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|--|-----------------|---|
| <b>R<br/>E<br/>P<br/>O<br/>R<br/>T</b> | <b>TO</b>       | HEARING COMMISSIONERS   |
|  | <b>FROM</b>     | GRANT ECCLES - CONSULTANT PLANNER   |
|  | <b>FILE REF</b> | 82.688.434 - RE293783.RTF   |
|  | <b>DATE</b>     | 1 NOVEMBER 2007   |
|  | <b>SUBJECT</b>  | <b>VARIATION AND CANCELLATION OF CONDITIONS OF CONSENT : B and B Pacific Trustees Limited, Bradford Street, Waihi</b> |

**BACKGROUND**

On 28 March 2007 consent was granted under delegated authority to an application by B and B Pacific Trustees Ltd to subdivide Lot 4 DPS 72869, Section 309 Block XV Ohinemuri Survey District, and Lot 2 DPS 30015 located off Maddocks Street, Roberts Street and Bradford Street in Waihi into 45 greenfield residential lots with associated roads to vest and right-of-way lots.

The subdivision is to be staged. The first stage is the creation of five lots on the Bradford Street frontage of the site. The consent holder then intends, as a second stage, to install services and the roading network to serve the balance of the subdivision. After the provision of services etc it is then the consent holders intention to create the remainder of the lots on a piece meal basis as sales permit.

The subdivision approval was structured to reflect the above approach, with conditions provided under three stages. Some of the conditions are by necessity repeated for each stage.

**PROPOSAL AND ASSESSMENT**

The proposed variations to conditions, and assessment of the requests, are set out in the table below:

| Condition  | Current Wording  | Amendment Sought  | Recommendation (Approve/Decline)   |
|--|--|-------------------|--|
| Condition 12 (Stage 2) and Condition 5 (Subsequent Stages) | That pursuant to Section 221 of the Resource Management Act 1991 a consent notice shall be registered on the Certificate of Title of Lot 30 advising that the owner of that lot shall be responsible for the ongoing maintenance of the public road formation required by condition 18 of Stage 2 of this consent. | Delete conditions | Decline. The subdivider is required to form a short portion of public road to "half road" standard to allow access to Lot 30 of the subdivision. The conditions that are sought to be cancelled require this formation to be maintained by the owner of Lot 30. The consent holder maintains that it is not equitable for the owner of Lot 30 to maintain the half road formation, |

| Condition  | Current Wording   | Amendment Sought   | Recommendation (Approve/Decline)   |
|--|---|--|--|
|  |   |  | <p>when it is located on public road and other adjoining lots will be able to access the formation. The subdivision was designed however with Lot 30's sole access being to the currently unformed public road. The District Plan through Rule 9.3.17.3 requires that any development that proposes to use an unformed public road for access must form the road to full standard i.e. 6m carriageway width. In practice however Council staff have adopted the approach that if the proposal involves up to three lots the road only needs to be formed to "half road" standard i.e. 3m carriageway standard. This is on the basis that the District Plan requires a right-of-way width of 2.8m for up to three lots. The approach to ongoing maintenance is that where anything less than full road formation is provided, the landowner that benefits from the lesser formation must maintain it. The alternative is that the subdivider forms the road to full public road standard, which will then be maintained by Council.</p> |
| <p>Condition 14 (Stage 2) and Condition 17 (Subsequent Stages)</p> | <p>That, if Lots 27 and 29 are created at Stage 2, a segregation strip shall be created and vested in Council on Lots 27 and 29 along the boundary of the lots with the new subdivision road. The segregation strip on Lot 29 shall terminate four metres from the boundary of Lot 29 with Lot 28. The segregation strip on Lot 27 shall terminate four metres from the boundary of</p> | <p>Revise last sentence on both conditions to read: "The segregation strip on Lot 27 shall terminate four metres from the boundary of Lot 27 with Lot 28 <b>and Lot 27 with Lot 26</b>".</p> | <p>Approve. This condition was imposed in an effort to avoid adverse effects on the adjoining intersection from vehicle access to Lot 27. Effectively the original condition meant that vehicle access could only be created at the northern end of the lot. The requested variation means that vehicle access will also</p>   |

