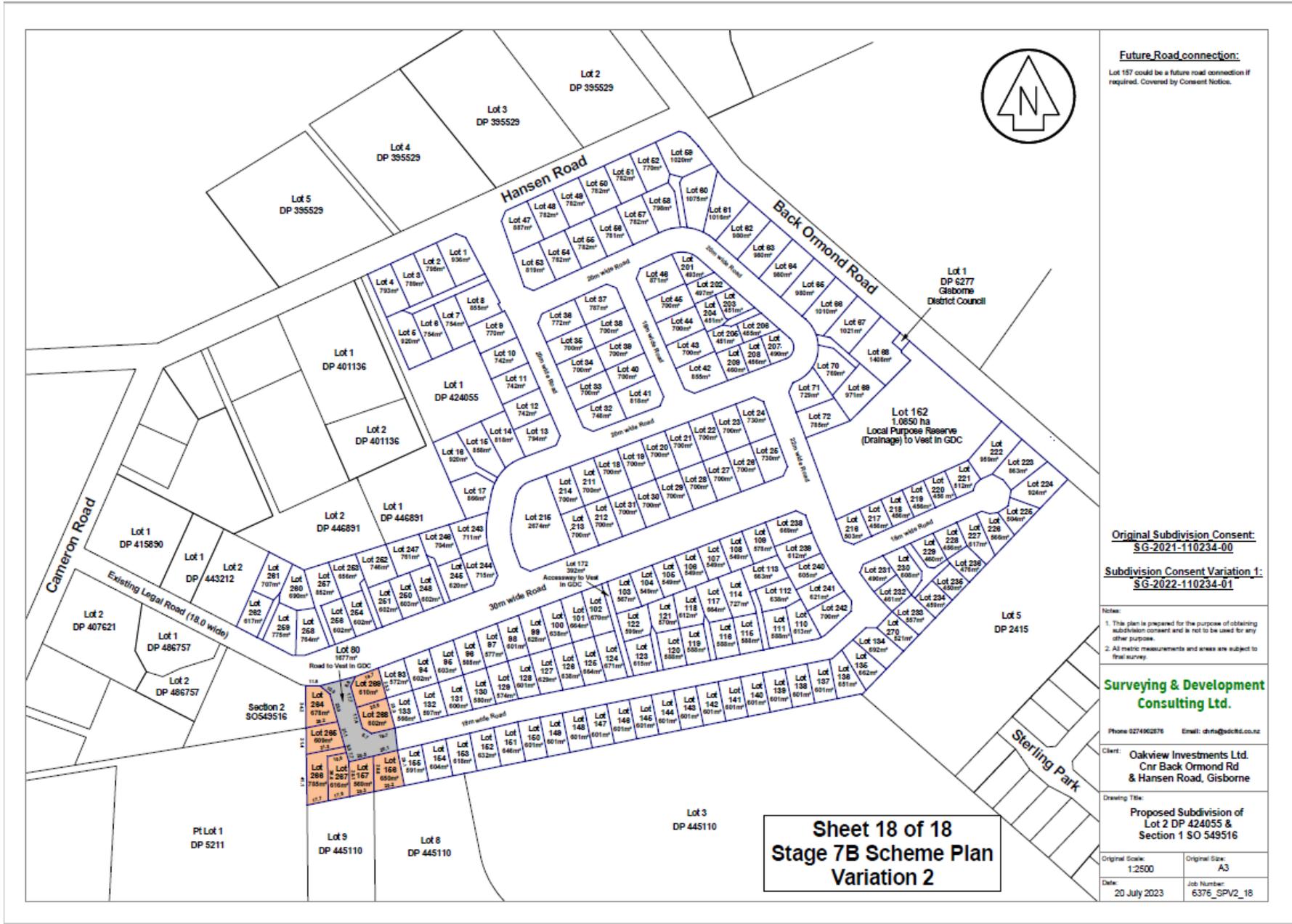
Phone: 0274902076 Email: dch@sdcltd.co.nz

Client: Oakview Investments Ltd.
 Cnr Back Ormond Rd & Hansen Road, Gisborne

Drawing Title:
 Proposed Subdivision of Lot 2 DP 424055 & Section 1 SO 549516

Original Scale: 1:2500	Original Size: A3
Date: 20 July 2023	Job Number: 6376_SPV2_12

Sheet 12 of 18
Stage 5A Scheme Plan
Variation 2



Future Road connection:
 Lot 157 could be a future road connection if required. Covered by Consent Notice.

Original Subdivision Consent:
 SG-2021-110234-00
Subdivision Consent Variation 1:
 SG-2022-110234-01

Notes:
 1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

Surveying & Development Consulting Ltd.

Phone 0274960276 Email: dnf@sdcltd.co.nz

Client: Oakview Investments Ltd.
 Cnr Back Ormond Rd & Hansen Road, Gisborne

Drawing Title: Proposed Subdivision of Lot 2 DP 424055 & Section 1 SO 549516

Original Scale: 1:2500	Original Size: A3
Date: 20 July 2023	Job Number: 6376_SPV2_18

**Sheet 18 of 18
 Stage 7B Scheme Plan
 Variation 2**

DECISION REPORT – NON-NOTIFIED CONSENT

Applicant:	Oakview Investments Limited
Subject Site:	Back Ormond Rd/Hansen Rd
Legal Description:	Lot 174 DP 581536 contained in Record of Title 1084844; and Lot 1 DP 554308 contained in Record of Title 963515
Zoning:	General Residential
Relevant Rule(s):	Section 127 of the Resource Management Act 1991
Consents Sought:	Variation to amend conditions of Resource Consent SG-2021-110234-00 LU-2021-110235-00 & NC-2021-110236-00

1.0 INTRODUCTION

1.1 Proposal

On 17 August 2021 Subdivision and Land Use consents (reference SG-2021-110234-00, LU-2021-110235-00 & NC-2021-110236-00) were granted by Gisborne District Council to subdivide Lot 2 DP 424055 to create 155 Residential sites, 4 super-lots for future residential development, along with roads to vest, Local Purpose Reserve (drainage) to vest, one lot for future commercial development, pedestrian access lots to vest and Jointly Owned Access Lots (JOAL). The Land Use consent component enables construction of a single dwelling on those residential lots that are less than 800m² (the minimum site size for the Taruheru Block).

