

Your Ref  
05311

In reply please quote  
SUB0226/06

If calling, please ask for  
AnaMaria dAubert



*Your Community Partner*

1 June 2007

Dave McCracken  
McCracken Surveys Limited  
P O Box 19-182  
HAMILTON 2030

**District Office**  
15 Galileo Street, Ngaruawahia 3720  
Private Bag 544, Ngaruawahia 3742  
New Zealand  
Ph 07 824 8633  
Fax 07 824 8091  
Call free 0800 492 452  
[www.waikatodistrict.govt.nz](http://www.waikatodistrict.govt.nz)

**Area Offices**  
Huntly Ph 07 828 7551  
Raglan Ph 07 825 8129

Dear Sir

**APPLICATION BY QUIGLEY FAMILY TRUST FOR SUBDIVISION CONSENT TO CREATE 18 LOTS IN 5 STAGES AT WILTON COLLIERIES ROAD GLEN MASSEY**

You are advised that your application has now been determined and has been granted. Please find enclosed a copy of the Decision and the Consent.

**A Lapsing of Consents**

Your attention is drawn to section 125 of the Resource Management Act 1991. A summary of that section is that a resource consent lapses on the expiry of five years after the date of commencement of the consent, or after the expiry of such shorter or longer period as is expressly provided for in the consent, unless

- (a) The consent is given effect to, before the end of that period; or
- (b) An application which meets the criteria specified in section 125 is made to the Council.

**B Compliance with Conditions**

Please note that unless a specific time limit is stated in the conditions imposed by the Council when granting this consent, all conditions must be complied with before the use to which the consent relates is established.

**C Changes to Conditions**

Your attention is drawn to section 127 of the Resource Management Act 1991 which enables an application to be made at any time to Council to change or cancel any condition of this consent. Any such application should be accompanied by a deposit of \$550.00

**D Review of Decision on non-notified application**

Your attention is drawn to section 357 of the Resource Management Act 1991. This section provides that there is a right of objection to Council in respect of this decision. Section 357(5) requires:

Any such objection shall be made by notice in writing to the Council, setting out the reasons for the objection and should be accompanied by a deposit of \$1000.00. This objection should be made within 15 working days after the decision or requirement being notified to that person, or within such further time as may in any case be allowed by the consent of the Council.

## **E Right of Appeal**

Your attention is drawn to the Resource Management Act 1991 sections 120 and 121 and also the Resource Management (Forms, Fees, and Procedure) Regulations 2003/153, Regulations 16 – 19. Some key provisions to note are as follows:

- i) You may appeal against the decision of the Council by lodging a Notice of Appeal in the prescribed form with the Registrar of the Environment Court and with the Council within 15 working days of the receipt by you, or the person who filed the application on your behalf, of the Council's decision. The address of the Environment Court is as follows:

The Registrar  
Environment Court  
P O Box 7147  
Wellesley Street  
AUCKLAND

Level 8, District Court Building  
3 Kingston Street  
AUCKLAND

Telephone: 09 916 9091  
Fax: 09 916 9090

- ii) The appeal must be in the form prescribed by the Resource Management (Forms, Fees, and Procedure) Regulations 2003/153 or to like effect. The regulations may be purchased from Bennetts Government Bookshop, or they (and the RMA itself) are accessible on-line at [www.legislation.govt.nz](http://www.legislation.govt.nz). The form is identified as Form 34 in the regulations.
- iii) A filing fee of \$55.00 GST inclusive must accompany every document by which appeal proceedings are commenced.
- iv) Section 121 of the Resource Management Act 1991 sets out important information as to the persons upon whom the appeal must be served and the time when service must take place. It is essential that these provisions be adhered to. Failure to do so may result in your appeal being struck out.

If you are in any doubt as to the procedures to be followed it is strongly recommended that you consult a lawyer.

