

16 December 2019

Greenstone Land Developments Limited
c/- Stradegy Urban, Environmental & Strategic Planning
Attn: Cam Drury

By Email: cam@stradegy.co.nz

Dear Sir

Decision on Resource Consent Application (RMS19069) at 56 Kenny Road, Te Awa, NAPIER

I am pleased to advise that after consideration of your application to undertake a subdivision and associated land modification works to establish 48 fee-simple residential lots, two public roads (Lots 51 and 52) and a jointly owned access lot (Lot 50) at 56 Kenny Road, Te Awa, Napier has been **granted** pursuant to Sections 104 and 104C of the Resource Management Act 1991.

The application was processed on a **non-notified** basis pursuant to Sections 95A and 95B of the Resource Management Act 1991.

A copy of the approved scheme plan and conditions are attached together with an advice of subdivision payments within the following pages.

If you have any queries, please do not hesitate to contact me to discuss.

Kind regards



Rebecca Sutton
Senior Planner, Resource Consents

Decision on Resource Consent Application (RMS19069) at 56 Kenny Road, Te Awa, NAPIER

On 16 December 2019 the Napier City Council **resolved** to **grant subdivision consent** to create Lots 1 – 48 and 50-52 as shown on scheme plan RMS19069 (an approved copy of which is attached) being the proposed subdivision of Lot 2 DP532863 Record of Title 873393.

The development is to be completed in two sequential stages as per the approved, stamped scheme plan referenced as:

GLDL Kenny Road, Proposed Lots 1 – 48 & 50-51 Subdivision Scheme Plan Kenny Road, Te Awa, Napier Formerly Lot 2 DP532863 Scheme Plan SPV6C Staged and dated 3 July 2019.

The Napier City Council also **resolved** pursuant to section 348 of the Local Government Act 1974, to permit the laying out of the Private Way 'A' shown on the Scheme Plan, and pursuant to section 461 Local Government Act 1974 to accept the common private drains.

Pursuant to sections 104 and 104C of the Resource Management Act 1991 resource consent is granted subject to the following conditions imposed under sections 108 and 220 of the Act:

Relevant Statutory Provisions

- (a) Operative City of Napier District Plan (November 2011),
- (b) Sections 95A-E, 104, 104C and 108 of the Resource Management Act 1991

Reasons

The reasons for making this decision and the conditions imposed are as follows:

- (a) The adverse effects of the proposal to which Council has limited its control are considered to be less than minor. In particular, the proposal provides for a residential density which is anticipated within the Te Awa Structure Plan area;
- (b) As a bundled restricted discretionary activity (comprising controlled activity subdivision, restricted discretionary temporary signage and restricted discretionary activity under the NESCS), the application is specifically excluded from public notification and Council is satisfied that there are no adjacent property owners that will be affected to a minor, or more than minor extent by the proposed subdivision;
- (c) The proposed earth moving activities are to be undertaken in accordance with the submitted detailed site investigation report and remedial action plan; subsequently the proposed works will have less than minor effects with regard to human health;

- (d) The proposal is considered to be consistent with the relevant objectives and policies of the District Plan and is considered to be an appropriate development within the Te Awa Structure Plan area;
- (e) The proposal is consistent with the principles and purpose of the Resource Management Act 1991.

Conditions

Under section 108 of the RMA, this subdivision and associated earthworks consent referenced by Council as RMS19069 is subject to the following conditions:

1.0 Application Material and Plans

The proposal shall be undertaken generally in accordance with the Napier City Council approved scheme plan and the details submitted with this application, referenced as follows:

- The submitted Assessment of Environmental Effects titled '*Resource Consent Application for Subdivision – 56 Kenny Road, Napier, Greenstone Land Developments Limited*' prepared by Cam Drury of Stradegy Urban, Environmental and Strategic Planning and dated 25 July 2019;
- The submitted geotechnical report titled '*56 Kenny Road – Preliminary Geotechnical Report*' prepared by RDCL and dated 9 July 2019;
- The submitted engineering solutions report titled '*Greenstone Developments – Kenny Road Subdivision*' prepared by Strata Group and dated 16 July 2019 unless otherwise indicated and associated plans (dated 26 July unless otherwise stated) referenced as follows:

Sheet	Title	Rev
J5174-C001	Cover Sheet	1
J5174-C003	Existing Contours and Overland Flow Path	1
J5174-C004	Proposed Contours and Overland Flow Path	1
J5174-C005	Proposed Lot Layout and Sizes	1
J5174-C006	Proposed Combined Services Plan	1
J5174-C010	Proposed Road and Footpath Plan <i>Dated 11/07/2019</i>	1
J5174-C020	Proposed Storm water Services Layout	1
J5174-C030	Proposed Wastewater Services Layout	1
J5174-C040	Proposed Water Services Layout	1
J5174-C060	Earthworks Plan	1

J5174-C061	Erosion and Sediment Control Plan	1
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Advice Note:

The applicant is advised that the above Infrastructure Plans are required to be submitted as part of the Engineering Approval process.

- The S92 Response titled '*Re: Greenstone Developments – Kenny Road Subdivision – Section 92 Response*' prepared by Strata Group Ltd and dated 5 September 2019.
- The Preliminary Site Assessment titled '*Preliminary Site Assessment with National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*' prepared by Jason Strong of EAM Environmental Consultants and dated July 2019;
- The S92 response titled '*S19069, 56 Kenny Road, Napier – Response to Further Information*' prepared by Cam Drury of Stradegy Urban, Environmental and Strategic Planning and dated 11 September 2019;
- The Detailed Site Assessment titled '*Detailed Site Assessment and Remediation Action Plan*' prepared by Jason Strong of EAM Environmental Consultants and dated October 2019;
- Plans prepared by Zorn Surveying and titled '*GLDL Kenny Road, Proposed Lots 1 – 48 & 50-51 Subdivision Scheme Plan Kenny Road, Te Awa, Napier Formerly Lot 2 DP532863*' and Sheet References as follows:

Sheet	Title	Date	Rev
1	Scheme Plan SPV6C (Aerial)	03/07/19	-
2	Scheme Plan SPV6C Staged	03/07/19	
3	Schedule of Easements	-	-

Advice Note:

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

2.0 Duration of Consent

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

3.0 Monitoring Charge

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

4.0 Financial Contributions

A total financial contribution of \$3,259,836.00, comprised of:

- (a) *Te Awa (per lot) \$21,533.00 x 48 (\$1,033,584.00)*
- (b) *Te Awa (plus: per hectare) local offsite: \$515,027.00 x 3.2ha (\$1,648,086.40)*
- (c) *Te Awa (plus: per metre of road frontage) \$3,342.00 x 173 metres (\$578,166.00)*

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

This amount is inclusive of GST and will be fixed for 2 years from the issue of consent, and indexed thereafter.

The consent holder is advised that the consent holder is able to undertake all, or part of the above works in b) for which a financial contribution is required. The consent holder will be re-reimbursed for the cost of any works (with the exception of private connections) undertaken outside the development lot in the form of a credit to the above amounts.

The consent holder is advised that the consent holder is able to undertake all of the above works in c), being the road frontage upgrade along the northern half of Kenny Road along the frontage of the development site as per Condition 5.3. All works undertaken will be applied in the form of a full credit to the amount shown above.

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

5.0 Infrastructure

- 5.1 All new infrastructure for water, wastewater, stormwater and roads is to be designed and constructed in accordance with the requirements of the Code of Practice for Subdivision and Land Development, except where a specific dispensation has been sought within the

submitted engineering solutions report referenced as '*Greenstone Developments – Kenny Road Subdivision*' prepared by Strata Group, dated 16 July 2019 and associated plans as detailed in Condition 1.0 above.