The applicant has now sought to make changes to the internal layout of the subdivision and enable further subdivision of the last remaining superlot (Lot 163) as shown in Image 1 below.

This proposal also includes the subdivision of an adjoining block not previously part of the development (Lot 1 DP 554308) into four residential lots and one jointly owned access lot (JOAL). While the subdivision of Lot 1 DP 554308 has been given a new consent number, it has been bundled in with this variation as the proposed lots will be part of the overall 'Oakview' development and is intended to be implemented as Stage 5B. The details of the four additional lots are summarised as follows:

- Lot 259 will be a front site comprising 775m² and will have the ability to be accessed via a vehicle crossing to the existing 18m wide Legal Road link to Cameron Road or, via the JOAL (Lot 263).
- Lot 260 will be a rear site comprising 690m² and will be accessed via Lot 263.
- Lot 261 will be a rear site comprising 707m² and will be accessed via Lot 263.
- Lot 262 will be a front site comprising 617m² and will have the ability to be accessed via a vehicle crossing to the existing 18m wide Legal Road or via Lot 263.

This layout is shown in Image 2 below.

The subdivision of Lot 1 DP 554308 and of the SuperLot has also facilitated a rearrangement of the lots within stages 3 and 5 of the underlying subdivision consent. These changes are shown in Images 3 and 4 below.

Furthermore, the applicant is seeking to cancel Consent Notices 11957246.1 and 232750.3 registered on the record of Title for Lot 1 DP 554308 as the consent notice conditions are either currently redundant, or will become redundant, following the completion of the subdivision proposed through this application.



Image 1 – Proposed subdivision of the last remaining Super-Lot

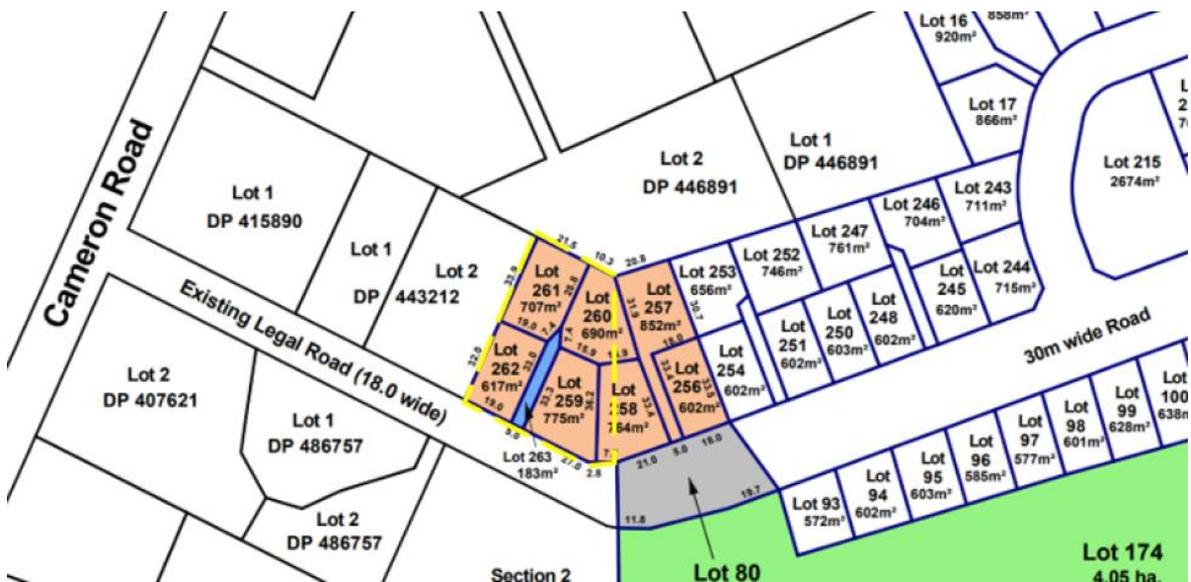


Image 2 – Proposed subdivision of Lot 1 DP 554308



Image 3 – Scheme Plan approved by variation SG-2022-110234-01 with changes shaded yellow



Image 4 – Scheme Plan proposed by this variation application showing amendments shaded peach

Section 127 of the Resource Management Act 1991 (RMA) is considered to be the applicable mechanism for consideration of the proposal, and therefore the application is deemed to be a Discretionary activity in accordance with section 127(3) of the RMA.

1.2 Description of the Site

The site and locality has been thoroughly described in the application as well as the previous decision reports, therefore does not need to be repeated here. Site works have now commenced in order to facilitate the exercise of the original consent, with Stages 1 and 2 already completed and Titles obtained, as can be seen in the Image 5 below.



Image 5 – Aerial photograph of site and surrounding area. The originally consented area is outlined in red with the additional area proposed by this application outlined in yellow.