| Condition              | Current Wording   | Amendment Sought  | Recommendation (Approve/Decline)   |
|------------------------|---|---|--|
|                        | Lot 27 with Lot 28 (Note: the segregation strips may be created at Stage 2 even if Lots 27 and 29 are not).   |   | be able to be created at the southern end of the lot. The Roding Manager has agreed that approval to the requested variation will not create adverse effects.  |
| Condition 17 (Stage 2) | That a Class E (Standard Residential Vehicle Entrance) vehicle crossing as specified in Section 9.3.3 of the Hauraki District Plan shall be constructed to serve the access legs to Lots 8, 9, 10, 12, 13, 19, 26, for the entrance to ROW A/B and for the access to Lot 51.  | Revise condition to delete reference to ROW B.  | Approve. Council staff originally requested that a ROW 'B' be created over Lot 26, however after further discussion this ROW was not eventually required. The reference to it in the condition is an error and should be corrected.  |
| Condition 20 (Stage 2) | That Roberts Street shall be extended, to the standard set out in condition 19, for a minimum length of 90 metres, to tie in to the new road formation on Lot 50. This shall include removal of the cul de sac head. Section 138 Blk XV Ohinemuri SD shall be provided with a Class E vehicle crossing that shall extend through the footpath, while Section 183 Town of Waihi South, Section 182B Town of Waihi South and Lot 1 DPS 30015 shall be provided with Class E vehicle crossings for a minimum depth of 1.2m measured from the back of the kerb. | That Roberts Street shall be extended, to the standard set out in condition 19, <b>from the existing carriageway (including removal of the existing cul-de-sac head) and tying into the new road formation on Lot 50.</b> Section 138 Blk XV Ohinemuri SD shall be provided with a Class E vehicle crossing that shall extend <b>to the back of the footpath</b> , while Section 183 Town of Waihi South, Section 182B Town of Waihi South and Lot 1 DPS 30015 shall be provided with Class E vehicle crossings for a minimum depth of 1.2m measured from the back of the kerb. | Approve. These changes have been discussed on-site with the applicant and it is agreed by Council engineering staff that the revised wording will create a more workable and sensible outcome. The intent of the original condition will still be met i.e. that Roberts Street will be extended to tie into the new subdivision road, and that Section 138 Blk XV Ohinemuri SD will be provided with a formed crossing that will not adversely affect the footpath . |
| Condition 23 (Stage 2) | That Maddocks Street shall be extended, to the standard set out in condition 19, for a minimum distance of 60 metres to tie into the new road formation on Lot 50.  | That Maddocks Street shall be extended, to the standard set out in condition 19, <b>from the end of the existing carriageway at the railway crossing and</b> tie into the new road formation on Lot 50.   | The Roding Engineer has considered this request and advises that work is still required to the road to the north of the railway crossing.<br><br>With the exception of the required sight benching, the work required has been detailed on the engineering design plans that have already been submitted and approved. He advises that there are no reasons to no longer require this work.  |

| Condition              | Current Wording  | Amendment Sought                      | Recommendation (Approve/Decline)  |
|------------------------|--|---------------------------------------|---|
|                        |  |                                       | The condition could be reworded, however, to give more certainty to what is required. See Condition 23 (Stage 2) on Page 9 for the amended condition recommended. |
| Condition 36 (Stage 2) | That, if the existing 11kv line is re-routed as part of Stage 2, an easement Lot (of a maximum width of 2 metres) shall be created over the line in favour of the network utility operator. Note: The line shall be laid within the yard requirement of the lots affected. | Delete the word 'lot' after easement. | Approve. Removal of the reference to the word 'lot' as requested will avoid any confusion or ambiguity at section 224c certificate stage.                         |

### **STATUTORY REQUIREMENTS**

The holder of a subdivision consent may apply under section 127 of the RMA 1991 (hereafter referred to as the Act) for a change or cancellation of the consent before the deposit of the survey plan. In assessing the application sections 88 to 121 of the Act apply, as if the application were a discretionary activity, and reference to activity were only to the change or cancellation, and effects of the change or cancellation respectively.

The consent holder has not deposited a survey plan for the subdivision. The variation and cancellation application can thus legitimately be processed under s127 of the RMA.

For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who made a submission on the original application, and may be adversely affected by the change or cancellation of condition.

In accordance with section 93 of the Act, a consent authority need not notify an application if it is satisfied that the adverse effects of the activity on the environment would be minor. At the time of the initial assessment of the original subdivision, the only party that was considered to be adversely affected by the application was the Goldfields Railway Society (due to the fact that the site adjoins the railway line access to the subdivision crosses the railway). Approval to the subdivision was provided from the Railway Society and the application was processed on a non-notified basis.