Yours faithfully

Joanne Smith  
**ENVIRONMENTAL ADMINISTRATION MANAGER**

# Resource Consent

(Resource Management Act 1991)



*Your Community Partner*

## DECISION ON APPLICATION SUB0226/06

Pursuant to Sections 34(a)(1), 104D, 108, 108A, 220 and 221 of the Resource Management Act 1991, the Waikato District Council, under delegated authority, grants Subdivision Consent for a Non-Complying Activity to:

**Activity:** Create 18 lots in five stages, associated earthworks, and works in road reserve.

**Consent Holder:** Quigley Family Trust

**Location Address:** 179 Wilton Collieries Road, Glen Massey

**Legal Description:** Pt Lot 1 DP 34706 BLK X NEWCASTLE SD

**Certificate of Title:** SA16A/598

This consent is subject to the conditions detailed in the attached Schedule 1.

The reasons for this decision are detailed in the attached Schedule 2.

Dated at Ngaruawahia this 1st day of June 2007.

For and on behalf of Waikato District Council

A handwritten signature in black ink, appearing to read "Nath Pritchard".

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Nath Pritchard

**ENVIRONMENTAL SERVICES GROUP MANAGER**

## Conditions of Consent

Resource Consent No: SUB0226/06

### STAGE I (4 additional lots - Lots 1, 2, 3 and 4, and balance lot)

#### Planning Conditions

- PC1 Stage I: The Land Transfer Plan to give effect to this Resource Consent shall be generally consistent with the approved plans prepared by McCracken Surveys Ltd, references 05311(Sheet 0) and 05311(Sheet 1), both dated 27 February 2006, insofar as they relate to Stage I (including the balance Lot 20). Copies of the approved plans are attached.
- PC2 Stage I: The works to give effect to this Resource Consent via conditions of this consent shall be generally consistent with the following documents insofar as they relate to Stage I:
- a) Subdivision application dated 6 March 2006 (McCracken Surveys Ltd);
  - b) Letter and attachments dated 27 June 2006 (McCracken Surveys Ltd);
  - c) Letter and attachments dated 25 September 2006 (McCracken Surveys Ltd);
  - d) Letter dated 27 September 2006 (Quigley Technical Services Ltd);
  - e) Letter and attachments dated 18 November 2006 (McCracken Surveys Ltd);
  - f) Letter and attachments dated 8 January 2007 (McCracken Surveys Ltd);
  - g) Letter and attachments dated 4 April 2007 (McCracken Surveys Ltd); and
  - h) Letter and attachments dated 15 May 2007 (McCracken Surveys Ltd).
- PC3 Stage I: Confirmation shall be received from electricity and service providers that reticulations have been placed underground to the boundaries of Lots 1, 2, 3 and 4 to the satisfaction of Waikato District Council.
- PC4 Stage I: The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of this consent, work in that area will cease immediately. The Police, New Zealand Historic Places trust, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.

PC5 Stage I: The consent holder shall notify the Waikato District Council Monitoring Department in writing two weeks prior to the commencement of any works or activities associated with this consent.

## **Financial Contributions**

### **Reserves**

FC1 Stage I: Pursuant to Section 108(2)(a) of the Resource Management Act 1991, a reserve contribution of \$4,500.00 (Four Thousand Five Hundred Dollars) GST inclusive, shall be paid to Waikato District Council for the 4 additional lots in Stage I.

#### **Advisory Notes:**

- A. A reserve contribution is required for each lot created by subdivision upon which a dwellinghouse or dwellinghouses are authorised by the Waikato District Plan. The subdivision will result in the creation of 4 additional titles in Stage I. The quantum of financial contribution is based on \$1,125.00 (One Thousand One Hundred Dollars) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$1,125.00) if this stage is completed after all other stages have been issued with section 224 certificates.

### **Roading**

FC2 Stage I: Pursuant to section 108(2)(a) of the Resource Management Act 1991 a roading fee of \$29,388.31 (Twenty Nine Thousand Three Hundred and Eighty Eight Dollars and Thirty One Cents), GST Inclusive shall be paid to the Waikato District Council for the 4 additional lots in Stage I.