1.3 Legal Interests in the Property

There are no relevant interests registered on the Record of Title 1084844 for Lot 174 Deposited Plan 581536.

The following relevant interests are registered on the Record of Title 963515 for Lot 1 Deposited Plan 554308:

- Consent Notice pursuant to Section 221(1) Resource Management Act 1991 – 23.3.2001
- Consent Notice pursuant to Section 221 Resource management Act 1991 – 7.12.2020

Comment

The 2001 consent notice imposes the following requirements on Lots 1 to 7 created by subdivision SG197036A (summarised):

- Minimum floor heights for habitable buildings
- Wastewater investigation and design for on-site effluent disposal
- Design and connection for water supply
- Building restrictions relating to the 110kV electricity line
- Access and provision of a future road

The 2020 consent notice imposes the following requirements on Lots 1 and 2 created by subdivision SG215023A (summarised):

- Geotechnical requirements for habitable buildings
- Onsite wastewater design
- Requirement to connect to reticulated wastewater within 6months of this being available and decommissioning of onsite systems

- Capture, control and discharge of stormwater

As detailed in the description of the proposal, these Consent Notices (as they relate to Lot 1 DP 554308) are considered to either be currently redundant or will become redundant following completion of the proposed subdivision of the Lot 1. This is due to new consent notice conditions being imposed on proposed Lots 259 to 262. Section 221(3)(a) of the Resource Management Act 1991 (RMA) enables conditions specified in consent notices to be varied or cancelled by agreement between the land owner and the Council. Consent notices 232750.3 and 11957246.1 on Record of Title 963515 are therefore being cancelled as part of this application, in relation to Lot 1 DP 554308 only. They will still be in effect for adjacent Lot 2 DP 554308.

1.4 History

The consenting history of the balance area of the site was detailed in the original decision that created the Oakview subdivision therefore does not need to be repeated. I have however included a summary of the Oakview decision and variations as follows:

- Original subdivision SG-2021-110234-00 - Resource consent was granted to Oakview Investments Limited in August 2021 for the subdivision of Lot 2 DP 424055 to create 155 Residential sites, 4 super lots for future residential development, roads to vest, Local Purpose Reserve (drainage) to vest, one lot for future commercial development, pedestrian access lots to vest and Jointly Owned Access Lots (JOAL). Land Use consent was bundled with this decision to enable construction of dwellings on those lots that were less than 800m² which is the minimum site area required for the Taruheru Block.
- First Variation SG-2022-110234-01 - Resource consent was granted in June 2022 to Change to conditions 1, 33, 40, 43 and 49 to 58 of the original decision, and the inclusion of new conditions 16A, 16B, 29A and 60 in order to further subdivide the Superlots (Lots 158 – 161) resulting in the creation of 28 residential sites. The site and road configuration layout within Stage 4A was also to be modified as well as the boundaries for Stage 1 and 3.
- Second Variation SG-2023-110234-02 – This was a review of condition 52 initiated by Council pursuant to section 128 of the Resource Management Act 1991 and was granted in March 2023. Condition 52 of the original consent intended to place limitations on the level of development that could occur within the subdivision to due wastewater capacity constraints. The term 'one habitable building' was included, rather than 'one dwelling unit' as a means to ensure that each lot would not contain both a dwelling unit and a minor dwelling unit as the expectation was that the infrastructure to be designed and installed in the development, would cater for one single habitable unit per site. Records of Title were obtained for Stages 1 and 2 in December 2022 and each Title contained the above-mentioned consent notice. After that time Council received nine Building Consent applications that were contrary to the clear intent of the consent notice (with indication that further applications would follow). The Applicant for these building consents interpreted 'one habitable building' as enabling the construction of duplexes within the same roofline of the primary dwelling. This interpretation is inconsistent with the intention of the condition. Although at that time both Council and the Consent Holder disagreed with applicant's interpretation, Council considered that there will be benefit in amending consent notice condition 52 to clarify the intent further and to ensure that the level of development does not exceed wastewater capacity for the wider subdivision. This amendment applies to all future stages of the development.

In terms of Lot 1 DP 554308 that is now also being included as part of the development, the following consenting history applies:

- Subdivision consent SG215023A was granted in February 2016 for the subdivision of 19 Cameron Rd (Lot 4 DP 9319) to create two residential lots and Lot 3 a road to vest with Council. Variation SG215023B was then granted in August 2018 as when the consent holder sought to deposit the survey plan with LINZ, they were advised that as there is a land covenant on the subject property, the written approval from 19 landowners with an interest in the land covenant would be required. Therefore, the applicant sought to change the proposal so that Lot 3 is transferred into Council ownership as opposed to being vested as road.
- Subdivision consent SG197036A was granted in November 1998 for the creation of Lots 1 to 8, creating eight Rural Residential sites.

Both these subdivisions resulted in the consent notices currently associated with Lot 1 DP 554308 that are sought to be cancelled in conjunction with this variation application.

1.5 Process Matters

On 3 November 2023, a Request for Further Information was sent to the applicant's agent requesting the following:

Correspondence from Council (Journeys) is that there must be retention of a road link to provide connection with two parcels of large undeveloped residentially zoned land to the south. Therefore, please update the proposal and subdivision plans to identify Lot 157 and Lot 270 to be vested in Council as Local Road Reserve and confirm that they are both at least 18 metres in width.

It was also noted in this request that on page 7 of the application, it is mentioned that Lot 261 will be 261m² and Lot 262 will be 262m² but that Council's assumption (based on the subdivision plan) that this was an error and that the Lot sizes are 707m² and 617m² respectively.