While one of the conditions that is proposed to be varied concerns the extension of Maddocks Street across the railway line, the variation requested does not create any additional adverse effects on the railway line itself.

An application for a change or cancellation of consent conditions must be assessed as a discretionary activity pursuant to Section 127(3) of the Act. The following assessment considers the proposed change to and cancellation of conditions in terms of the relevant policy provisions of the District Plan.

#### Hauraki District Plan

The relevant assessment criteria for Discretionary Activities in the Residential Zone are considered below:

**Table One – Relevant General Assessment Criteria for Discretionary Activity subdivisions in the Residential Zone**

| <b>Section 10.1.5.4B(p)</b>  |  |
|--|--|
| <b>Criteria</b>  | <b>Comment</b>   |
| <i>Whether the area and shape of all lots is appropriate to their specified purposes and intended use(s), taking into account any relevant performance and/or formation standards specified in the plan.</i>   | Originally approved lot sizes and shapes are not being altered.                                  |
| <i>Whether each new boundary is practically located taking into account the following factors:</i>   | Originally approved lot sizes and shapes are not being altered.                                  |
| <ul style="list-style-type: none"> <li>• <i>topography</i></li> </ul>  | Originally approved lot sizes and shapes are not being altered.                                  |
| <ul style="list-style-type: none"> <li>• <i>practical management of existing and potential activities on the site</i></li> </ul>   | Originally approved lot sizes and shapes are not being altered.                                  |
| <ul style="list-style-type: none"> <li>• <i>Protection of the land from flooding, erosion and instability</i></li> </ul>   | The variations proposed will not increase these risks.   |
| <ul style="list-style-type: none"> <li>• <i>the location of existing buildings, roads, fencelines, drains, shelter belts/hedges, streams and rivers, internal roading and other physical features</i></li> </ul>   | Originally approved lot sizes and shapes are not being altered.                                  |
| <ul style="list-style-type: none"> <li>• <i>Surface and ground water conditions, including the quality and quantity of the water, the direction of the water flow and the effects that the subdivision may have on them.</i></li> </ul>  | The variations proposed will not increase these effects.   |
| <ul style="list-style-type: none"> <li>• <i>Local climatic conditions, especially the orientation of the lots in a manner that will allow buildings to be positioned to take advantage of solar energy, heating and lighting and for buildings to act as a windbreak from prevailing winds.</i></li> </ul> | Proposal is generally consistent.  |
| <ul style="list-style-type: none"> <li>• <i>Environmental features that have been identified as requiring protection from development</i></li> </ul>   | No such features on site.  |
| <ul style="list-style-type: none"> <li>• <i>Where on site disposal of stormwater and septic tank effluent is required from existing and potential developments is there sufficient area of the type of land required for servicing purposes within each lot.</i></li> </ul>                                | Sewage and stormwater disposal is not being altered by the variations and cancellation proposed. |
| <ul style="list-style-type: none"> <li>• <i>Any existing resource consents and the conditions attached to them that need to be accommodated within any lot.</i></li> </ul>   | n/a  |

**RECOMMENDATION**

That pursuant to Section 127 of the Resource Management Act the Council:

- (i) declines the cancellation of condition 12 of Stage 2 and Condition 5 (Subsequent Stages) of the subdivision of Lot 4 DPS 72869, Section 309 Block XV Ohinemuri Survey District, and Lot 2 DPS 30015 located off Maddocks Street, Roberts Street and Bradford Street in Waihi
- (ii) upholds the variation to condition 14 (Stage 2) and Condition 7 (Subsequent Stages) of the subdivision of Lot 4 DPS 72869, Section 309 Block XV Ohinemuri Survey District, and Lot 2 DPS 30015 located off Maddocks Street, Roberts Street and Bradford Street in Waihi
- (iii) upholds the variation to condition 17 (Stage 2) of the subdivision of Lot 4 DPS 72869, Section 309 Block XV Ohinemuri Survey District, and Lot 2 DPS 30015 located off Maddocks Street, Roberts Street and Bradford Street in Waihi