#### **Advisory Notes:**

- A. The quantum of the financial contribution is based on \$7,347.08 (Seven Thousand Three Hundred and Forty-Seven Dollars and Eight Cents) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$7,347.08) if this stage is completed after all other stages have been issued with section 224 certificates.

### **Roading Conditions**

RC1 Stage I: The entrance to Lot 20 shall be upgraded to a standard heavy commercial vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E1 to the satisfaction of Council.

- RC2 Stage 1: The proposed right-of-way 'A' shall be provided with a standard residential vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E3 to the satisfaction of Council.
- RC3 Stage 1: The proposed right-of-way 'A' shall be designed and constructed in accordance with Section 36.5, Table 5, of the District Plan and the minimum specifications set out in Waikato District Council's Engineering Code of Practice - Part Two - Roading.
- RC4 Stage 1: Lot 4 shall be provided with a standard residential vehicle entrance located as indicated on the approved plan.
- RC5 Stage 1: Two producer statements shall be submitted to Waikato District Council in respect of right-of-way 'A'. The first shall cover the design, including drainage of the right-of-way 'A', and the second shall cover the construction of the right-of-way 'A'. In addition, the Confirmation Form ROW-01 and Confirmation Form ROW-02 shall be completed and submitted to Waikato District Council prior to issuing of the Section 224 certificate.

Advisory Note:

- A. The entrance ways referred to in conditions RC1 – RC5 may be unsealed should Wilton Collieries Road be unsealed at the time of formation.

## Utilities Conditions

### Stormwater

- UC1 Stage 1: The consent holder shall engage a suitably qualified person to prepare and submit to Waikato District Council, a Stormwater Disposal Report that details the management of stormwater run-off from all building roofs and hard standing areas (including driveways), and right-of-ways, to attenuate a 10% Annual Exceedance Probability storm to peak greenfields flows. The report shall not be inconsistent with the information provided in the subdivision consent application and subsequent further information provided, unless approved by Waikato District Council and shall provide recommendations on the following matters:
- a) Specifications for the construction of a dual rain tank/stormwater retention system for dwellings, including required tank volume per 100m<sup>2</sup> of roof area, and orifice diameter;
  - b) Sizing and location of tank overflows to avoid or mitigate erosion, instability and nuisance on neighbouring properties;
  - c) Ongoing management and maintenance of right-of-ways swales, including erosion protection; and

- d) Management of stormwater runoff from driveways to avoid erosion and instability.

UC2 Stage 1: The consent holder shall submit as-built plans at a scale acceptable to Waikato District Council showing:

- a) Final site contours;
- b) Any stormwater infrastructure to be vested with Waikato District Council; and
- c) Right-of-ways and their associated swale drains.

### ***Engineering and Earthworks Conditions***

EC1 Stage 1: The consent holder shall prepare and submit a Final Earthworks Design for the proposed fills and associated cuts, access roads and ancillary earthworks to Waikato District Council for review and approval two months prior to earthworks commencing. The earthworks design shall include, but not be limited to, the following:

- a) Be based upon site specific design parameters and shall consider static and seismic conditions;
- b) Include stability analyses for the following case loads:
  - i) static loads, winter ground water conditions;
  - ii) seismic loads, winter ground water conditions.
- c) Detail measures for dealing with situations that do not conform at the time of construction with the design assumptions;
- d) Provide building setback zones (based on stability analyses) that allow for natural slope instability at slope edges and for debris run-out at the base of slopes; and
- e) Provide recommendations for the location of rainwater/stormwater detention tank overflow discharge zones and effluent disposal fields.