The applicant's agent responded on 6 November 2023, suggesting that the consent notice condition 59 be amended to include Lot 270 as a mechanism to retain a connection between the Oakview Development and adjoining larger blocks. They also confirmed the lot sizes for Lot 261 and 262 were an error and should be 707m² and 617m² respectively.

The applicant's agent also sought to review the draft conditions prior to the decision being signed. The conditions were provided on 1st March 2024. There was some concern raised about Council's inclusion of new conditions requiring the vesting of Lots 157 and 270 instead of amending the consent notice as requested. A meeting was held April 24th between the applicant's agent and Council staff. It was agreed that a consent notice was suffice in terms of securing these two lots as potential link roads, unless otherwise confirmed in writing by Council that they are no longer needed.

2.0 REASON FOR THE APPLICATION

Section 127 allows for the holder of a resource consent to apply to the Consent Authority for a change or cancellation of a condition of a consent. This section of the Act states that Sections 88 to 121 apply to an application for change of consent conditions as if:

- (a) *The application were an application for a resource consent for a discretionary activity;*
and

- (b) *The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of a change or cancellation respectively.*

The proposal will require the amendment of a number of conditions of the original Subdivision and Land Use consents, along with the inclusion of new condition 61. While this application includes the subdivision of Lot 1 DP 554308 which was not part of the original application, as this development is incorporated with the Oakview development and is a minimal extension in the overall scheme, it is considered appropriate that it be bundled with the variation application, rather than being assessed as a separate decision report. The status of the application is a Discretionary activity pursuant to s127(3)(a) of the RMA.

No additional rules within the Tairāwhiti Plan are triggered as a result of the proposed changes.

3.0 SECTION 95A ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION

Section 95A(1) of the Resource Management Act 1991 (RMA) states that the consent authority must follow the steps set out in that section, in the order given, to determine whether to publicly notify an application for resource consent.

Those steps are set out below, in the order provided in the RMA.

3.1 Step 1. Mandatory public notification in certain circumstances s95A(2-3)

Has the applicant requested that the application be publicly notified?

- No **Go to step 2 ...**
- Yes Publicly notify **S.95A (2)(a) - Go to Decision in section 3.5**

Was further information requested and not provided before the deadline or has the applicant refused to provide the information?

- No **Go to step 2.**
- Yes Publicly notify **S.95A (2)(a) - Go to Decision in section 3.5**

Comment: The further information requested was provided within 15 working days of the request being sent.

The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?

- No – **Go to step 2.**
- Yes - Publicly notify **S.95A(2)(a) - Go to Decision in section 3.5**

3.2 Step 2. Public notification precluded in certain circumstances s95A (4-6)

(a) The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification?

(b) The application is for a resource consent for 1 or more of the following, but no other activities:

- (i) A controlled activity?
- (ii) A restricted discretionary activity discretionary activity or non-complying activity but only if the activity is a boundary activity?

- No - **Go to step 3.**

- Yes – **Go to step 4** (step 3 does not apply)

Comment: There are no relevant rules in the Tairawhiti Plan relevant to this application that preclude public notification. The application is for a discretionary activity for the subdivision and subsequent development of land for residential use, therefore public notification is not precluded.

3.3 Step 3. If not precluded by step 2, public notification required in certain circumstances

The application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification;

The consent authority decides, in accordance with section 95D that the activity will have or is likely to have adverse effects on the environment that are more than minor. The following assessment addresses the adverse effects of the proposed changes, in relation to public notification only:

3.3.1 Adverse effects assessment (sections 95A(8)(b) and 95D)

a) Effects Disregarded

Pursuant to Section 95D(a) of the Act, when forming an opinion for the purposes of Section 95A, Council must disregard any effects on the persons who own or occupy the land in, on, or over which the activities will occur, and on persons who own or occupy any adjacent land. The land adjacent to the subject site is shown in Image 6 below.

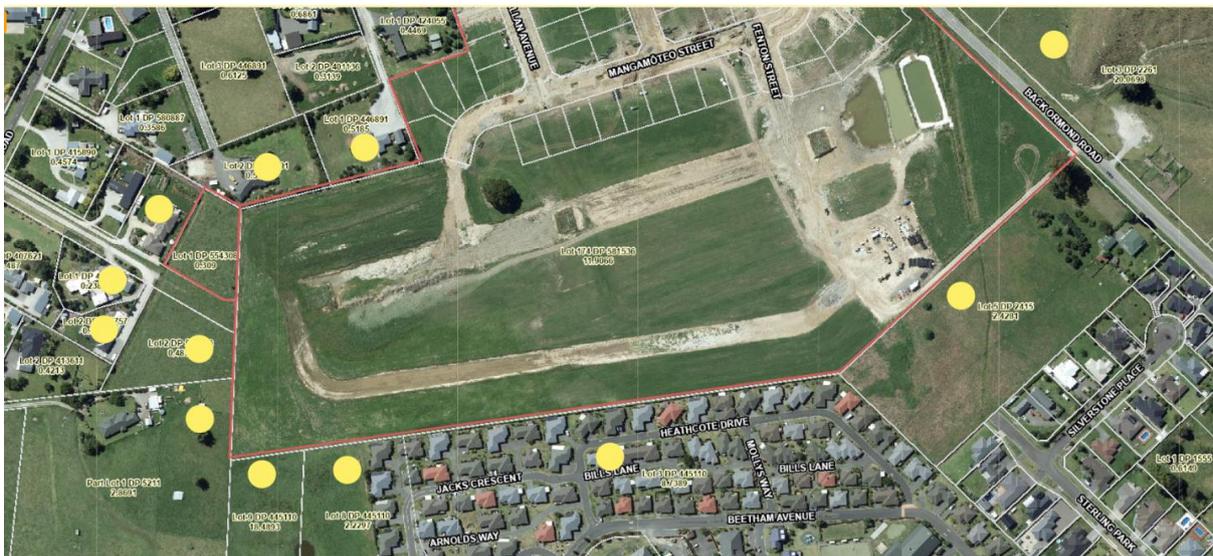


Image 6 –Aerial photo identifying the subject site (outlined in red) and those adjacent properties that have been excluded from the public notification assessment (marked in yellow)

