
From: official information
Sent: Wednesday, 31 March 2021 15:39
To: [REDACTED]
Cc: official information
Subject: RESPOSNE: LGOIMA 21086 - [REDACTED] - Subdivision Resource Consent 11.2015.6096
Attachments: Decision Letter & Approved Plan [Subdivision] - 11.2015.6096 - 1741 River Road - 2015-11-19.PDF; Compilation of Conditions Version 1 [Subdivision] - 11.2015.6096 - Rivercove Stage 1 - 1741 River Road - 2017-04-04.PDF; Decision Letter & Approved Plan [Change of Conditions] [Subdivision] 11.2015.6096.003 -Rivercove Stage 1 - 1741 River Road - 2017-04-04.PDF

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

Please see attached documentation as per your request.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

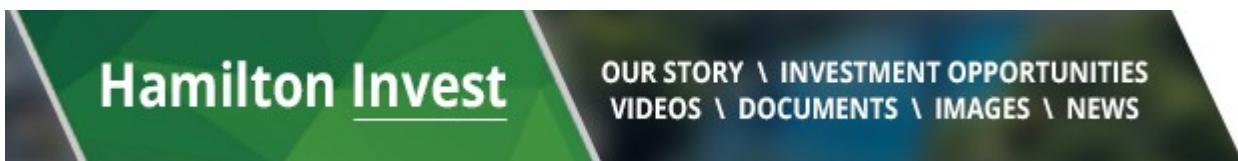
Kind Regards,

Tatiyana | Official Information Team
Legal Services & Risk | People and Organisational Performance
Email: officialinformation@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

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From: [REDACTED]
Sent: Wednesday, 17 March 2021 5:10 pm
To: official information <officialinformation@hcc.govt.nz>
Subject: Re: FW: LGOIMA 21086 - [REDACTED] - Subdivision Resource Consent 11.2015.6096

Hi Tatiyana,

We have been sent the Ecological Management and Restoration plan (attached) by the Parks and Recreation Team.

I'm wanting to know how it fits in with the overall consent for the subdivision.

I think the most recent version of the consent of April 2017 would be the most relevant.

Thanks

[REDACTED]

On Wed, Mar 17, 2021 at 4:06 PM official information <officialinformation@hcc.govt.nz> wrote:

Kia Ora,

I refer to your **information request below**, Hamilton City Council is working on getting a response out to you.

That being said, could you please provide some clarity regarding the Consent you have enquired about.

The decision for Subdivision consent 11.2015.6096 is dated November 2015 and there is a change of condition which is April 2017, therefore this decision is the most recent. However, you have quoted the sign off date as 14 March 2016. Is this the correct consent you require? Alternatively, if you could provide an address that would be most helpful to ensure we provide the correct information.

Please let us know by return email by **22 March 2021**.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

We look forward to your response,

Tatiyana | Official Information Team

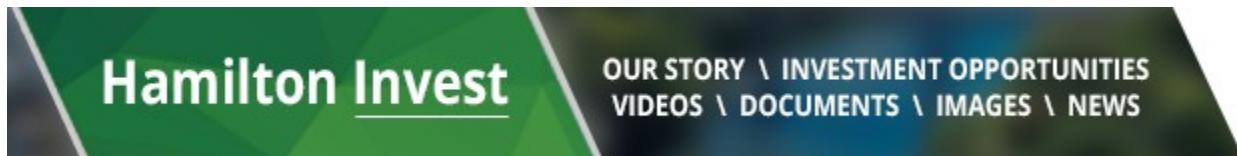
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From: Hamilton City Council <do.not.reply@hcc.govt.nz>

Sent: Tuesday, 16 March 2021 8:58 am

To: official information <officialinformation@hcc.govt.nz>

Subject: HCC Website - Official Information Request ref: HCC-QF-210316-53XM5-NFB

HCC Website - Official Information Request

Reference: HCC-QF-210316-53XM5-NFB

Attachment: not attached

Name: [REDACTED]

Email address: [REDACTED]

Phone number: [REDACTED]

Detailed Description of Request

I would like a copy of the Subdivision Resource Consent from Hamilton City Council 11.2015.6096 Signed off 14 March 2016

Organisation: not supplied

19 November 2015

Nau Mai Limited
 C/- McPherson Goodwin Surveyors Ltd
 PO Box 9379
 Hamilton 3240

Private Bag 3010
 Hamilton 3240
 New Zealand
 Phone 07 838 6699
 Fax 07 838 6599
info@hcc.govt.nz
www.hamilton.govt.nz

Dear Sir/Madam

RE: SUBDIVISION RESOURCE CONSENT 11.2015.6096
TWENTY THREE LOT SUBDIVISION IN THE GENERAL RESIDENTIAL ZONE LOCATED AT
1741 RIVER ROAD, HAMILTON (LOT 1 DP 463910)

After consideration of the information and plans submitted with the application, I advise that Council's decision is as follows:

That pursuant to Section 104 and 104(C) Resource Management Act 1991 and the Hamilton City Operative District Plan and Proposed District Plan (Appeals Version), Council grants consent to the application by Nau Mai Limited to create a twenty three lot residential fee-simple subdivision as shown on the Scheme Plan submitted by McPherson Goodwin Surveyors Ltd, on Part Allotment 42 Parish of Kirikiriroa located at 1741 River Road, Hamilton, subject to the following conditions being met at the consent holder's expense:

PLAN INFORMATION – Planning Guidance

(1) *That the subdivision be in general accordance with the information and plans submitted with the application on 8th September 2015 (McPherson Goodwin Surveyors Ltd Scheme Plan 15683 – approved copy attached) and the additional information received 6th October 2015 and 2nd November 2015.*

EASEMENTS – Planning Guidance

(2)(a) *That the Right to Drain Water (Secondary Flow), shown as 'B' on the scheme plan, be duly granted and reserved.*

(b) *That the Right of Way and Services easements, shown as 'C' on the scheme plan, be duly granted and reserved.*

(c) *That an easement in gross in favour of the Hamilton City Council protect any stormwater secondary flow path that is identified on the approved engineering plans as encroaching on a residential lot. The easement shall cover the full extent of the secondary flow path and shall not be less than 1.5 metres wide. This easement shall have the effect of preventing alteration of the ground surface and prohibit the location of any structures that might impede the flow of stormwater across the land. (NB: This easement will only be required if any secondary stormwater flowpath has been identified on the engineering plan proposals).*

AREAS TO BE VESTED

(3)(a) *That Lot 101 be vested in Hamilton City Council as Road.*

(b) *That Lot 22 be vested in Hamilton City Council as Local Purpose Reserve (Drainage).*