EC2 Stage 1: The consent holder shall prepare and submit an Earthworks Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Earthworks Management Plan shall relate to earthworks on site and the transport of any earthworks for disposal off-site. The Earthworks Management Plan shall detail, but not be limited to, the following:

- a) An outline of the proposed earthworks methodology, including testing and revegetation of exposed areas. The stripping of vegetation, overburden and subsoil shall be kept to a minimum and cleared area shall be limited to those areas where works are about to commence;

- b) Detail the material (any imported material shall be clean fill only), volume, sources, use, disposal and treatment;
- c) Proposed depth of cut/fill, volumes, cross-sections and final contours;
- d) Detail silt control and stormwater management proposed during construction;
- e) Detail of dust and noise control methodologies; and
- f) Methods to prevent tracking of earth material onto the road.

EC3 Stage 1: A Geotechnical Completion Report and statement of professional opinion as set out in Schedule 2A of the NZS4404: 2004 Land Development and Subdivision Engineering shall be provided prior to issue of the 224 Certificate for the earthworks carried out within the subdivision to the satisfaction of Waikato District Council. This report shall include, but not be limited to, the following details:

- a) Specific design requirements for each lot;
- b) Documentation on testing and results;
- c) All fill excavated or placed on the site and cut areas shall be clearly indicated on a site plan to the satisfaction of Waikato District Council. All fill shall be clean fill and certified as being suitable for development by a Chartered Professional Engineer. The site plan shall record the following details:
  - i) Location and extent of fill material in relation to the boundaries of lots;
  - ii) The fill material used;
  - iii) The depth of the fill and/or cut; and
  - iv) Include cross sections of the original slope of the site and slope after fill and/or cut works complete.

EC4 Stage 1: The consent holder shall prepare and submit a Groundwater Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Groundwater Management Plan shall include, but not be limited to, the following:

- a) Include final details of subsoil drainage systems to fill area;
- b) Set out methods of site assessment by suitably qualified personnel to determine the need for the installation of further drainage during the site works;
- c) In respect of subsoil drainage pipes in cut and fill slopes, detail the planned monitoring of the systems and means of access and cleaning of the systems; and



- d) In respect of subsoil drainage pipes in cut and fill slopes, include certified as-built drawings and production of a Drainage System Maintenance Procedure detailing the maintenance activities, timings and actions in the event of any defects being identified.
- EC5 Stage 1: No earthworks shall commence until conditions EC1 to EC4 have been met in full.
- Advisory Note:
- A. The disposal of surplus earthwork material off site has not been authorised by this consent. Such activities are subject to the provisions of the Waikato District Plan and may require resource consent.
- EC6 Stage 1: Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with 'NZS6803:1999 Acoustics – Construction Noise'.
- EC7 Stage 1: All areas of earthworks, including cut and batter faces or filled areas are to be revegetated to achieve 80% ground cover within 12 months of the earthworks being completed.

### **Legal Conditions**

- LC1 Stage 1: The easement document shall make provision for the ongoing maintenance of right-of-way 'A' to the satisfaction of Waikato District Council.
- LC2 Stage 1: The current and future owners of Lots 1, 2, 3 and 4 shall be informed of the following conditions:
- Stormwater management*
- a) That the dual rain tank / stormwater detention system specified in condition UCI shall be installed on each lot at the time of building consent. The design and sizing of the system shall be in accordance with the Stormwater Disposal Report submitted under condition UCI to the satisfaction of Waikato District Council;
- b) That the right-of-way swale drains shall be maintained on an ongoing basis in accordance with the recommendations of the Stormwater Disposal Report submitted under condition UCI to the satisfaction of Waikato District Council;
- c) That stormwater flowpaths are located on the property and that these are not to be filled, blocked or modified to such an extent that drainage of upstream properties is affected;
- d) That ponding of stormwater at the top of any slope shall be prevented;

- e) That there shall be no discharge of concentrated stormwater flows over slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;
- f) That rain tank overflows shall not cause a nuisance on neighbouring properties and be located in accordance with the Final Earthworks Design report submitted under condition ECI to the satisfaction of Waikato District Council;