Pursuant to Section 95D(b) of the Act, a Council may disregard an adverse effect of the activity on the environment if a plan or national environmental standard permits an activity with that effect. This is commonly referred to as the permitted baseline. The permitted baseline is not relevant in this instance as there are no 'permitted' subdivisions within the Tairawhiti Plan. While residential development is permitted within the zone, it is for sites of at least 800m² and this proposal seeks to create sites smaller than this. I do acknowledge however that there is a 'consented' baseline at this site which has enabled residential development that is greater than one dwelling per 800m².

Pursuant to Section 95D(d) of the Act, Council also must not have regard to any trade competition or effects of trade competition.

b) Assessment of Environmental Effects

Pursuant to section 127, the relevant matters assessed within the application relate only to the effects associated with the proposed change. The original application was a Discretionary activity with the following matters assessed as part of that decision:

- Amenity Values
- Construction Effects
- Traffic and Access
- Ecological Effects
- Infrastructure
- Site Stability
- Positive Effects

In this instance, only the following matters will require re-assessment:

- Amenity Values
- Construction Effects
- Traffic and Access
- Infrastructure
- Site Stability

I consider that the adverse effects of the activity on the environment will be less than minor for the following reasons:

Amenity Effects

As stated in the original decision, the Tairāwhiti Plan specifies a minimum lot size of 800m² per dwelling within this locale. The original 155 residential lots (excluding the super-lots) ranged in size from 1535m² to 549m² and the four super lots were intended for a denser type residential development (such as duplexes and townhouses). Further to this, the subsequent subdivision of the super-lots in the first variation created 28 additional residential lots that range in size from 452m² to 959m². The conclusion reached for those proposals was that the scale of the development is appropriate for the zoning and will support development that maintains residential amenity. The proposal to now subdivide the last remaining super-lot, and to subdivide adjoining Lot 1 DP 554308 into four additional lots will create lots ranging in size from 569m² to 775m². These lot sizes, while smaller than 800m², are akin to what can be created in the reticulated General Residential zone. As stated in the original decision, my understanding is that the minimum site area required within the Tarūheru Block is twice the size of typical General Residential zoned properties as the area was previously located outside of the Reticulated Services Boundary at the time of the Plan Change that resulted in the residential zoning. The applicant is providing all the necessary infrastructure to adequately service the site including roading, wastewater, water and stormwater infrastructure removing the reliance on onsite systems. Therefore, the lots proposed are considered to be of an acceptable size for the site as there is no need for additional land area to accommodate on-site wastewater and stormwater systems.

The reconfiguration of Stages 4, 4A and 4B will result in lots ranging in size from 450m² to 617m² which is not dissimilar from the lot sizes previously consented.

As stated in the application, the subdivision will appear as a logical extension to the consented residential development approved through the underlying subdivision consent. In particular, the subdivision of super-lot 163 and Lot 1 DP 554308 will result in additional lots of a comparable size and shape to the surrounding sites that have already been approved. The minor changes to the layout and configuration of the consented lots will still retain a comparable subdivision layout and allotment size to the underlying subdivision consent. I agree with these statements.

The applicant has provided a revised landscape concept plan prepared by Kamo Marsh Landscape Architects to reflect the revised subdivision layout. The revised landscape concept plan demonstrates that the proposed subdivision will achieve a high-quality urban outcome with good provision for pedestrian connectivity and street trees.

Therefore, I consider that the subdivision of Lot 1 DP 554308 and the final super-lot, along with the reconfiguration of Stages 4, 4A and 4B will result in less than minor effects on residential amenity.

Construction Effects

The overall development exceeds the maximum duration specified in the Tairāwhiti Plan for long-term construction activities (being 168 calendar days in any 12 month period). The original decision assessed the potential for construction related effects and also considered that the subdivision will be undertaken in stages therefore resulting in progressive development of the site.

The conclusion was that implementation of the development in stages will ensure an appropriate transition for the surrounding area and will help to reduce the scale of effects generated at any one time. While the number of stages in which to under the development is increasing, the condition around construction management is unchanged. Therefore, I consider that construction effects can continue to be managed to have a less than minor effect. In addition, Stages 1 and 2 are already completed and have Title which is evident of the progress being made to complete the development in a timely manner.

Traffic and Access

This application proposes to slightly change the road layout and amend JOALs to provide access to the amended lots. Footpaths will still be provided on both sides of the roads, as required by the underlying subdivision. The road finish will be asphaltic concrete.

Council's Principal Capital Advisor (Journeys) reviewed the updated proposal and advised that the proposal needs to accommodate future alignment to ensure connectivity for transport links because we do not want to create subdivision silo's. Therefore, he requested that Lots 157 and 270 need to be retained for future roading connections to wider developments and that these need to be 20m wide.