Advice Note:

For the avoidance of doubt, the submitted Strata Group Servicing Plans, combined with the detail included within the Infrastructure Conditions that follow provide the agreed detail for three waters infrastructure servicing, however final design is to be approved by way of the Engineering Approval Process.

- 5.2 An Engineering Approval will be required for any new Council mains that are proposed to service the subdivision.

Advice Note:

- *Engineering approval will be required prior to commencement of physical works; and*
- *Final design approvals including the type of installation will be undertaken at Engineering Approval stage.*

Roading and Vehicle Crossings

- 5.3 The existing carriageway of Kenny Road along the frontage of the site shall be widened and upgraded in accordance with the final design to be provided by Napier City Council in association with the proposed roundabout installation at the Kenny Road/ Eriksen Road intersection, or an alternative agreed design completed by the consent holder and approved by NCC.

Specifically, the consent holder shall contribute to this upgrade in accordance with the provisions of Condition 4.0, or alternatively (and by agreement with Napier City Council Infrastructure Services) arrange for a contractor to undertake the required upgrade to Kenny Road for the duration of the site frontage.

This condition and any associated requirements and contributions only relate to the northern half of Kenny Road along the frontage of the development site. Any works on the opposite side of Kenny Road and beyond the frontage of the development are to be undertaken by others.

- 5.4 The vehicle crossings are to be constructed to Lots 8, 10, 16, 29, 34, 36. These crossings and the road intersections generated by Lots 51 and 52 are to be constructed and inspected in accordance with the Code.
- 5.5 All redundant vehicle crossings, damaged footpaths and berm are to be reinstated to standard kerb and channel, berm and footpath in accordance with the Code.

- 5.6 The proposed roads shown as Lots 51 and 52 shall be formed with kerb and channel, footpaths and berms, streetlights installed, and permanently surfaced. The configuration is to be in accordance with the plan prepared by Strata Group Sheet J5174-C010 and titled '*Proposed Roading Layout*' dated 11/07/2019.

Note: This plan is to be updated as part of the Engineering Approval Process to include detail with regard to final location of footpaths, streetlights and street trees.

- 5.7 The jointly owned access lot shown as Lot 50 on the scheme plan shall be formed, permanently surfaced and drained in accordance with the Code.
- 5.8 Lots 42, 43, 44, 45, 46 and 47 are to be accessed from the jointly owned access lot. A consent notice is to be imposed on these lots as follows:

All kerbside rubbish and recycling for scheduled collection by council contractors shall be positioned within the road reserve at the end of your private access way as per the Napier City Solid Waste Bylaw. Placement of waste and recycling shall not unduly interfere with the free passage of pedestrians and vehicles.

Stormwater

- 5.9 The proposed (*Summerset design*) overland flow path and piped overflow, from the swale drain on the eastern side of Eriksen Road to the Cross Country Drain shall be installed prior to applying for s224 certification for Stage 2 (fronting to Kenny Road).

The proposed overland flow paths are detailed and approved within the drawings for the Summerset development. Reference Drawing Nos. 180050-278 Rev 10, 180050-290 Rev 4 and 180050-291 Rev 4.

Advice Note:

These works may be undertaken by either the consent holder or Summerset.

The works required to be undertaken by this condition are limited to those within the Eriksen Road Road Reserve

This condition does not limit Stage 1.

There are a number of services proposed in this area (of the secondary flow path to the Cross Country Drain). The above condition applies in all cases, including later construction of other services.

- 5.10 The ground levels at the development boundary adjacent to residential properties shall generally match the level of the adjacent boundary as per the Earthworks plans J5174-C060.

- 5.11 The calculations provided within the Strata Group S92 response dated 05 September shall be utilised to determine the connection sizes for both Stage 1 and Stage 2 stormwater connections.

Advice Note:

The consent holder is advised that additional detail to the above will be required as part of the Engineering Approval process.