- (iv) upholds the variation to condition 20 (Stage 2) of the subdivision of Lot 4 DPS 72869, Section 309 Block XV Ohinemuri Survey District, and Lot 2 DPS 30015 located off Maddocks Street, Roberts Street and Bradford Street in Waihi
- (v) upholds the variation to condition 23 (Stage 2) of the subdivision of Lot 4 DPS 72869, Section 309 Block XV Ohinemuri Survey District, and Lot 2 DPS 30015 located off Maddocks Street, Roberts Street and Bradford Street in Waihi
- (vi) upholds the variation to condition 36 (Stage 2) of the subdivision of Lot 4 DPS 72869, Section 309 Block XV Ohinemuri Survey District, and Lot 2 DPS 30015 located off Maddocks Street, Roberts Street and Bradford Street in Waihi

The new conditions of the consent will read as follows:

**DECISION:**

That pursuant to Section 94 and 104B of the Resource Management Act 1991 the Hauraki District Council grant consent to this non-notified, discretionary activity application to subdivide Lot 4 DPS 72869, Section 309 Block XV Ohinemuri Survey District, and Lot 2 DPS 30015 located off Maddocks Street, Roberts Street and Bradford Street in Waihi into 45 greenfield residential lots ranging in size from 560m<sup>2</sup> to 758m<sup>2</sup>, associated roads and rights of way, for the following reasons:

- The proposed subdivision is considered to be in accordance with the density and type of development anticipated for in the Residential Zone;
- The proposed subdivision is not inconsistent with the relevant objectives and policies of the Hauraki District Plan;
- The proposed subdivision will have no more than minor effects on the environment subject to compliance with the recommended conditions of consent.

Subject to the following conditions:

**Stage 1 – Lots 42 to 45**

1. The subdivision (Lots 42-45 and one Balance Lot) shall be carried out generally in accordance with the Connell Wagner Scheme Plan ref. 22203-001, drawing Number S01, Revision 04 dated 21/09/06 (received 15/12/06).
2. That Lots 42-45 of the subdivision shall be reticulated for water. Each Lot shall be provided with a separate metered connection at the road frontage in accordance with NZS 4404:2004 and Performance Standard 9.3.9 of the Hauraki District Plan.
3. That Lots 42-45 of the subdivision shall be reticulated for sewage disposal in accordance with the requirements of NZS 4404:2004 and Performance Standard 9.3.7 of the Hauraki District Plan. Each Lot shall be provided with a connection in the body of the lot.
5. That Lots 42-45 of the subdivision shall be reticulated with a piped stormwater disposal system, in accordance with the requirements of NZS 4404:2004 and Performance Standard 9.3.10 of the Hauraki District Plan to the satisfaction of the District Engineer.
6. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice be registered against the certificate of title for Lots 42 to 45 stating that a building consent shall not be issued for any building on those lots until the lots have been connected to stormwater reticulation with an approved disposal outlet.
7. That Lots 42-45 of the subdivision shall be reticulated for power and telephone in accordance with NZS 4404:2004 and as required by the Network Utility operators for each utility service.
8. That all earthworks for Stage 1 are to be undertaken and certified in accordance with the Waikato Regional Council Consent no.115661
9. That a Community Recreation Facilities Contribution of \$7,371.76 plus GST shall be paid to Council for the creation of 4 additional residential lots (Waihi Ward).

10. That the consent holder shall pay \$6,860.00 as a capital contribution toward the cost of improving Bradford Street, in accordance with Rule 10.2.7.3.B(b) of the District Plan as set out below:

**BRADFORD STREET**

| New Lots       |                       | 4   |             |             |                            |                   |  |
|----------------|-----------------------|-----|-------------|-------------|----------------------------|-------------------|--|
| A <sub>p</sub> | 28                    |     | \$54.00     |             | \$81.20                    |                   |  |
| LOCATION       | VPD (P <sub>v</sub> ) | L   | K+C         | P/WAY       | Combined (I <sub>c</sub> ) | Contribution      |  |
| 0 – 216        | 320                   | 216 | \$11,664.00 |             | \$11,664.00                | \$938.48          |  |
| 216-440        | 300                   | 224 | \$12,096.00 | \$18,188.80 | \$30,284.80                | \$2,585.29        |  |
| 440-900        | 250                   | 245 | \$13,230.00 | \$19,894.00 | \$33,124.00                | \$3,336.23        |  |
| <b>TOTAL</b>   |                       |     |             |             |                            | <b>\$6,860.00</b> |  |