In response to this, the Applicant suggested that existing consent notice condition 59 be updated to include both Lots. The condition will impose the following:

This Lot shall not be developed or built upon until it is determined whether the land is required for a road connection. If the land is required for a road connection the road shall be formed and then vested to Gisborne District Council. If the land is not required for a road connection this shall be confirmed in a written statement from Gisborne District Council and this consent notice discharged enabling development of the site.

The original application included a Traffic Impact Assessment and upgrades to the surrounding roads, along with construction of a link to Cameron Rd (the exact details of the work is required to be provided as per condition 29). Council's Principal Capital Advisor did not make any comment regarding additional traffic generation nor did he request any further Traffic Impact Assessment. The level of traffic generated by the subdivision of the final super-lot, and the subdivision of Lot 1 DP 554308 are therefore not considered to result in additional effects on traffic to what was originally proposed.

Infrastructure and Servicing Effects

The provision of three waters reticulation was imposed through the original subdivision consent. The additional lots created by this proposal will be connected to the Gisborne District Council's reticulated water supply network and will include fire hydrants for firefighting purposes.

Each new lot will have a connection to the wastewater pump station via the network infrastructure to be designed and constructed through the original subdivision.

Stormwater management for the main catchment will be via disposal to the wetland on proposed Lot 162. Each new lot will require a small water storage tank to provide on-site retention/detention. This has been included as a new condition of consent (condition 61).

The application included an Infrastructure Design Report which outlines that the proposed lots will be adequately serviced in terms of water supply, stormwater disposal and wastewater disposal. The application was circulated to Council's Development Engineer, as well as to the Drinking Water Manager and the Stormwater Wastewater Team Leader. As a result of comments from these staff, conditions relating to reticulated infrastructure have been amended to ensure that each new lot can be adequately serviced and without compromising the lots already consented.

Site Stability

The proposed sites will be of a suitable size and shape to provide a suitable building platform for a residential dwelling on each site.

A Geotechnical Assessment prepared by INITIA Geotechnical Specialists was provided with the application. The report findings are that the proposed lots are suitable for residential development, subject to recommendations for the design of particularly in relation to liquefaction and consolidation settlement.

Furthermore, the Infrastructure Design Report included in the application, recommends on-site stormwater retention/detention for the proposed lots in order to mitigate effects in terms of flooding.

Council's Geotech Development Engineer reviewed the application and assessment prepared by INITIA. He has no concerns regarding the geotechnical aspects.

Therefore, with the imposition of the geotechnical conditions on the additional lots, I consider effects will be managed to be less than minor.

Step 3 Conclusion

- No - **go to step 4** .
- Yes – Publicly notify **S.95A(7)(a) - Go to Decision in section 3.5**

Comment: As detailed in section 3.31 above, I have concluded that effects with regard to section 95D will not be more than minor. Therefore, public notification is not required under Step 3.

3.4 Step 4 Public notification in Special Circumstances - S.95A(9)

Determine whether special circumstances exist in relation to the application being publicly notified and, -

- No – A determination of whether to give limited notification of the application under section 95B is contained within section 4.0 below
- Yes - Publicly notify **Go to Decision in section 3.5**

Comment: 'Special circumstances' are not defined in the RMA. According to case law, special circumstances are those that are 'unusual or exceptional' but may be less than

extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529 (CA)).

The history of the site in terms of its re-zoning to General Residential was discussed in the original decision and remains relevant to this application. While some of the lots proposed in this variation are smaller than the original proposal (and smaller than the 800m² specified for the Taruheru Block), they all exceed 400m² which is an appropriate size for a reticulated residential site. In this instance I conclude that there is nothing exceptional or unusual about the application, and that the proposal includes nothing out of the ordinary to suggest that public notification should occur.

3.5 Public Notification Decision

Having undertaken the s95A public notification tests, I recommend that this application be processed without public notification.

4.0 SECTION 95B ASSESSMENT FOR THE PURPOSE OF LIMITED NOTIFICATION

The RMA provides at s95B(1) that the consent authority must follow the steps set out in that section, in the order given, in order to determine whether limited notification of an application should be given.

Those steps are set out below, in the order provided in the RMA.

4.1 Step 1. Certain affected groups and affected parties must be notified

95(2) (a) Are there any affected protected customary rights groups?

(b) Are there any affected customary marine title groups?

95(3) (a) Is the activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgment ?

(b) Is the person to whom the statutory acknowledgement made an affected person?

No - **Go to Step 2**

Yes – Limited notification to each affected group /person **Go to Decision in Section 4.5**

Comment: The site is within the Rongowhakaata Statutory Acknowledgement Areas of Interest as well as Te Aitanga a Mahaki's Area of Interest. Section 33 of the Rongowhakaata Claims Settlement Act 2012 require the consent authority (GDC) to have regard to the statutory acknowledgment relating to a statutory acknowledgment area. The requirements of Council under this section is that the Council must consider whether Statutory Acknowledgment trustees are affected persons in relation to this consent for an activity which is within, adjacent or directly affecting the statutory area.

Even if the development is not within any statutory acknowledgement area, the Council needs to determine under section 95E of the RMA 1991 whether the adverse effects of the activity are minor or more than minor to warrant limited notification to the iwi. This application was circulated to both Iwi however no comments have been received. However, I do note that as part of the original consent application, the applicant advised that consultation with the relevant Iwi had been undertaken and ongoing engagement with Iwi was to continue.

An assessment of the potential adverse effects of this proposal is discussed in sections 3.3.1 and 4.3.1. In this instance I consider that limited notification to the Iwi is not required as the application is to further subdivide the last remaining super-lot (that was previously intended for a denser type of residential development) into individual residential titles and to also subdivide Lot 1 DP 554308 (which is directly adjoining the originally consented area) into four residential lots. Overall, the density of development at the site will not be dissimilar to what was granted under the original proposal. While Lot 1 DP 554308 is an additional area, it will not be overtly obvious from the remaining development area.