*Slope stability*

- g) That there shall be no over-steepening of existing slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;
- h) That vegetative cover and planting shall be maintained to assist in the control of surface erosion of slopes;

*Roading*

- i) That the portion of Wilton Collieries Road that services proposed Lots 1-18 is unsealed and Waikato District Council do not propose under its current 15 year forward work programming (at time of granting subdivision consent) to upgrade the road or propose to seal the road at any future date. The owner shall have no recourse with the Waikato District Council for the standard of the road, dust or any nuisances associated with an unsealed road;

*Building Location and Design*

- j) That the foundation of any building located on each lot shall be located, designed and constructed in accordance with the recommendations of a Chartered Professional Engineer in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition ECI, and further information submitted with the application. The location of any dwelling shall be in accordance with the approved subdivision plan by McCracken Surveys Ltd, reference 05311 (Sheet 0), dated 27 February 2006. If a new location is sought the building consent must be accompanied by a report from a Chartered Professional Engineer to confirm that ground conditions are suitable for building; and
- k) That the minimum setback of any buildings be:
  - 7.5 metres from the legal boundary with the road boundary;
  - 12 metres from the side and rear legal boundaries of the lots.
- l) That should any ancillary unit/dependant persons dwelling be located on the lot it shall be adjoined to the primary dwelling via a solid wall and shall be subject to consent notice items a), j) and m) in respect of stormwater management, building foundation, and effluent disposal.

### *Effluent Disposal*

- m) That the effluent disposal system for each lot shall be located, designed and constructed in accordance with the recommendations of a suitably qualified person in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition ECI, and further information submitted with the application, including the 'Preliminary Wastewater Disposal Field Location Plan' (by Maunsell/Aecom, dated December 2006).

### *Zoning*

- n) That the land is zoned Rural and can be used for any rural activity permitted by the Waikato District Plan.

LC3 Stage 1: Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be prepared by the Waikato District Council's solicitors at the consent holder's expense to ensure compliance on a continuing basis by the subdivision landowner and subsequent owners of:

- a) Lots 1 to 4 (inclusive) with Condition LC2;
- b) Where reference is made to conditions of subdivision consent in Condition LC2, the consent notice shall be read in conjunction with the documents held under subdivision reference SUB0226/06 and/or any subsequent variations to the original consent.

Upon the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 or at such earlier time as may be required, the consent notice pursuant to section 221 of the Resource Management Act 1991, will be issued. The consent notice will specify the listed conditions to be registered on the new Certificates of Title created as a result of the subject subdivision.

## **STAGE 2 (4 additional lots: Lots 5, 6, 7 and 8, and balance lot)**

### **Planning Conditions**

- PC6 Stage 2: The Land Transfer Plan to give effect to this Resource Consent shall be generally consistent with the approved plans prepared by McCracken Surveys Ltd, references 05311 (Sheet 0) and 05311 (Sheet 2), both dated 27 February 2006, insofar as they relate to Stage 2 (including the balance Lot 20). Copies of the approved plans are attached.
- PC7 Stage 2: The works to give effect to this Resource Consent via conditions of this consent shall be generally consistent with the following documents insofar as they relate to Stage 2:
- a) Subdivision application dated 6 March 2006 (McCracken Surveys Ltd);
  - b) Letter and attachments dated 27 June 2006 (McCracken Surveys Ltd);
  - c) Letter and attachments dated 25 September 2006 (McCracken Surveys Ltd);
  - d) Letter dated 27 September 2006 (Quigley Technical Services Ltd);
  - e) Letter and attachments dated 18 November 2006 (McCracken Surveys Ltd);
  - f) Letter and attachments dated 8 January 2007 (McCracken Surveys Ltd);
  - g) Letter and attachments dated 4 April 2007 (McCracken Surveys Ltd); and
  - h) Letter and attachments dated 15 May 2007 (by McCracken Surveys Ltd).
- PC8 Stage 2: Confirmation shall be received from electricity and service providers that reticulations have been placed underground to the boundaries of Lots 5, 6, 7 and 8 to the satisfaction of Waikato District Council.
- PC9 Stage 2: The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of this consent, work in that area will cease immediately. The Police, New Zealand Historic Places trust, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.
- PC10 Stage 2: The consent holder shall notify the Waikato District Council Monitoring Department in writing two weeks prior to the commencement of any works or activities associated with this consent.