**K+C**      \$54

**P/Way**    \$58/1.4m width = \$81.20/m

$$Urbanisation\ Contribution\ (\$) = I_c \times \frac{A_p}{P_v + A_p}$$

11. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice be registered against the certificate of title for the balance lot, stating that prior to the balance lot being transferred from the ownership of the initial consent holder, or prior to the erection of a building on the balance lot (whichever occurs first), the lot shall be provided with power, telephone, water, sewer and stormwater connections.
12. That the land subject to the subdivision be investigated by a Chartered Professional Engineer experienced in geotechnical investigations and be certified as suitable for building construction in accordance with NZS 4404:2004 Schedule 2A and NZS 4431:1989. The certification shall demonstrate that the compressive strength of the soils meets or exceeds the requirements for building as per NZS 3604.
13. That, if the existing 11kv line is re-routed through Stage 1, an easement (of a maximum width of 2 metres) be created over the line in favour of the network utility operator. Note: Line shall be laid in the side yard requirement.
14. That engineering drawings and specifications covering all engineering works shall be submitted to the District Engineer for consideration and approval prior to the commencement of any work.
15. That copies of "as built" plans shall be submitted to Council upon completion of construction. As-built drawings of all works are to comply with NZS 4404: 2004, Schedule 1D, and all normal requirements as per Section 1.5.2. Attention is drawn to the requirement for co-ordination of all utility surface features. All co-ordinates are to be presented in New Zealand Transverse Mercator Projection.
16. That pursuant to Section 36(1)(b) of the Resource Management Act 1991, the Applicant shall pay Council charges for receiving, processing and granting the Resource Consent.
17. That pursuant to Section 36(1)(c) of the Resource Management Act 1991 the applicant shall pay an administration fee of \$85.00 for administration of the consent.
18. That pursuant to Section 36(1)(c) of the Resource Management Act 1991 the applicant shall pay all Council's costs for monitoring this consent including all costs associated with the consideration and certification of plans and details associated with the consent as appropriate.

**Stage 2 – Infrastructure Provision**

1. Any lots created as part of Stage 2 shall be carried out generally in accordance with the Connell Wagner Scheme Plan ref. 22203-001, drawing Number S01, Revision 04 dated 21/09/06 (received 15/12/06).

2. That the easements as set out in the Memorandum on the Connell Wagner Scheme Plan ref. 22203-001, Drawing No. S01 Rev 04 dated 21.09.06, and any other easements found necessary on survey or required by conditions of this consent, be duly granted or reserved.
3. That the consent holder shall reticulate the subdivision for water. Each Lot shall be provided with a separate metered connection at the road frontage in accordance with NZS 4404:2004 and Performance Standard 9.3.9 of the Hauraki District Plan.
4. That the consent holder shall install fire hydrants to serve the subdivision in accordance with NZS 4404:2004.
5. That the subdivision shall be reticulated for sewage disposal in accordance with the requirements of NZS 4404:2004 and Performance Standard 9.3.7 of the Hauraki District Plan. Each Lot shall be provided with a connection in the body of the lot.
6. That the consent holder shall pay \$10,903.90 plus GST to Council as a capital contribution towards the cost of upgrading and/or extending the existing sewer reticulation in accordance with Rule 10.2.8.3.B of the District Plan.
7. That the subdivision shall be reticulated with a piped stormwater drainage system, in accordance with the requirements of NZS 4404:2004, Performance Standard 9.3.10 of the Hauraki District Plan, the stormwater report by Connell Wagner dated 22 January 2007 and Waikato Regional Council Consent no. 115660.
8. That the subdivision shall be reticulated for power and telephone in accordance with NZS 4404:2004 and as required by the Network Utility operators for each utility service.
9. That Lot 50 shall be vested in Hauraki District Council as Road.
10. That Lot 51 shall be vested in Hauraki District Council as Local Purpose Reserve (Drainage).
11. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice shall be registered against the certificate of title for Lot 29 stating that the front yard requirement along the northern boundaries only of the lot is 3.0 metres (see plan attached in Appendix One to this consent).
12. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice shall be registered on the Certificate of Title of Lot 30 advising that the owner of that lot shall be responsible for the ongoing maintenance of the public road formation required by condition 18 of Stage 2 of this consent.
13. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice shall be registered on the Certificate of Title for Lots 1, 2, 3, 4, 5 advising that Rule 9.3.13.1 ("Protection of Traffic Sight Lines") of the Hauraki District Plan shall not apply to those lots.
14. That, if Lots 27 and 29 are created at Stage 2, a segregation strip shall be created and vested in Council on Lots 27 and 29 along the boundary of the lots with the new subdivision road. The segregation strip on Lot 29 shall terminate four metres from the boundary of Lot 29 with Lot 28. The segregation strip on Lot 27 shall terminate four metres from the boundary of Lot 27 with Lot 28 and of Lot 27 with Lot 26 (Note: the segregation strips may be created at Stage 2 even if Lots 27 and 29 are not).
15. That a segregation strip shall be created and vested in Council on Lot 6 along its boundary with Cornwall Street.
16. The ROW internal access for Lots 22 and 23 is to be constructed by the consent holder in accordance with the appropriate standard specified in Section 9.3.19.3 of the Hauraki District Plan. In this case the appropriate standard is that for 1-3 lots in the Residential Zone.
17. That a Class E (Standard Residential Vehicle Entrance) vehicle crossing as specified in Section 9.3.3 of the Hauraki District Plan shall be constructed to serve the access legs to Lots 8, 9, 10, 12, 13, 19, 26, for the entrance to ROW A and for the access to Lot 51.