CONSENT NOTICES

- (4)(a) *The water efficiency measures described in the Water Impact Assessment Report by Mark T Mitchell Ltd and dated 4 September 2014 submitted with the application must be used on all residential lots.*
- (b) *That pursuant to section 221 Resource Management Act 1991, a consent notice be registered against the Computer Freehold Title Registers for all lots that the water efficiency measure shall be a rainwater tank for non-potable reuse system.*
- (5)(a) *That a copy of the earthworks completion / soil report prepared upon completion of the earthworks for the subdivision be made available to every prospective purchaser.*
- (b) *That pursuant to section 221 Resource Management Act 1991, a consent notice be registered on the Computer Freehold Registers of Lots ... DP ... [to be determined at the time of application for section 224c certificate] requiring that a copy of the earthworks completion / soil report prepared upon completion of the earthworks for the subdivision be made available to every prospective purchaser.*

FEES AND CHARGES

- (6) *That pursuant to section 36 Resource Management Act 1991, the following fees and charges be paid:*
 - (a) *Payment of an additional City Infrastructure Group Fee for auditing the conditions set out in this consent. The fee will be charged on a time-cost recovery basis in accordance with Hamilton City Council's Schedule of Fees and Charges, with adjustments coming into effect at the beginning of each financial year.*
 - (b) *All GST requirements with regard to the transferring of assets to Council (e.g. reserves, roads, sewers) being complied with by the completion of the form titled 'GST Requirement/Asset Register and Tax Invoice'.*
 - (c) *Payment of Planning Guidance overhead charges on a time – cost recovery basis for auditing and confirming compliance with the conditions of the consent.*

BUILDING WORKS

- (7)(a) *That the existing dwelling be removed.*
- (b) *That a building consent be obtained for any retaining walls and/or surcharge on top above 1.5m in height built as part of the subdivision works. The walls have to be designed to take the loading from any potential building or access on the site. A copy of the code compliance certificate for the walls is to be provided to Council prior to the issue of the section 224c certificate.*

LANDSCAPING – Parks and Open Spaces Unit

- (8) *A comprehensive ecological management plan for proposed Lot 22 (Local Purpose Drainage Reserve) and the adjacent Council owned esplanade reserve, shall be prepared including details of necessary restoration, including planting and on-going weed control measures, in accordance with the Assessment of Ecological Effects prepared by Kessels Ecology, and submitted to Council (at the same time as the Engineering Plans), for approval by the Manager, Parks and Open Spaces Unit, or nominee.*
- (9) *A detailed streetscape landscaping plan shall be submitted to Council for approval by the Manager, Parks and Open Spaces Unit, or nominee.*
- (10) *The design, construction and maintenance of all landscaping and planting shall be in accordance with Section 7 of the Hamilton City Council Infrastructure Technical Specifications.*
- (11) *All streetscape landscaping and ecological management plan planting shall be*

(12) *implemented in accordance with the approved plans detailed in Condition 8 and 9.*
Other than explicitly for the construction of the stormwater infrastructure approved as part of this consent, there shall be no tracking of any machinery, storage of materials, stockpiling of spoil, excessive foot traffic, or other contamination occur within the Council reserve. Any damage caused to the Council reserve will be required to be remediated at the cost of the consent holder.

ENGINEERING DESIGN / WORKS – City Infrastructure Group

That the following engineering requirements be met:

Services

(13) *Where not already available, telecommunications reticulation (including ducting for computer media), underground electrical, and where applicable, gas services shall be provided to all lots. The Consent Holder shall obtain a works clearance from each network operator for electricity, telephone and, where applicable, gas services. Any cost and/or work associated with connecting to the network utility service shall be a matter that is to be negotiated and completed between the Consent Holder and the relevant service providers. The consent authority has no direct or indirect involvement in the assessment or approval of any of the works or costs associated with connecting to a network utility service, in particular, electricity, telecommunications reticulation and where applicable, gas. Connecting to the network shall occur prior to the issuance of certification under Section 224c of the RMA.*

Roading

(14)(a) *A Traffic Management Plan shall be submitted for approval by the City Transportation Unit prior to commencement of site works or activity. The plan shall address matters such as the effects of construction traffic on River Road, traffic safety in the 50 km/hr speed environment and measures to mitigate any traffic conflict, the access points to be used, and the standard and maintenance of the crossings to be used.*

(a) *The Consent Holder shall arrange for a detailed design and road safety audit (in accordance with the NZTA Road Safety Audit Procedures for Projects Guideline May 2013) to be carried out and submitted at with the engineering plans to Planning Guidance Unit for review by City Development Staff.*

(b) *Right of Way 'C' shall be formed, drained and sealed, and thereafter maintained, in a permanent dust-free all-weather surface such as permeable pavers, concrete, cobblestones, chip seal or asphalt.*

(c) *All new roads shall be designed and constructed for the purpose intended, and shall include pedestrian and cycle facilities, traffic facilities, road lighting and road drainage as appropriate.*

(d) *Green synthite cycleway surfacing or a similar approved product shall be applied to the road surface at the intersection of Road 1 and River Road. The extent of this work shall be detailed on the submitted engineering plans.*

(e) *A splitter island shall be constructed where intersecting Road 1 meets River Road. Pedestrian cut-downs shall be sited five metres behind the proposed limit line, with corresponding cut-downs in the splitter islands.*

(f) *The flush median shall be marked to a minimum of 2m wide in accordance with MOTSAM (Volume 2, Figure 3.28) and consistent with other intersection treatments along River Road. The traffic lane and shoulder width must meet HCC requirements after the flush median is widened. The extent of this work will need to ensure the intersection and River Road is safe and consistent and shall be detailed on the submitted engineering plans.*

- (g) Overhead lighting to comply with AS/NZS 1158 and the HCC Infrastructure Technical Specifications shall be designed and installed on all public roads.
- (h) All berms on River Road shall be shaped to permanent design levels as advised by Hamilton City Council, with the berm crossfall extending to a minimum of 0.5m inside each lot where appropriate. Berms shall be finished to a mowable standard and seeded with approved grass species.
- (i) Where a vehicle crossing location is known, then the crossing shall be shown on the engineering plan and constructed to the applicable standard.
- (j) The obsolete vehicle crossing shall be removed and the kerb and channel, footpath and berm be reconstructed as applicable to match the surroundings.

Three Waters

Water Supply

- (15)(a) Each lot shall be provided with a separate water supply, with no private water supply pipes passing between one lot and another (except through an easement).
- (b) The development shall be provided with fire protection via a fire hydrant system.

Wastewater

- (a) Each lot shall be provided with a separate wastewater connection, with no private wastewater drains passing between one lot and another (except through an easement).