## **Financial Contributions**

### **Reserves**

FC3 Stage 2: Pursuant to Section 108(2)(a) of the Resource Management Act 1991, a reserve contribution of \$4,500.00 (Four Thousand Five Hundred Dollars) GST inclusive, shall be paid to Waikato District Council for the 4 additional lots in Stage 2.

#### **Advisory Notes:**

- A. A reserve contribution is required for each lot created by subdivision upon which a dwellinghouse or dwellinghouses are authorised by the Waikato District Plan. The subdivision will result in the creation of 4 additional titles in Stage 2. The quantum of financial contribution is based on \$1,125.00 (One Thousand One Hundred Dollars) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$1,125.00) if this stage is completed after all other stages have been issued with section 224 certificates.

### **Roading**

FC4 Stage 2: Pursuant to section 108(2)(a) of the Resource Management Act 1991 a roading fee of \$29,388.31 (Twenty Nine Thousand Three Hundred and Eighty Eight Dollars and Thirty One Cents), GST Inclusive shall be paid to the Waikato District Council for the 4 additional lots in Stage 2.

#### **Advisory Notes:**

- A. The quantum of the financial contribution is based on \$7,347.08 (Seven Thousand Three Hundred and Forty-Seven Dollars and Eight Cents) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$7,347.08) if this stage is completed after all other stages have been issued with section 224 certificates.
- C. The quantum of the financial contribution shall be reduced by \$24,900.36 (Twenty Four Thousand Nine Hundred Dollars and Thirty Six Cents) inclusive of GST in return for the upgrade of Wilton Collieries Road by the consent holder during Stage 2 as required under Conditions RC10 to RC17.

### **Roading Conditions**

RC6 Stage 2: The entrance to Lot 20 shall be upgraded to a standard heavy commercial vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-EI to the satisfaction of Council.

RC7 Stage 2: The existing entrance to Lot 7 shall be upgraded to a standard residential vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E3 to the satisfaction of Council.

RC8 Stage 2: Lot 8 shall be provided with a standard commercial vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E2 to the satisfaction of Council.

RC9 Stage 2: Lots 5 and 6 shall each be provided with a standard residential vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E3 to the satisfaction of Council.

Advisory Note:

A. The entrance ways referred to in conditions RC6 – RC9 may be unsealed should Wilton Collieries Road be unsealed at the time of formation.

RC10 Stage 2: Prior to the completion of Stage 2, the consent holder shall upgrade Wilton Collieries Road from the end of the existing seal to 40 metres south of the entrance to right-of-way 'C' (for Stage 5). The road shall be upgraded in a timely manner, in accordance with standards required by the Waikato District Council Code of Practice, and in accordance with the following:

- a) The road upgrade works shall be designed by a suitably qualified and experienced road design engineer in accordance with the Waikato District Council Code of Practice;
- b) The road pavement width shall be 6 metres with an alignment and cross section that ensures adequate drainage is achieved and suitable outlets are provided, and with a suitable horizontal and vertical alignment for the speed environment to the satisfaction of Waikato District Council;
- c) The road pavement structure shall be designed by a suitably qualified engineer to carry the predicted loads generated by both the existing properties on Wilton Collieries Road (south of the subdivision) and combined with the proposed lots, and shall have a minimum life of 25 years;
- d) The road surface may remain unsealed, but if so shall be finished with a suitable running course;
- e) Should the design of the upgraded road alignment involve land associated with the proposed subdivision, allotment boundaries shall be amended where appropriate and indicate areas of road to vest;
- f) A design engineer shall prepare design and engineering drawings for the upgrade of the road. These shall be submitted to Waikato District Council for approval prior to construction; and

- g) The upgrading works shall take place in a timely manner and only within the construction period October to April. A timeframe for such work must be estimated by the consent holder and submitted to Waikato District Council for approval prior to commencement. Once upgrading works have commenced they must be continuous until they are complete.