18. The unformed portion of legal road accessing Maddocks Street shall be formed to “half road” standard for the minimum distance required for it to provide access to Lot 30. “Half road” standard is defined as being half the width of a new road with a minimum carriageway width of 3.0m. All other aspects of the formation shall be in accordance with the Hauraki District Plan and Part 3 of NZS 4404:2004.
19. That the new road/s be constructed in accordance with NZS 4404:2004, including streetlighting, road marking, signage, footpaths and kerb & channel.
20. That Roberts Street shall be extended, to the standard set out in condition 19, from the existing carriageway (including removal of the existing cul-de-sac head) and tying into the new road formation on Lot 50. Section 138 Blk XV Ohinemuri SD shall be provided with a Class E vehicle crossing that shall extend to the back of the footpath, while Section 183 Town of Waihi South, Section 182B Town of Waihi South and Lot 1 DPS 30015 shall be provided with Class E vehicle crossings for a minimum depth of 1.2m measured from the back of the kerb..
21. That the consent holder shall pay \$27,267.29 as a capital contribution toward the cost of improving Maddocks Street, in accordance with Rule 10.2.7.3.B(b) of the District Plan as set out below:

#### MADDOCKS STREET

| New Lots                     |                       |         |             |             |                            |                    |
|------------------------------|-----------------------|---------|-------------|-------------|----------------------------|--------------------|
| <b>A<sub>p</sub></b>         | 21                    |         |             |             |                            |                    |
| 147                          |                       | \$54.00 | \$81.20     |             |                            |                    |
| LOCATION                     | VPD (P <sub>v</sub> ) | L       | K+C         | P/WAY       | Combined (I <sub>c</sub> ) | Contribution       |
| 0 – 142                      | 60                    | 284     | \$15,336.00 | \$23,060.80 | \$38,396.80                | \$27,267.29        |
| Both Sides: 142 x 2 =<br>284 |                       |         |             |             | <b>TOTAL</b>               | <b>\$27,267.29</b> |

22. That the consent holder shall pay \$20,074.94 as a capital contribution toward the cost of improving Roberts Street, in accordance with Rule 10.2.7.3.B(b) of the District Plan as set out below:

#### ROBERTS STREET

| New Lots             |                       |         |             |             |                            |                    |
|----------------------|-----------------------|---------|-------------|-------------|----------------------------|--------------------|
| <b>A<sub>p</sub></b> | 20                    |         |             |             |                            |                    |
| 140                  |                       | \$54.00 | \$81.20     |             |                            |                    |
| LOCATION             | VPD (P <sub>v</sub> ) | L       | K+C         | P/WAY       | Combined (I <sub>c</sub> ) | Contribution       |
| 0 – 192              | 340                   | 192     | \$10,368.00 |             | \$10,368.00                | \$3,024.00         |
| 192-419              | 190                   | 227     | \$12,258.00 |             | \$12,258.00                | \$5,200.36         |
| 419-563              | 90                    | 144     | \$7,776.00  | \$11,692.80 | \$19,468.80                | \$11,850.57        |
|                      |                       |         |             |             | <b>TOTAL</b>               | <b>\$20,074.94</b> |

23. That Maddocks Street shall be upgraded in accordance with the approved engineering design plans C19, C20 and C21 with the addition of corner sight benching and the upgrading of the existing entrances along the length of the eastern side of Maddocks Street affected by the required works.
24. That the consent holder shall pay \$7,360 plus GST as a capital contribution toward the cost of upgrading the Consul Street/Maddocks Street intersection.
25. That a Community Recreation Facilities Contribution of \$1,842.94 plus GST per lot created in Stage 2 shall be paid to Council (Waihi Ward).
26. That landscaping plans shall be submitted to the Manager of Planning and Environmental Services for consideration and approval prior to the commencement of any work. All subdivision entrance features and landscaping shall be established in accordance with the Hauraki District Council guidelines attached as Appendix Two to this consent.