- 5.12 The consent holder shall ensure that the overland flows for a 50 year flood event are designed in accordance with Submitted Sheet J5174-C004, *Proposed Contours and Overland Flow Path* prepared by Strata Group Ltd and dated 26 July 2019. Specifically, the overland storm-water flows shall run from individual lots along the proposed internal road to Waimakariri Road (Stage 1) and Kenny Road (Stage 2). The majority of the lots are to be filled to between RL11.6m and RL12.0m with a minimum of RL11.4 to ensure that the lots are protected from flooding in a 50 year return period event.
- 5.13 All stormwater is to be controlled as provided for within the submitted Strata Group Engineering Solutions Report titled *Greenstone Developments – Kenny Road Subdivision* prepared by Strata Group and dated 16 July 2019; the Code of Practice for Subdivision and Land Development and E1 of the Building Code.

Wastewater

- 5.14 The sewer main shall be extended from the existing network, along the northern side of Kenny Road to provide for the development at DN225 and for the entire length of the development road frontage.
- 5.15 Separate connections to Council services are required for each dwelling.

Advice Note: *Co-ordination of the service corridor with the Summerset development (and their designer) along the northern side of Kenny Road is strongly recommended between the proposed water design (Summerset) and proposed wastewater design of Greenstone.*

Water

- 5.16 Separate water connections will be required for each dwelling.
- 5.17 No water supply pipes shall pass from one allotment to another except by way of a registered easement over a formed right-of-way for access to the property.
- 5.18 All bores shall be decommissioned by a registered well-driller.
- 5.19 A main water supply system shall be provided in accordance with the Code and the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

- 5.20 At the time of application for Engineering Approval written confirmation from the NZ Fire Service is required that the development design is in accordance with their requirements.
- 5.21 The DN150 main shall be extended along the entire road frontage of the development site in Kenny Road.
- 5.22 The southern water connection point (in Kenny Road) shall be from near the eastern side of the existing driveway into 56 Kenny Road, from DN150 main that is to be installed within Kenny Road.

Advice Note: *This is planned construction as part of another development and therefore is subject to timing of these works unless prior agreement is made for the developer to provide this infrastructure in accordance with Condition 4.0.*

6.0 Environmental

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

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

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

- 6.3 The consent holder shall ensure that appropriate sediment controls shall be in place during any construction works. These sediment controls shall ensure that no sediment-laden water exits the subject site.
- 6.4 The best possible means shall be employed to ensure that windblown dust and soil and associated wind erosion is minimised, and that adequate drainage and silt control is in place during and following the earthworks to avoid, remedy or mitigate any adverse environmental effects.

- 6.5 The works are to be supervised and monitored by a suitably qualified Chartered Professional Engineer. Certification shall be provided to Councils Team Leader Resource Consents from the engineer in the form of a Statement of Professional Opinion to verify compliance with the intended use and that the works in accordance with the approved plans.
- 6.6 The consent holder shall implement suitable measures to prevent earth being deposited on public roads. In the event that the materials are deposited on the road, the consent holder shall take immediate action at their own expense to clean the street. The measures shall remain in place until completion of work.
- 6.7 All earthworks shall be undertaken in accordance with the provisions of N.Z.S 4431 and the 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD005) for construction and '*Water Sensitive Design for Storm-water*' (GD004) for operations.
- 6.8 Immediately upon completion of earthworks, all earth worked areas shall be re-grassed or planted to ensure the surface is stabilised.
- 6.9 The requirements detailed within the submitted Detailed Site Investigation Report and Remediation Action Plan, prepared by EAM Consultants and dated October 2019 are to be adhered to for the duration of the earthworks stage of the development.
- 6.10 The consent holder shall obtain certification from a suitably qualified and experienced professional that the remediation of land as proposed within the submitted remediation action plan has been completed. This certification shall be provided to Council within 2 months of completion of the remediation.

Advice Note; All earthworks shall be completed generally in accordance with earthworks plans J5174-C060 & J5174-C061.