Stormwater

- (b) Each lot shall be provided with a means of disposal of stormwater, with no private stormwater pipes or soakage systems crossing from one lot to another (except through an easement).
- (c) The development shall be provided with a means for the treatment and management of stormwater runoff from the site, and from upstream catchment where necessary, in accordance with Section 4.2.15 of the HCC Infrastructure Technical Specification.
- (d) The design, construction, maintenance and operation of any planted stormwater devices shall be in accordance with HCC Infrastructure Technical Specifications.
- (e) A draft Construction, Operations and Maintenance manual for the planted stormwater devices shall be prepared by a suitably qualified expert and submitted with the Engineering Plans to Planning Guidance Unit for review by City Development staff.
- (f) A final Construction, Operations and Maintenance manual for the planted stormwater devices shall be prepared by a suitable qualified expert and submitted after construction to Planning Guidance Unit for approval by City Development staff.

Earthworks

- (16)(a) The Consent Holder shall employ a Chartered Professional Engineer, experienced in the field of geotechnical engineering, to observe and examine the earthworks required for the subdivision.
- (b) The earthworks, excavation and backfill, are to provide lots suitable for residential development. The standard of compaction of fill material is to meet the specification set out in NZS4431. A method to confirm the compaction achieved is also detailed in NZS4431.
- (c) On completion of earthworks the geo-professional shall submit a report to the developer and HCC attesting to compliance with the earthworks specifications, inspections carried out, documentation on the testing of soils for compaction and an

assessment of the results. The report shall be accompanied by a statement of professional opinion as set out in Schedule 2A of NZS 4404.

- (d) The Consent holder shall ensure that all appropriate sediment and erosion control measures are adopted to minimise any sediment leaving the site and entering any water way. The measures should include: the erection of silt fences, stabilised entranceways, cut off drains and the connection of downpipes to the storm water system as necessary. These sediment control measures should be erected and maintained on site for the duration of the works. Note: refer to Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities" which can be found at <http://www.waikatoregion.govt.nz>.
- (e) No earthworks undertaken shall obstruct any stormwater overland flow path where shown on the Computer Freehold Register and/or formed on the site at the time of subdivision.
- (f) A water sprinkler cart or similar be made available on-site during earthworks to mitigate any dust nuisance (when necessary).
- (g) All public roads shall be kept clean and free from silt and sediment tracked from the site.
- (h) That the activity is conducted in such a manner so as to not create a dust nuisance. A dust nuisance will occur if:
 - There is visible evidence of suspended solids in the air beyond the site boundary; and/or
 - There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site or water.
- (i) All areas of bare earth shall be re-vegetated or re-grassed as soon as practicably possible and within one calendar month following the completion of earthworks. If this can not be achieved the area shall be temporarily covered by a surface suitable to protect against soil erosion until such time as re-vegetation or re-grassing can occur.
- (j) All construction noise shall comply with the provisions of New Standard NZS 6803:1999 "Construction Noise Standard" and shall be measured and assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound".
- (k) That while undertaking earthworks on the site, if any archaeological feature(s) (including human remains) are encountered, all work on the site shall cease immediately and the following persons/parties shall be contacted:
 - a. The Police (only in the event that human remains are encountered);
 - b. Te Haā o te whenua o Kirikiriroa (THaWK);
 - c. The New Zealand Historic Places Trust; and
 - d. Manager, Planning Guidance Unit.

The earthworks shall not re-commence until written authorisation has been obtained by the Consent Holder from Council's Planning Guidance Unit Manager.

Construction Management Plan

- (17) A Construction Management Plan shall be submitted to Hamilton City Council, for assessment by City Development. The plan is to be approved by HCC prior to construction activities commencing on site. The plan shall include but not limited to:
 - Site management
 - Access and parking
 - Dust prevention provisions
 - Implementation and maintenance of sediment control

General

- (18)(a) *Plans for the engineering works are to be submitted to the Planning Guidance Unit for review by City Development Unit staff. Plans shall be revised until satisfactory solutions are achieved. No site works should commence until final plans are stamped 'accepted' by City Development Unit, with copies of current versions of stamped plans held on site during the works.*
- (b) *All engineering works shall be designed and built in accordance with the HCC Infrastructure Technical Specifications and current best practice, or to the satisfaction of the General Manager, City Infrastructure. Innovative engineering solutions reflecting the special characteristics of the development will be considered.*
- (c) *Full as-built plans and asset data for all roading and water and drainage reticulation works shall be submitted for 224c clearance.*
- (d) *The consent holder shall retain the services of a suitably qualified person (generally a professional land surveyor, engineer or planner) to oversee the construction of any infrastructure required for the development. This person shall be responsible for ensuring adherence to approved construction plans, quality systems, and project completion requirements. The name and contact details of this person shall be nominated on all engineering plans submitted to the City Development Unit.*

Reasons for the Decision

- I. *Subject to the above conditions the subdivision is not contrary to the relevant regional policy statements, Council Strategies, and the outcomes and objectives and policies of the Operative District Plan and Proposed District Plan (Appeals Version).*
- II. *The density of development is in keeping with what is anticipated for this area. Traffic generation is able to be accommodated by the traffic network and will not result in adverse effects as the proposal complies with the anticipated density. Overall, the amenity and character of the environment will be maintained.*
- III. *It is considered that the adverse effects of the proposed subdivision on the environment are considered to be minor. No persons are considered to be adversely affected by the proposal.*
- IV. *Removal of the existing dwelling will allow for unrestricted access on to the site.*
- V. *The easements will enable access and servicing to the site.*
- VI. *The easement for the stormwater flow path will set out a special condition to be noted in the development of the site.*
- VII. *Any retaining walls to be constructed as part of the subdivision will provide stability and safety for any future activity/building/access at the site.*
- VIII. *The dust, odour, and noise conditions will help to reduce the impact of construction activity on neighbouring properties.*
- IX. *The provision of a Construction Management Plan will ensure the urban environment and public safety will be protected during the development process.*
- X. *Provision of services will ensure that future dwellings can be connected to infrastructure.*

- XI. *The engineering requirements will ensure that the development will be adequately provided with services, and with vehicular access when completed.*
- XII. *Adherence to the design guidelines of the Infrastructure Technical Specifications and current best practice will provide a means for achieving good engineering solutions for the whole of the development.*
The adoption of sound but innovative engineering solutions will help create a special character and unique ambience for the completed development.
- XIII. *A collaborative approach to engineering design will ensure best outcomes while balancing construction costs and ongoing maintenance requirements.*
- XIV. *Agreed engineering solutions and the auditing of the works will allow Council to confirm that the engineering aspects of the work have been satisfactorily completed.*
- XV. *The subdivision does not conflict with the purpose and principles of the Resource Management Act.*