27. That all earthworks for Stage 2 are to be undertaken and certified in accordance with the Waikato Regional Council Consent no.115661
28. That any residential lots created as part of Stage 2 of the subdivision shall be investigated by a Chartered Professional Engineer experienced in geotechnical investigations and be certified as suitable for building construction in accordance with NZS 4404:2004 Schedule 2A and NZS 4431:1989. The certification shall demonstrate that the compressive strength of the soils meets or exceeds the requirements for building as per NZS 3604. The results of testing shall be presented in a report for each Lot detailing foundation conditions and recommended suitable foundations based on at least 3 scala penetrometer tests, carried out to a depth of at least 1 metre, or for the depth of the fill, whichever is the greater. The locations of the tests shall be shown on a sketch plan of each Lot.
29. The consent holder shall take all measures including the control of any contractors during the construction period, to ensure that construction noise complies with section 9.4.1.3 Construction Noise of the Hauraki District Plan.
30. That measures to provide warning of an oncoming train shall be installed on both approaches to the Goldfields Railway Line to the satisfaction of the District Engineer.
31. That engineering drawings and specifications covering all engineering works shall be submitted to the District Engineer for consideration and approval prior to the commencement of any work.
32. That copies of "as built" plans shall be submitted to Council upon completion of construction. As-built drawings of all works are to comply with NZS 4404: 2004, Schedule 1D, and all normal requirements as per Section 1.5.2. Attention is drawn to the requirement for co-ordination of all utility surface features. All co-ordinates are to be presented in New Zealand Transverse Mercator Projection.
33. That an as-built plan is submitted to Council showing the extent and depth of fill that has been placed on each Lot.
34. That the consent holder is to bond a sum of 5% of the total project cost (to be agreed with the District Engineer) at the time of section 224 certificate application for a period of 12 months being the maintenance period required for this subdivision. This bond is to be held by the Hauraki District Council to ensure that all works within this subdivision perform satisfactorily and are up to Council standard after 12 months of operation from the time of completion. The Hauraki District Council will inspect the works prior to the release of the bond with a representative of the consent holder present. Any works not up to standard will be required to be remedied by the consent holder prior to the release of the bond. Alternatively Council reserves the right to repair any defective works at the consent holder's cost, with the cost of repairs to be deducted from the bond.
35. That the sewage reticulation required by condition 5 of Stage 2 of this consent once installed shall be inspected by the consent holder using Closed Circuit Television (CCTV). Footage of the CCTV inspection shall be provided to the District Engineer for approval on DVD or similar.
36. That, if the existing 11kv line is re-routed as part of Stage 2, an easement (of a maximum width of 2 metres) shall be created over the line in favour of the network utility operator. Note: The line shall be laid within the yard requirement of the lots affected.
37. That pursuant to Section 36(1)(b) of the Resource Management Act 1991, the Applicant shall pay Council charges for receiving, processing and granting the Resource Consent.
38. That pursuant to Section 36(1)(c) of the Resource Management Act 1991 the applicant shall pay an administration fee of \$85.00 for administration of the consent.
39. That pursuant to Section 36(1)(c) of the Resource Management Act 1991 the applicant shall pay all Council's costs for monitoring this consent including all costs associated with the consideration and certification of plans and details associated with the consent as appropriate.