Advisory Notes:

- A. In respect of clause a), Waikato District Council may accept a narrower road width where the site constraints limit the formation to 5 metres, but this is expected to be in isolated areas only where significant earthworks would be required to achieve 6 metres.
- B. In respect of this condition, Waikato District Council will at the time of reconstruction of Wilton Collieries Road provide free of charge the following materials (only) for the reconstruction of Wilton Collieries Road (by others):
- a) 30 metres of 300mm diameter pipe culvert (materials only) Class X concrete RCRRJ pipe; and
  - b) 10 truck and trailer loads of base course roading aggregate GAP40.
- C. The timing of these deliveries will be during the construction of the drainage and pavement of the road. The metal and culverts are supplied in recognition of the reduced maintenance to Wilton Collieries Road over the construction period.
- D. Conditions RC10 - RC17 inclusive shall not apply if Waikato District Council confirms in writing that such works have been fully complied with via conditions relating to other Stages of the subdivision.

RC11 Stage 2: The consent holder shall carry out sight line improvement works (sight benching, removal of trees and vegetation) on Wilton Collieries Road in accordance with the approved plan prepared by McCracken Surveys Ltd (reference 05311 (Sheet 0) dated 27 February 2006) and the letter dated 18 November 2006 (ref 05311, item 1.5, "ROW B"). The sight line improvement works shall be constructed to the satisfaction of the Roding Group Manager.

Advisory Note:

- A. Minimum sight distances are measured from a point 5 metres from the centre line of the closest lane, at a height of 1.15m above the midpoint of the entrance.

RC12 Stage 2: The road upgrading works required by Conditions RC10 and RC11 shall be constructed by a Waikato District Council approved roading contractor in accordance with the quality standards of the Waikato District Council Code of Practice and to the satisfaction of the Roding Group Manager. The roading contractor shall ensure that the works are insured, all plant used on road reserve is

insured and shall carry public liability insurance in accordance with Waikato District Council standard roading contracts.

RC13 Stage 2: The works required by Conditions RC10 and RC11 shall not commence until a Traffic Management Plan (prepared by the consent holder or representative) has been approved by Waikato District Council. The Traffic Management Plan shall include, but not be limited to, the following matters:

- a) Notification to WDC Roding Staff of the commencement and completion dates of construction works; and
- b) The traffic safety measures to be put in place along the road to minimise the traffic safety risks and time delays for other motorists.

RC14 Stage 2: Two producer statements (PS1 and PS2) shall be submitted to Waikato District Council in respect of Wilton Collieries Road. The first shall cover the design, including drainage of the road, and the second shall cover the construction of the road. Both shall be completed and submitted to Waikato District Council prior to issuing of the Section 224 certificate.

RC15 Stage 2: After the road upgrade design is approved as required by condition RC10, the consent holder shall confirm that the new road alignment is wholly comprised in legal road reserve such that this may require the alteration of proposed lot boundaries and areas of land shall be indicated on the section 223 plan as road to vest in Waikato District Council. Should any further areas of land not involved in the proposed subdivision require legalisation as road, due to the upgrade works, then the costs for legalisation of any new areas of road reserve shall be at the expense of the consent holder.