ADVISORY NOTES

- Compliance with the conditions of this resource consent does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.
- **Planning Guidance - general**
Any reports or plans to be submitted, in fulfilment of conditions of this consent, for approval by the General Manager, City Infrastructure Group, must be addressed to the Manager, Planning Guidance Unit.
- Street numbering will be determined at time of 223 Certification approval and will be in accordance with the Australian/New Zealand Standard AS/NZS 4819:2011 Rural and urban addressing and **must be adhered to**.
- If this property is on-sold to a new owner(s) please ensure that a copy of this resource consent is forwarded to the new owner(s).
- That an earthworks consent be applied for and approved once the design detail has been completed, and prior to any construction works.
- It is recommended that Section 8.3 'Community Relations' of NZS 6803:1999 is considered in developing and maintaining relations with neighbouring residents throughout the development period.
- **Financial – Planning Guidance**
The initial non-refundable City Infrastructure Group Fee of \$760.00 (GST inclusive) has already been used in processing this resource consent application.
- **Development Contributions**
If development contributions have been paid on a previous Land Use Consent or Building Consent regarding the same activity this advisory note may be disregarded.

Development Contributions, based upon the details of this application, have been estimated at \$691,501.00 (incl. GST). Council reserves the right to re-calculate this estimate taking into account any changes in demand created by this consent after this estimate. The calculation is in accordance with the Development Contributions Policy applicable on the date of lodgement for the first consent relating to the development. A copy of the Development Contributions Policy is available on Council's website.

Development Contributions are not a condition of resource consent and are not subject to any rights of appeal within the RMA 1991.

You may pay the development contribution at any time after the consent is granted. You must pay the development contribution on the first of the following applications: Section 224 (c) certificate, service connection and/or code of compliance certificate. Should payment not be received when invoiced, Council may exercise its right in accordance with Section 208 of the Local Government Act 2002 to (i) prevent the commencement of resource consent (ii) withhold a service connection (iii) withhold a Section 224 (c) certificate (iv) withhold a code compliance certificate (v) and in each case register the charge on the land title in accordance with the Statutory Land Charges Registration Act 1928.

Building

- All building works should be in compliance with the Building Act 2004.
- All retaining walls will need to be constructed under an approved Building Consent and/or Land Use Consent. Note: Design and supervision of the retaining walls are to be carried out by a Chartered Professional Engineer.

Parks and Open Spaces Unit

- Prior to accessing the Council owned Esplanade Reserve for any purpose relating to the activities approved as part of this consent, the Consent Holder should contact Council's Parks and Open Spaces Unit for approval.
- No approval is given for any pruning or trimming of any existing trees within the Council owned Esplanade Reserve. Any works required regarding tree or vegetation removal within the Esplanade Reserve will require prior approval from the Manager, Parks and Open Spaces Unit, or nominee.

City Infrastructure Group

- The onus rests with the consent holder to demonstrate that completed works meet Council requirements and accepted engineering standards. Therefore, developers should employ suitably qualified and experienced contractors and maintain records of the quality control process.
- All operations affecting in-service Hamilton City Council water, wastewater or stormwater pipelines are to be carried out by Hamilton City Council staff (City Delivery Unit) unless specific approval is given.
- A register of all assets to be transferred to Council (e.g. reserves, roads, water, wastewater and stormwater infrastructure) and associated GST requirements shall be submitted to City Development Unit with the Works Completion request (ref: Hamilton City Council form GST Requirement/Asset Register and Tax Invoice).
- Connecting to the network shall occur prior to the issuance of certification under Section 224c of the RMA.
- Where ground soakage is proposed as a means of stormwater disposal for individual lots, it will be sufficient to submit a complying site soakage test and preliminary design report to fulfil subdivision conditions for management of primary stormwater flows. Final design and construction of the soakage system will be managed under the building approval and construction process. Where soakage is part of a management solution for secondary flows, then construction of the system will generally be required at the time of subdivision.
- Stormwater secondary flow paths and ponding areas shall be shown on the engineering plans. The flow paths shall provide for a storm having a 100 year ARI. The flow paths are to be clear of any probable building platform and shall accommodate the rainfall runoff in excess of the stormwater reticulation design capacity.

- Kerb alterations may be required to ensure adequate carriageway width due to the new 2m flush median.

Objections or Appeals

This consent is subject to sections 357 and 358 of the Act (which deal with rights of objection and appeal). If you decide to make an objection or lodge an appeal in respect of the whole or any part of the above decision, you should do so within 15 working days of receipt of this letter. If you do so, then:

- (a) A survey plan, pursuant to section 223 Resource Management Act 1991, may not be able to be approved, and/or
- (b) A completion certificate, pursuant to section 224 Resource Management Act 1991, may not be able to be issued until the objection or appeal is resolved.

Lapsing of Consent

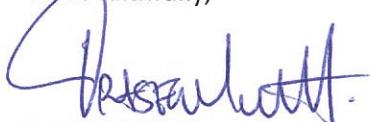
This resource consent will lapse within a period of five years of the date of notification (or resolution of any objection or appeal) unless given effect to by the approval of a section 223 Certificate.

Other Notes

1. A survey plan, to be lodged with the District Land Registrar, can (pursuant to section 223 Resource Management Act) be approved by Council [per the Planning Guidance Manager], and later, when the conditions of the consent have been met, an application may be made for a section 224 Certificate.

If you have any queries about the consent, please contact the Hamilton City Council.