## **Subsequent Stages**

1. The subdivision shall be carried out generally in accordance with the Connell Wagner Scheme Plan ref. 22203-001, drawing Number S01, Revision 04 dated 21/09/06 (received 15/12/06). Staging of the subdivision is permitted subject to compliance in all respects with the approved scheme plan and with the conditions of this subdivision consent.
2. That the easements as set out in the Memorandum on the Connell Wagner Scheme Plan ref. 22203-001, Drawing No. S01 Rev 04 dated 21.09.06, and any other easements found necessary on survey, be duly granted or reserved.
3. That a Community Recreation Facilities Contribution of \$1,842.94 plus GST per lot created shall be paid to Council (Waihi Ward).
4. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice shall be registered against the certificate of title for Lot 29 stating that the front yard requirement along the northern boundaries only of the lot is 3.0 metres (see plan attached in Appendix One to this consent).
5. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice shall be registered on the Certificate of Title of Lot 30 advising that the owner of that lot shall be responsible for the ongoing maintenance of the public road formation required by condition 18 of Stage 2 of this consent.
6. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice shall be registered on the Certificate of Title for Lots 1, 2, 3, 4, and 5 advising that Rule 9.3.13.1 ("Protection of Traffic Sight Lines") of the Hauraki District Plan shall not apply to those lots.
7. That, if not already created at Stage 2, a segregation strip shall be created and vested in Council on Lots 27 and 29 along the boundary of the lots with the new subdivision road. The segregation strip on Lot 29 shall terminate four metres from the boundary of Lot 29 with Lot 28. The segregation strip on Lot 27 shall terminate four metres from the boundary of Lot 27 with Lot 28 and of Lot 27 with Lot 26.
8. That all residential lots created in subsequent stages of the subdivision shall be investigated by a Chartered Professional Engineer experienced in geotechnical investigations and be certified as suitable for building construction in accordance with NZS 4404:2004 Schedule 2A and NZS 4431:1989.
9. That engineering drawings and specifications covering all engineering works and landscaping shall be submitted to the Manager of Planning and Environmental Services for consideration and approval prior to the commencement of any work.
10. That copies of "as built" plans shall be submitted to Council upon completion of construction. As-built drawings of all works are to comply with NZS 4404: 2004, Schedule 1D, and all normal requirements as per Section 1.5.2. Attention is drawn to the requirement for co-ordination of all utility surface features. All co-ordinates are to be presented in New Zealand Transverse Mercator Projection.
11. That an as-built plan is submitted to Council showing the extent and depth of fill that has been placed on each Lot.
12. That, if the existing 11kv line is re-routed as part of a subsequent stage, an easement (of a maximum width of 2 metres) shall be created over the line in favour of the network utility operator. Note: The line shall be laid within the yard requirement of the lots affected. The certification shall demonstrate that the compressive strength of the soils meets or exceeds the requirements for building as per NZS 3604. The results of the testing shall be presented in a report for each Lot detailing foundation conditions and recommended suitable foundations based on at least 3 scala penetrometer tests, carried out to a depth of at least 1 metre or the depth of the fill, whichever is the greater. The locations of the tests shall be shown on a sketch plan of each lot.

13. That pursuant to Section 36(1)(b) of the Resource Management Act 1991, the Applicant shall pay Council charges for receiving, processing and granting the Resource Consent.
14. That pursuant to Section 36(1)(c) of the Resource Management Act 1991 the applicant shall pay an administration fee of \$85.00 for administration of the consent.
15. That pursuant to Section 36(1)(c) of the Resource Management Act 1991 the applicant shall pay all Council's costs for monitoring this consent including all costs associated with the consideration and certification of plans and details associated with the consent as appropriate.

#### **Advice Notes**

- Lots 1-7, 11, 14-18, 20, 21, 24, 25, 28, and 31-41 are to be provided with a Class E (Standard Residential) vehicle crossing in accordance with the District Plan at the time of building consent.
- Any work undertaken in the road reserve will require a street opening permit and traffic management plan to be submitted for approval before work commences. Any enquiries regarding this procedure may be directed to the Technical Services Unit Administrative Officer (currently Janet Tee) at the Council Paeroa offices (Tel 07 862 8609).
- The water meters required by the relevant conditions of this consent are to be placed on the road frontage just inside the road reserve, within 0.5m of the property/road reserve boundary. All connections to Council water mains will be undertaken by the Hauraki District Council at the cost of the developer.
- As-Built drawings of all works are to comply with NZS 4404: 2004, Schedule 1D. All works are to be presented on a single plan by the Applicant. Attention is drawn to the requirement for co-ordination of all utility surface features. All co-ordinates are to be presented in New Zealand Transverse Mercator Projection. Levels are to be in terms of the Tararu datum.
- The consent holder is to arrange with the District Engineer for regular site meetings to take place and to confirm the procedure for testing and inspections.

Grant Eccles  
Consultant Planner