7.0 Reserves

- 7.1 Prior to commencement of construction, the consent holder shall submit to Napier City Council a Landscaping Plan that specifies the location, species and establishment methodology of landscape planting to be undertaken within Roads to be vested. The Landscaping Plan shall:
- a. Be consistent with the NCC Code of Practice for Subdivision and Land Development.
 - b. Provide for consistent landscaping treatment of streets that contribute to urban amenity and landscape values and retains and enhances vistas through the Te Awa Development area

Advice Note: *This is to achieve Design Outcome 9 of the Te Awa Structure Plan, Appendix 29A to the Napier District Plan.*

- c. Provide details of the species and size of trees to be planted. NCC requires that trees within streets to vest shall be:
 - i. grown in PB95 planter bags or larger;
 - ii. have a bare trunk to a minimum height of 1.2 metres from the top of the bag;
 - iii. well branched from the 1.2 metre height with a central leader (where appropriate to the species);
 - iv. Be a minimum of 3 metres in height (where applicable to the species chosen).
- d. Provide an establishment plan for all landscaping. At a minimum, the establishment plan shall include the following:
 - i. Trees shall be planted during the planting season (autumn to early spring)
 - ii. Trees shall be well rooted to fill the planter bag
 - iii. Trees shall be free of pests, diseases and weeds
 - iv. Branches with 'included bark' shall be removed
 - iv. All pruning shall be carried out following National Target Pruning standards
 - v. Trees shall be watered thoroughly before planting
 - vi. Trees shall be staked and tied in accordance with Council's Standard Operating Procedure

7.2 The Landscaping Plan certified under condition 7.1 above shall be implemented prior to the vesting of Roads. The consent holder must submit as-built plans and documents to Council once construction is completed and prior to issue of s224(c).

8.0 Bulk and Location

The following consent notices are proposed to be issued against Proposed Lots 42-47, being those lots which obtain access from the Jointly Owned Access Lot '50'.

- (1) Any part of a building must not be erected closer than 3 metres to the boundary adjoining the access lot, except that:
 - Eaves, facias, gutters, downpipes, chimneys and flues may encroach on the front yard by a distance of up to 1 metre measured horizontally.

- (2) Fences within 3m of the boundary adjoining the access lot, with the exception of fences alongside or rear boundaries, shall have a maximum height above finished ground level of 1 metre.
- (3) A minimum of two vehicle parking spaces must be provided on site between the entrance to any notional garage, garage or carport and the boundary adjoining the access lot, or separately adjacent thereto. Each space must have a minimum dimension of 5 metres (length) by 2.5 metres (width).

Advice Note: The purpose of such consent notices is to retain the 'open' appearance for these sites and to also relieve pressure on the road reserve in terms of demand for on-street car-parking.

The documentation for the above consent notices shall be prepared by the City Solicitor and the applicant shall meet all associated costs of preparation.

9.0 Power and Telecommunications

- 9.1 Each residential allotment shall be provided with individual power and telecommunication connections and evidence that the requirements of the electrical network operator and telecommunications operator have been met shall be provided to Council at the time of Section 224 certification.
- 9.2 All electrical mains cables and telecommunication cables within the subdivision shall be underground.

10.0 Easements, Amalgamations and Private Ways

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

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

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

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

- 10.2 Lot 50 as shown on the scheme plan shall be endorsed in a memorandum on the survey plan and shall be duly granted and reserved.

- 10.3 The following conditions of amalgamation has been submitted to LINZ and when approved (with any amendments) shall apply, and shall be endorsed on the plan.

That Lot 50 hereon (legal access) b held in six undivided on-sixth shares by the owners of Lot 42- 47 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance.

11.0 Removal of Signage

- 11.1 The proposed signage to be erected adjacent to the Kenny Road frontage of the site and the near the Stub Road off Waimakariri is to be removed in their entirety within one week of completion of the sale and purchase of the final lot within the development site.

Decision issued under Delegated Authority by:

A handwritten signature in black ink, appearing to read 'R Sutton'.

Rebecca Sutton
Senior Planner, Resource Consents