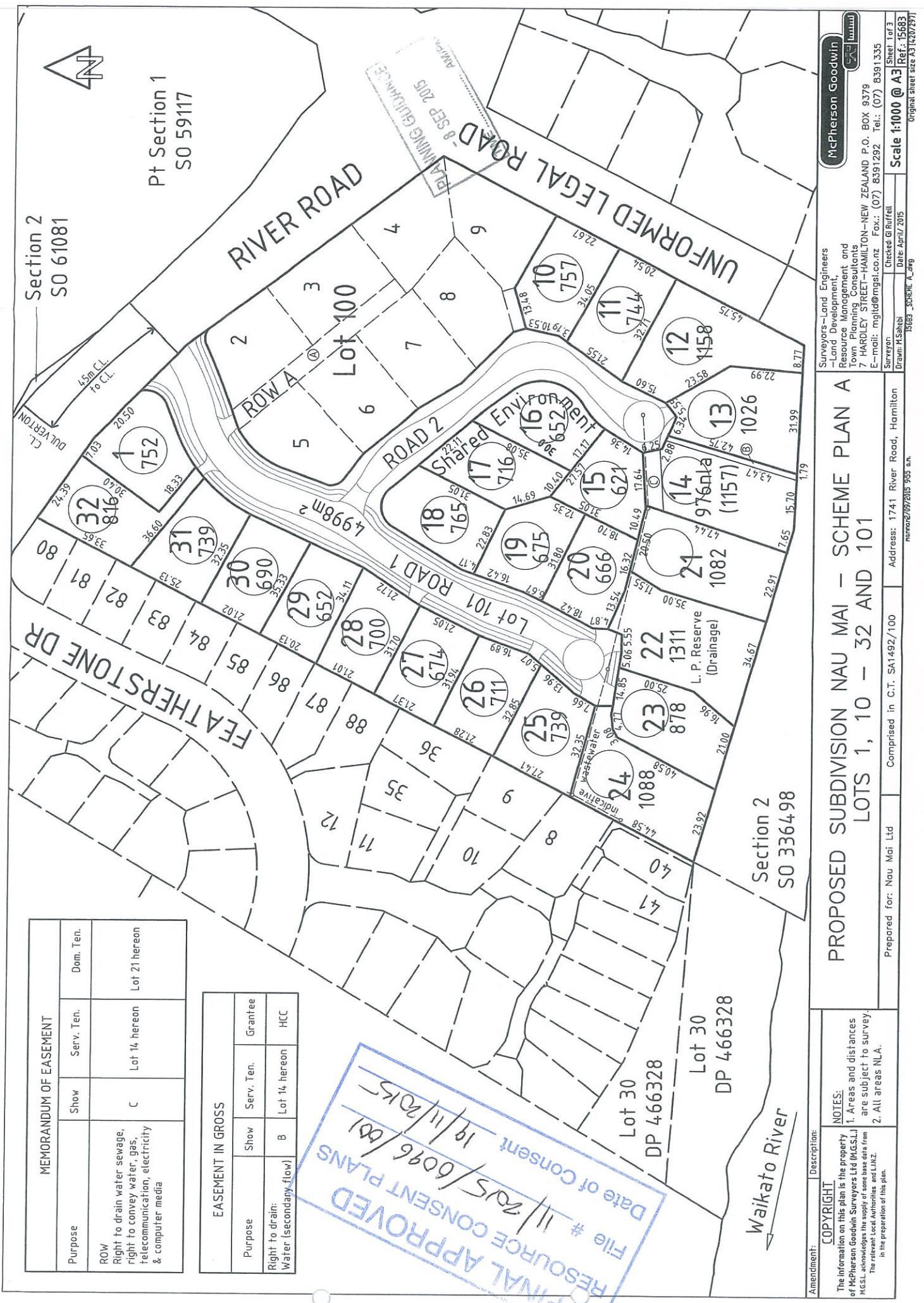
Yours faithfully,



Fraser McNutt

ACTING PLANNING GUIDANCE MANAGER

Municipal Offices (Ground Floor)
Garden Place, Hamilton
Phone (07) 838 6800



4 April 2017

Private Bag 3010
 Hamilton 3240
 New Zealand

TEL 07 838 6699
 FAX 07 838 6599
 EMAIL info@hcc.govt.nz
hamilton.govt.nz

Rivercove Limited
 C/- MG Solutions Limited
 PO Box 9379
 Hamilton 3240

Dear Sir/Madam

RE: SUBDIVISION RESOURCE CONSENT 11.2015.6096.001

**TWENTY THREE LOT SUBDIVISION IN THE GENERAL RESIDENTIAL ZONE LOCATED AT
 1741 RIVER ROAD, HAMILTON (PART ALLOTMENT 42 PARISH OF KIRIKIRIROA)
 RIVERCOVE STAGE ONE**

**COMPILATION OF CONDITIONS (VERSION 1) FOR THE PURPOSE OF ASSESSING
 SECTION 223/224 CERTIFICATE APPLICATIONS**

This compilation incorporates the original Subdivision Resource Consent 11.2015.00006096.001 dated 19 November 2015, and Change of Conditions 11.2015.00006096.003 dated 4 April 2017.

IT IS NOT A RESOURCE CONSENT LETTER AND IS TO BE ONLY USED FOR REFERENCE PURPOSES

The consent, for the purpose of assessing section 223 and section 224 applications, is now as follows:

PLAN INFORMATION – Planning Guidance

(1) *That the subdivision be in general accordance with the information and plans submitted with the application on 8th September 2015 (McPherson Goodwin Surveyors Ltd Scheme Plan 15683 – approved copy attached) and the additional information received 6th October 2015 and 2nd November 2015, except where amended by the Mark T Mitchell Timber Retaining Walls Site Plan (Drawing No. 14733-01) received 8 March 2017 (approved copy attached).*

EASEMENTS – Planning Guidance

(2)(a) *That the Right to Drain Water (Secondary Flow), shown as 'B' on the scheme plan, be duly granted and reserved.*

(b) *That the Right of Way and Services easements, shown as 'C' on the scheme plan, be duly granted and reserved.*

(c) *That an easement in gross in favour of the Hamilton City Council protect any stormwater secondary flow path that is identified on the approved engineering plans as encroaching on a residential lot. The easement shall cover the full extent of the secondary flow path and shall not be less than 1.5 metres wide. This easement shall have the effect of preventing alteration of the ground surface and prohibit the location of any structures that might impede the flow of stormwater across the land. (NB: This easement will only be required if any secondary stormwater flowpath has been identified on the engineering plan proposals).*

AREAS TO BE VESTED

- (3)(a) *That Lot 101 be vested in Hamilton City Council as Road.*
- (b) *That Lot 22 be vested in Hamilton City Council as Local Purpose Reserve (Drainage).*

CONSENT NOTICES

- (4)(a) *The water efficiency measures described in the Water Impact Assessment Report by Mark T Mitchell Ltd and dated 4 September 2014 submitted with the application must be used on all residential lots.*
- (b) *That pursuant to section 221 Resource Management Act 1991, a consent notice be registered against the Computer Freehold Title Registers for all lots that the water efficiency measure shall be a rainwater tank for non-potable reuse system.*
- (5)(a) *That a copy of the earthworks completion / soil report prepared upon completion of the earthworks for the subdivision be made available to every prospective purchaser.*
- (b) *That pursuant to section 221 Resource Management Act 1991, a consent notice be registered on the Computer Freehold Registers of Lots ... DP ... [to be determined at the time of application for section 224c certificate] requiring that a copy of the earthworks completion / soil report prepared upon completion of the earthworks for the subdivision be made available to every prospective purchaser.*