4.2 Step 2. Limited notification precluded in certain circumstances

95B(6) (a) The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification.

95B(6) (b) The application is for a controlled activity (but not other activities) that requires a resource consent under a district plan (other than subdivision of land)?

No - **Go to Step 3**

Yes - **Go to Step 4**

Comment: The proposal is for a Discretionary activity and involves the subdivision of land. Therefore, limited notification is not precluded.

4.3 Step 3. If not precluded by step 2, certain other affected persons must be notified

95B(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person;

95B(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

The following assessment addresses the adverse effects of the activities on the environment, in relation to limited notification:

4.3.1 Adverse effects assessment (sections 95B(8) and 95E)

a) Effects Disregarded

Pursuant to Section 95E(2)(a) of the Act, a Council may disregard an adverse effect of the activity on the environment if a plan or national environmental standard permits an activity with that effect. The permitted baseline was discussed in section 3.3.1(a) of the public notification decision therefore does not need to be repeated as it remains relevant to this limited notification assessment.

Pursuant to Section 95E(3)(a) of the Act, a person is not an affected person if they have given (and not withdrawn) their written approval prior to Council making their decision on notification.

No written approvals have been provided with the current application.

Section 127 (4) of the Act states that for the purposes of determining who is adversely affected by the change or cancellation of a condition of consent, the consent authority must consider, in particular, every person who –

- (a) Made a submission of the original consent application; and
- (b) May be affected by the change or cancellation

No submissions were made on the original resource consent application, nor the variations as they were not subject to any form of notification.

b) Assessment of Environmental Effects

The assessment within this section addresses effects on persons, including those that own or occupy the adjacent properties, and will determine whether limited notification of the application is appropriate. For the purpose of giving limited notification of an application, a person is an affected person if Council determines that the adverse effects on the person are minor or more than minor (but not less than minor). Pursuant to section 127, the relevant matters assessed within the application relate only to the effects associated with the proposed change. The original application was a Discretionary activity with the following matters assessed as part of the limited notification decision:

- Amenity values
- Traffic and access
- Infrastructure
- Construction effects
- Site stability effects

With regards to subdivision of Lot 1 DP 554308, I consider that potential effects on 45 Hansen Road, 17, 21 and 21A Cameron Road and Lot 2 DP 554308 will be less than minor. The reason for this conclusion is because while Lot 1 DP 554308 was not part of the original development, based on the zone rules, this lot could be subdivided as of right into three compliant sized lots (and it is only just shy of being able to accommodate four compliant sized lots). The current proposal will result in four new residential sites within this Lot therefore in terms of residential density and amenity effects, the proposal is not dissimilar to what could be undertaken as of right.

These properties were assessed in the original subdivision with regards to the construction and use of the link road through to Cameron Road. Reassessment of this is not necessary as the additional use would not be discernible from the remainder of the subdivision, once the entire development is completed.

I consider that the subdivision of the final super-lot will result in less than minor effects on Lot 2 DP 554308, Part Lot 1 DP 5211, Lot 3 DP 445110, Lot 8 DP 445110 and Lot 9 DP 445110. Under the original consent decision, this super-lot was intended for some form of dense residential development, although specific details were not provided at that time as the expectation was that individual land use consent would be applied for. The current proposal now seeks to create individual residential Titles that range in size from 569m² to 785m² which is considered to be in keeping with the type of residential development originally envisage, albeit potentially at a lesser density.

The reconfiguration of stages 4, 4A and 4B are not dissimilar to what was previously consented and I consider that any effects resulting from residential density would not be discernible to Lot 5 DP 2415 or Lot 3 DP 2261 from what was originally consented.

Therefore, it is my opinion that there are no adversely affected persons as effects resulting from this variation are no different to the original decision and so are less than minor.

No - **Go to Step 4**

Yes - Limited notification to each affected person **Go to Decision in Section 4.5**

4.4 Step 4. Further notification in special circumstances

Determine whether special circumstances exist that warrant notification of the application?

Yes - **Go to Decision**

No - **Go to Decision**

Comment: In addition to the findings of the previous steps, Council is also required to determine whether special circumstances exist that warrants the application being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons). In this instance I consider that there is nothing exceptional or unusual about the current application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any specific person(s) should occur.

4.5 Limited Notification Decision

Having undertaken the s95B Limited notification tests, I recommend that this application be processed without Limited notification.

5.0 SECTION 95 NOTIFICATION RECOMMENDATION AND DECISION

Pursuant to section 95A and 95B, application SG-2023-110234-03, LU-2023-110235-03, LU-2023-112034-00, SG-2023-112035-00 & 21-2023-112073-00 shall proceed on a **non-notified** basis for the reasons given in section 3.0 and 4.0 above.

Reporting Planner:



Kimberley Morete
Principal Planner

Date: 17 May 2024

Peer Reviewer and Approval:



Esther Kowhai
Team Leader (District Consents)

Date: 21 May 2024

6.0 SECTION 104

A decision was made under section 95 of the Resource Management Act to process the application on a non-notified basis. An assessment of the application under section 104 of the Act is provided below.

6.1 Effects Disregarded

The assessment of those effects disregarded pursuant to Section 95D and 95E are also relevant to Section 104(2) and 104(3)(a) therefore will not be repeated here.

6.2 Actual and Potential Effects Relevant to This Proposal

The assessment of adverse effects in the approved notification report is also relevant for the purposes of the assessment required under Section 104(1)(a) and therefore will not be repeated here.