FEES AND CHARGES

- (6) *That pursuant to section 36 Resource Management Act 1991, the following fees and charges be paid:*
 - (a) *Payment of an additional City Infrastructure Group Fee for auditing the conditions set out in this consent. The fee will be charged on a time-cost recovery basis in accordance with Hamilton City Council's Schedule of Fees and Charges, with adjustments coming into effect at the beginning of each financial year.*
 - (b) *All GST requirements with regard to the transferring of assets to Council (e.g. reserves, roads, sewers) being complied with by the completion of the form titled 'GST Requirement/Asset Register and Tax Invoice'.*
 - (c) *Payment of Planning Guidance overhead charges on a time – cost recovery basis for auditing and confirming compliance with the conditions of the consent.*

BUILDING WORKS

- (7)(a) *That the existing dwelling be removed.*
- (b) *That a building consent be obtained for any retaining walls and/or surcharge on top above 1.5m in height built as part of the subdivision works. The walls have to be designed to take the loading from any potential building or access on the site. A copy of the code compliance certificate for the walls is to be provided to Council prior to the issue of the section 224c certificate.*

LANDSCAPING – Parks and Open Spaces Unit

- (8) *A comprehensive ecological management plan for proposed Lot 22 (Local Purpose Drainage Reserve) and the adjacent Council owned esplanade reserve, shall be prepared including details of necessary restoration, including planting and on-going weed control measures, in accordance with the Assessment of Ecological Effects prepared by Kessels Ecology, and submitted to Council (at the same time as the Engineering Plans), for approval by the Manager, Parks and Open Spaces Unit, or nominee.*
- (9) *A detailed streetscape landscaping plan shall be submitted to Council for approval by*

the Manager, Parks and Open Spaces Unit, or nominee.

(10) The design, construction and maintenance of all landscaping and planting shall be in accordance with Section 7 of the Hamilton City Council Infrastructure Technical Specifications.

(11) All streetscape landscaping and ecological management plan planting shall be implemented in accordance with the approved plans detailed in Condition 8 and 9.

(12) Other than explicitly for the construction of the stormwater infrastructure approved as part of this consent, there shall be no tracking of any machinery, storage of materials, stockpiling of spoil, excessive foot traffic, or other contamination occur within the Council reserve. Any damage caused to the Council reserve will be required to be remediated at the cost of the consent holder.

ENGINEERING DESIGN / WORKS – City Infrastructure Group

That the following engineering requirements be met:

Services

(13) Where not already available, telecommunications reticulation (including ducting for computer media), underground electrical, and where applicable, gas services shall be provided to all lots. The Consent Holder shall obtain a works clearance from each network operator for electricity, telephone and, where applicable, gas services. Any cost and/or work associated with connecting to the network utility service shall be a matter that is to be negotiated and completed between the Consent Holder and the relevant service providers. The consent authority has no direct or indirect involvement in the assessment or approval of any of the works or costs associated with connecting to a network utility service, in particular, electricity, telecommunications reticulation and where applicable, gas. Connecting to the network shall occur prior to the issuance of certification under Section 224c of the RMA.

Roading

(14)(a) A Traffic Management Plan shall be submitted for approval by the City Transportation Unit prior to commencement of site works or activity. The plan shall address matters such as the effects of construction traffic on River Road, traffic safety in the 50 km/hr speed environment and measures to mitigate any traffic conflict, the access points to be used, and the standard and maintenance of the crossings to be used.

(a) The Consent Holder shall arrange for a detailed design and road safety audit (in accordance with the NZTA Road Safety Audit Procedures for Projects Guideline May 2013) to be carried out and submitted at with the engineering plans to Planning Guidance Unit for review by City Development Staff.

(b) Right of Way 'C' shall be formed, drained and sealed, and thereafter maintained, in a permanent dust-free all-weather surface such as permeable pavers, concrete, cobblestones, chip seal or asphalt.

(c) All new roads shall be designed and constructed for the purpose intended, and shall include pedestrian and cycle facilities, traffic facilities, road lighting and road drainage as appropriate.

(d) Green synthite cycleway surfacing or a similar approved product shall be applied to the road surface at the intersection of Road 1 and River Road. The extent of this work shall be detailed on the submitted engineering plans.

(e) A splitter island shall be constructed where intersecting Road 1 meets River Road. Pedestrian cut-downs shall be sited five metres behind the proposed limit line, with corresponding cut-downs in the splitter islands.

- (f) The flush median shall be marked to a minimum of 2m wide in accordance with MOTSAM (Volume 2, Figure 3.28) and consistent with other intersection treatments along River Road. The traffic lane and shoulder width must meet HCC requirements after the flush median is widened. The extent of this work will need to ensure the intersection and River Road is safe and consistent and shall be detailed on the submitted engineering plans.
- (g) Overhead lighting to comply with AS/NZS 1158 and the HCC Infrastructure Technical Specifications shall be designed and installed on all public roads.
- (h) All berms on River Road shall be shaped to permanent design levels as advised by Hamilton City Council, with the berm crossfall extending to a minimum of 0.5m inside each lot where appropriate. Berms shall be finished to a mowable standard and seeded with approved grass species.
- (i) Where a vehicle crossing location is known, then the crossing shall be shown on the engineering plan and constructed to the applicable standard.
- (j) The obsolete vehicle crossing shall be removed and the kerb and channel, footpath and berm be reconstructed as applicable to match the surroundings.

Three Waters

Water Supply

- (15)(a) Each lot shall be provided with a separate water supply, with no private water supply pipes passing between one lot and another (except through an easement).
- (b) The development shall be provided with fire protection via a fire hydrant system.

Wastewater

- (a) Each lot shall be provided with a separate wastewater connection, with no private wastewater drains passing between one lot and another (except through an easement).

Stormwater

- (b) Each lot shall be provided with a means of disposal of stormwater, with no private stormwater pipes or soakage systems crossing from one lot to another (except through an easement).
- (c) The development shall be provided with a means for the treatment and management of stormwater runoff from the site, and from upstream catchment where necessary, in accordance with Section 4.2.15 of the HCC Infrastructure Technical Specification.
- (d) The design, construction, maintenance and operation of any planted stormwater devices shall be in accordance with HCC Infrastructure Technical Specifications.
- (e) A draft Construction, Operations and Maintenance manual for the planted stormwater devices shall be prepared by a suitably qualified expert and submitted with the Engineering Plans to Planning Guidance Unit for review by City Development staff.
- (f) A final Construction, Operations and Maintenance manual for the planted stormwater devices shall be prepared by a suitable qualified expert and submitted after construction to Planning Guidance Unit for approval by City Development staff.

Earthworks

- (16)(a) The Consent Holder shall employ a Chartered Professional Engineer, experienced in the field of geotechnical engineering, to observe and examine the earthworks required for the subdivision.
- (b) The earthworks, excavation and backfill, are to provide lots suitable for residential development. The standard of compaction of fill material is to meet the specification

set out in NZS4431. A method to confirm the compaction achieved is also detailed in NZS4431.

- (c) On completion of earthworks the geo-professional shall submit a report to the developer and HCC attesting to compliance with the earthworks specifications, inspections carried out, documentation on the testing of soils for compaction and an assessment of the results. The report shall be accompanied by a statement of professional opinion as set out in Schedule 2A of NZS 4404.
- (d) The Consent holder shall ensure that all appropriate sediment and erosion control measures are adopted to minimise any sediment leaving the site and entering any water way. The measures should include: the erection of silt fences, stabilised entranceways, cut off drains and the connection of downpipes to the storm water system as necessary. These sediment control measures should be erected and maintained on site for the duration of the works. Note: refer to Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities" which can be found at <http://www.waikatoregion.govt.nz>.
- (e) No earthworks undertaken shall obstruct any stormwater overland flow path where shown on the Computer Freehold Register and/or formed on the site at the time of subdivision.
- (f) A water sprinkler cart or similar be made available on-site during earthworks to mitigate any dust nuisance (when necessary).
- (g) All public roads shall be kept clean and free from silt and sediment tracked from the site.
- (h) That the activity is conducted in such a manner so as to not create a dust nuisance. A dust nuisance will occur if:
 - There is visible evidence of suspended solids in the air beyond the site boundary; and/or
 - There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site or water.
- (i) All areas of bare earth shall be re-vegetated or re-grassed as soon as practicably possible and within one calendar month following the completion of earthworks. If this can not be achieved the area shall be temporarily covered by a surface suitable to protect against soil erosion until such time as re-vegetation or re-grassing can occur.
- (j) All construction noise shall comply with the provisions of New Standard NZS 6803:1999 "Construction Noise Standard" and shall be measured and assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound".
- (k) That while undertaking earthworks on the site, if any archaeological feature(s) (including human remains) are encountered, all work on the site shall cease immediately and the following persons/parties shall be contacted:
 - a. The Police (only in the event that human remains are encountered);
 - b. Te Haa o te whenua o Kirikiriroa (THaWK);
 - c. The New Zealand Historic Places Trust; and
 - d. Manager, Planning Guidance Unit.

The earthworks shall not re-commence until written authorisation has been obtained by the Consent Holder from Council's Planning Guidance Unit Manager.

Construction Management Plan

- (17) A Construction Management Plan shall be submitted to Hamilton City Council, for assessment by City Development. The plan is to be approved by HCC prior to construction activities commencing on site. The plan shall include but not limited to:
 - Site management

- *Access and parking*
- *Dust prevention provisions*
- *Implementation and maintenance of sediment control*

General

(18)(a) *Plans for the engineering works are to be submitted to the Planning Guidance Unit for review by City Development Unit staff. Plans shall be revised until satisfactory solutions are achieved. No site works should commence until final plans are stamped 'accepted' by City Development Unit, with copies of current versions of stamped plans held on site during the works.*

(b) *All engineering works shall be designed and built in accordance with the HCC Infrastructure Technical Specifications and current best practice, or to the satisfaction of the General Manager, City Infrastructure. Innovative engineering solutions reflecting the special characteristics of the development will be considered.*

(c) *Full as-built plans and asset data for all roading and water and drainage reticulation works shall be submitted for 224c clearance.*

(d) *The consent holder shall retain the services of a suitably qualified person (generally a professional land surveyor, engineer or planner) to oversee the construction of any infrastructure required for the development. This person shall be responsible for ensuring adherence to approved construction plans, quality systems, and project completion requirements. The name and contact details of this person shall be nominated on all engineering plans submitted to the City Development Unit.*

Reasons for the Decision

- I. *Subject to the above conditions the subdivision is not contrary to the relevant regional policy statements, Council Strategies, and the outcomes and objectives and policies of the Operative District Plan and Proposed District Plan (Appeals Version).*
- II. *The density of development is in keeping with what is anticipated for this area. Traffic generation is able to be accommodated by the traffic network and will not result in adverse effects as the proposal complies with the anticipated density. Overall, the amenity and character of the environment will be maintained.*
- III. *It is considered that the adverse effects of the proposed subdivision on the environment are considered to be minor. No persons are considered to be adversely affected by the proposal.*
- IV. *Removal of the existing dwelling will allow for unrestricted access on to the site.*
- V. *The easements will enable access and servicing to the site.*
- VI. *The easement for the stormwater flow path will set out a special condition to be noted in the development of the site.*
- VII. *Any retaining walls to be constructed as part of the subdivision will provide stability and safety for any future activity/building/access at the site.*
- VIII. *The dust, odour, and noise conditions will help to reduce the impact of construction activity on neighbouring properties.*
- IX. *The provision of a Construction Management Plan will ensure the urban environment and public safety will be protected during the development process.*
- X. *Provision of services will ensure that future dwellings can be connected to infrastructure.*

- XI. *The engineering requirements will ensure that the development will be adequately provided with services, and with vehicular access when completed.*
- XII. *Adherence to the design guidelines of the Infrastructure Technical Specifications and current best practice will provide a means for achieving good engineering solutions for the whole of the development.*
The adoption of sound but innovative engineering solutions will help create a special character and unique ambience for the completed development.
- XIII. *A collaborative approach to engineering design will ensure best outcomes while balancing construction costs and ongoing maintenance requirements.*
- XIV. *Agreed engineering solutions and the auditing of the works will allow Council to confirm that the engineering aspects of the work have been satisfactorily completed.*
- XV. *The subdivision does not conflict with the purpose and principles of the Resource Management Act.*

ADVISORY NOTES

- Compliance with the conditions of this resource consent does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.
- **Planning Guidance - general**
Any reports or plans to be submitted, in fulfilment of conditions of this consent, for approval by the General Manager, City Infrastructure Group, must be addressed to the Manager, Planning Guidance Unit.
- Street numbering will be determined at time of 223 Certification approval and will be in accordance with the Australian/New Zealand Standard AS/NZS 4819:2011 Rural and urban addressing and **must be adhered to**.
- If this property is on-sold to a new owner(s) please ensure that a copy of this resource consent is forwarded to the new owner(s).
- That an earthworks consent be applied for and approved once the design detail has been completed, and prior to any construction works.
- It is recommended that Section 8.3 'Community Relations" of NZS 6803:1999 is considered in developing and maintaining relations with neighbouring residents throughout the development period.
- **Financial – Planning Guidance**
The initial non-refundable City Infrastructure Group Fee of \$760.00 (GST inclusive) has already been used in processing this resource consent application.
- **Development Contributions**
If development contributions have been paid on a previous Land Use Consent or Building Consent regarding the same activity this advisory note may be disregarded.
- Development Contributions, based upon the details of this application, have been estimated at \$691,501.00 (incl. GST). Council reserves the right to re-calculate this estimate taking into account any changes in demand created by this consent after this estimate. The calculation is in accordance with the Development Contributions Policy applicable on the date of lodgement for the first consent relating to the development. A copy of the Development Contributions Policy is available on Council's website.
- Development Contributions are not a condition of resource consent and are not subject to any rights of appeal within the RMA 1991.