In addition, the following positive actual and potential environmental effects have been identified:

- The proposal provides a significant number of residential lots that once developed, will help to alleviate the current housing crises that is being experienced in the District.
- The residential density proposed is in keeping with what the Tairāwhiti Plan envisages for reticulated residential lots.

7.0 OFFSETTING - SECTION 104(1)(ab)

In accordance with section 104(1)(ab) of the RMA, there are no offsetting or compensation measures proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment, to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity, that need consideration.

8.0 SECTION 104(1)(b) – RELEVANT PROVISIONS

8.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) came into effect in January 2012. The NES seeks to manage actual and potential adverse effects of contamination in soil on human health from particular activities that have occurred on the site. The NES includes a Hazardous Activities and Industries List (HAIL) that sets out which activities may have potentially contaminated the soil. The NES applies when a person wants to undertake an activity described in subclauses (2) to (6) on a piece of land described in subclause (7) or (8).

The NES was assessed in the original decision and that application included a Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) were prepared by EAM Environmental Consultants. It was concluded at that time that subject to following the actions set out in the Remedial Action Plan, any adverse effects of soil contamination on human health will be less than minor. The DSI and RAP covered the entire site, except for Lot 1 DP 554308. Therefore, only Lot 1 DP 554308 requires assessment.

For Lot 1, EAM Environmental Consultants prepared a Preliminary Site Investigation (PSI) which was submitted with the application. The PSI involved a review of the Gisborne District Council property file, historic aerial photographs, HAIL review and a site visit. The findings were that no potential HAIL activities are known to have occurred on the site and therefore the provisions

of the NES Contaminated Soils is not triggered for the proposed subdivision and disturbance of soil.

Council's Environmental Risk team reviewed the PSI and agreed with its findings. Therefore, no further assessment of the NES is considered necessary.

8.2 Tairāwhiti Resource Management Plan

8.2.1 Objectives and Policies

The objectives and policies of the Tairāwhiti Resource Management Plan relating to the residential zone, subdivision, noise and vibration, and the provision of infrastructure were assessed in the original decision report. I consider that the further subdivision the last remaining super-lot, subdivision of Lot 1 DP 554308 and reconfiguration of Stages 4, 4A and 4B will still be in accordance with these objectives and policies. The proposal will continue to promote a high-quality urban environment that promotes residential amenity and a safe urban area. The additional lots will be serviced with the necessary infrastructure.

9.0 SECTION 104(1)(C) – OTHER MATTERS

9.1 Development Contributions

Under the Local Government Act 2002, Councils are permitted to take development contributions towards the costs that capital growth imposes on a community. The financial contribution policy of the Council's Long Term Plan incorporates a development contribution based on the capital expenditure for infrastructure and community facilities for that ten year period. The development contribution applicable to this variation is \$79,839.90

10.0 SECTION 106 – CONSENT AUTHORITY MAY REFUSE SUBDIVISION CONSENT IN CERTAIN CIRCUMSTANCES

A Consent Authority may refuse to grant a subdivision consent, or may grant the subdivision subject to conditions, if it considers that there is a significant risk from natural hazards and any subsequent use is likely to accelerate, worsen or result in material damage to the land. In addition, the Consent Authority may refuse to grant a subdivision consent if sufficient provision has not been made for legal and physical access to each allotment that is created by the subdivision.

The subdivision is not expected to subject the proposed lots, or any structures upon them, to damage from natural hazards. As per the original decision, a geotechnical completion report is required to be provided as a condition of consent and at building consent stage, development of each lot will require a site-specific geotechnical report. Legal and physical access is able to be provided for all the proposed lots. Overall, the proposal complies with Section 106 of the Resource Management Act 1991.

11.0 PART 2 MATTERS

Section 5 of the RMA describes the purpose of the Act:

Section 6 describes matters of national importance to be recognised and provided for. There are not considered to be any matters relevant to the proposal.

Section 7 of the RMA describes other matters that are relevant. In relation to this proposal these matters include:

(b) the efficient use and development of natural and physical resources;

(c) *The maintenance and enhancement of amenity values;*

(f) *Maintenance and enhancement of the quality of the environment*

Section 8 of the RMA requires that the principles of the Treaty of Waitangi be taken into account.

Comment

Having regard to the above assessment, it is concluded that the proposal is consistent with the principles (section 6 – 8) of the Resource Management Act 1991 for the following reasons: The further subdivision of the final super-lot and Lot 1 DP 554308 will continue to provide a high-quality residential development in an area where there is strong demand for residential growth. While the proposed additional lots are smaller than the minimum for the Taruheru Block, they all exceed 400m² which is the minimum for reticulated residential sites (which these all will be). The development will continue to be at a density that is appropriate for the zoning and will support residential development that maintains residential amenity.

Overall, the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose (section 5) of the RMA, being sustainable management of natural and physical resources.

12.0 RECOMMENDATION

The above assessment has concluded that any actual and potential effects of the proposal are acceptable and the proposal is consistent with the relevant objectives and policies of the Tairāwhiti Resource Management Plan, as well as all other relevant matters. The proposed activity meets the purpose and principles of Part 2 of the Resource Management Act. Therefore, subject to the conditions listed within the decision to be served under section 113 of the RMA, resource consent for the proposal can be **granted**.

Reporting Planner:



Kimberley Morete
Principal Planner

Date: 17 May 2024

Peer Reviewer and Approval:



Esther Kowhai
Team Leader (District Consents)

Date: 21 May 2024