You may pay the development contribution at any time after the consent is granted. You must pay the development contribution on the first of the following applications: Section 224 (c) certificate, service connection and/or code of compliance certificate. Should payment not be received when invoiced, Council may exercise its right in accordance with Section 208 of the Local Government Act 2002 to (i) prevent the commencement of resource consent (ii) withhold a service connection (iii) withhold a Section 224 (c) certificate (iv) withhold a code compliance certificate (v) and in each case register the charge on the land title in accordance with the Statutory Land Charges Registration Act 1928.

Building

- All building works should be in compliance with the Building Act 2004.
- All retaining walls will need to be constructed under an approved Building Consent and/or Land Use Consent. Note: Design and supervision of the retaining walls are to be carried out by a Chartered Professional Engineer.

Parks and Open Spaces Unit

- Prior to accessing the Council owned Esplanade Reserve for any purpose relating to the activities approved as part of this consent, the Consent Holder should contact Council's Parks and Open Spaces Unit for approval.
- No approval is given for any pruning or trimming of any existing trees within the Council owned Esplanade Reserve. Any works required regarding tree or vegetation removal within the Esplanade Reserve will require prior approval from the Manager, Parks and Open Spaces Unit, or nominee.

City Infrastructure Group

- The onus rests with the consent holder to demonstrate that completed works meet Council requirements and accepted engineering standards. Therefore, developers should employ suitably qualified and experienced contractors and maintain records of the quality control process.
- All operations affecting in-service Hamilton City Council water, wastewater or stormwater pipelines are to be carried out by Hamilton City Council staff (City Delivery Unit) unless specific approval is given.
- A register of all assets to be transferred to Council (e.g. reserves, roads, water, wastewater and stormwater infrastructure) and associated GST requirements shall be submitted to City Development Unit with the Works Completion request (ref: Hamilton City Council form GST Requirement/Asset Register and Tax Invoice).
- Connecting to the network shall occur prior to the issuance of certification under Section 224c of the RMA.
- Where ground soakage is proposed as a means of stormwater disposal for individual lots, it will be sufficient to submit a complying site soakage test and preliminary design report to fulfil subdivision conditions for management of primary stormwater flows. Final design and construction of the soakage system will be managed under the building approval and construction process. Where soakage is part of a management solution for secondary flows, then construction of the system will generally be required at the time of subdivision.
- Stormwater secondary flow paths and ponding areas shall be shown on the engineering plans. The flow paths shall provide for a storm having a 100 year ARI. The flow paths are to be clear of any probable building platform and shall accommodate the rainfall runoff in excess of the stormwater reticulation design capacity.

- Kerb alterations may be required to ensure adequate carriageway width due to the new 2m flush median.

Lapsing of Consent

The approved resource consent will lapse within a period of five years of the date of notification (or resolution of any objection or appeal) unless given effect to by the approval of a section 223 Certificate.

Other Notes

1. A survey plan, to be lodged with the District Land Registrar, can (pursuant to section 223 Resource Management Act) be approved by Council [per the Planning Guidance Manager], and later, when the conditions of the consent have been met, an application may be made for a section 224 Certificate.

If you have any queries about the above, please contact the Hamilton City Council.

Yours faithfully,



Mark Ewington

Intermediate Planner

Planning Guidance Unit

Hamilton City Council

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4 April 2017

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Rivercove Limited
 C/- MG Solutions Limited
 PO Box 9379
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Dear Sir/Madam

RE: SUBDIVISION RESOURCE CONSENT 11.2015.6096.001

24 LOT FEE SUBDIVISION IN THE GENERAL RESIDENTIAL ZONE LOCATED AT 1741 RIVER ROAD, HAMILTON (PART ALLOTMENT 42 PARISH OF KIRIKIRIROA) – RIVERCOVE STAGE 1

CHANGE OF CONDITIONS 11.2015.6096.003

After consideration of the information and plans submitted with the application, I advise that Council's decision is as follows:

That pursuant to section 127 Resource Management Act 1991, and the Hamilton City Partly Operative District Plan, Council grants consent to the application by Rivercove Limited to amend conditions to resource consent 11.2015.00006096.001, on Part Allotment 42 Parish of Kirikiriroa Parish at 1741 River Road, Hamilton, as follows (amendments shown in bold italics and strike through):

PLAN INFORMATION – Planning Guidance

(1) *That the subdivision be in general accordance with the information and plans submitted with the application on 8th September 2015 (McPherson Goodwin Surveyors Ltd Scheme Plan 15683 – approved copy attached) and the additional information received 6th October 2015 and 2nd November 2015, except where amended by the Mark T Mitchell Timber Retaining Walls Site Plan (Drawing No. 14733-01) received 8 March 2017 (approved copy attached).*

Reasons for the Decision

- I. *Having regard to section 104(1)(a) of the Act, Council is satisfied that any adverse environmental effects of the proposal will be the same or less than the effects of the originally approved resource consent, which were considered acceptable.*
- II. *All other conditions of Resource Consent 11.2015.00006096.001 granted on 19 November 2015 shall continue to apply.*
- III. *The change of condition application has resulted in no parties being considered to be adversely affected by the proposal.*

Advisory Notes

- That compliance in all other respects with Council Bylaws, all relevant Acts, Regulations, and rules of law are met.
- This consent should be read in conjunction with resource consent 11.2015.00006096.001 granted on 19 November 2015.

Lapsing of Consent

This resource consent will lapse on 19 November 2020 unless given effect to by the approval of a section 223 Certificate.

Other Notes

1. A survey plan, to be lodged with the District Land Registrar, can (pursuant to section 223 Resource Management Act) be approved by Council [per the Planning Guidance Manager], and later, when the conditions of the consent have been met, an application may be made for a section 224 Certificate.

If you have any queries about the consent, please contact the Hamilton City Council.

Yours faithfully,



Debra Stan-Barton

PLANNING GUIDANCE MANAGER

Municipal Offices (Ground Floor)

Garden Place, Hamilton

Phone (07) 838 6800