RC16 Stage 2: Prior to any work commencing on Wilton Collieries Road in accordance with Conditions RC10 and RC11, the consent holder shall lodge a bank guaranteed bond of \$100,000.00 (One Hundred Thousand Dollars) with the Waikato District Council. The works covered by the bond shall be carried out within a period of twelve months from the date of the bond issued. The preparation of the cash bond shall be undertaken by Waikato District Council's solicitors at the consent holders' expense.

RC17 Stage 2: The consent holder shall make suitable alterations to the pavement markings and signage of Wilton Collieries Road / Kereru Road intersection to reflect the increase flows and need to change priority. Prior to undertaking the works, the consent holder shall submit a design drawing showing the proposed alterations for approval of the Roding Group Manager.



## **Utilities Conditions**

### **Stormwater**

UC3 Stage 2: The consent holder shall engage a suitably qualified person to prepare and submit to Waikato District Council, a Stormwater Disposal Report that details the management of stormwater run-off from all building roofs and hard standing areas (including driveways), and right-of-ways, to attenuate a 10% Annual Exceedance Probability storm to peak greenfields flows. The report shall not be inconsistent with the information provided in the subdivision consent application and subsequent further information provided, unless approved by Waikato District Council and shall provide recommendations on the following matters:

- a) Specifications for the construction of a dual rain tank/stormwater retention system for dwellings, including required tank volume per 100m<sup>2</sup> of roof area, and orifice diameter;
- b) Sizing and location of tank overflows to avoid or mitigate erosion, instability and nuisance on neighbouring properties;
- c) Ongoing management and maintenance of right-of-ways swales, including erosion protection; and
- d) Management of stormwater runoff from driveways to avoid erosion and instability.

UC4 Stage 2: The consent holder shall submit as-built plans at a scale acceptable to Waikato District Council showing:

- a) Final site contours;
- b) Any stormwater infrastructure to be vested with Waikato District Council; and
- c) Right-of-ways and their associated swale drains.

### **Engineering and Earthworks Conditions**

EC8 Stage 2: The consent holder shall prepare and submit a Final Earthworks Design for the proposed fills and associated cuts, access roads and ancillary earthworks to Waikato District Council for review and approval two months prior to earthworks commencing. The earthworks design shall include, but not be limited to, the following:

- a) Be based upon site specific design parameters and shall consider static and seismic conditions;
- b) Include stability analyses for the following case loads:
  - i) static loads, winter ground water conditions;
  - ii) seismic loads, winter ground water conditions.

- c) Detail measures for dealing with situations that do not conform at the time of construction with the design assumptions;
- d) Provide building setback zones (based on stability analyses) that allow for natural slope instability at slope edges and for debris run-out at the base of slopes; and
- e) Provide recommendations for the location of rainwater/stormwater detention tank overflow discharge zones and effluent disposal fields.

EC9 Stage 2: The consent holder shall prepare and submit an Earthworks Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Earthworks Management Plan shall relate to earthworks on site, earthworks off-site for road upgrade and sight line improvement works as required by Conditions RC10 to RC17, and transport of any earthworks for disposal off-site. The Earthworks Management Plan shall detail, but not be limited to, the following:

- a) An outline of the proposed earthworks methodology, including testing and revegetation of exposed areas. The stripping of vegetation, overburden and subsoil shall be kept to a minimum and cleared area shall be limited to those areas where works are about to commence;
- b) Detail the material (any imported material shall be clean fill only), volume, sources, use, disposal and treatment;
- c) Proposed depth of cut/fill, volumes, cross-sections and final contours;
- d) Detail silt control and stormwater management proposed during construction;
- e) Detail of dust and noise control methodologies; and
- f) Methods to prevent tracking of earth material onto the road.

EC10 Stage 2: A Geotechnical Completion Report and statement of professional opinion as set out in Schedule 2A of the NZS4404: 2004 Land Development and Subdivision Engineering shall be provided prior to issue of the 224 Certificate for the earthworks carried out within the subdivision to the satisfaction of Waikato District Council. This report shall include, but not be limited to, the following details:

- a) Specific design requirements for each lot;
- b) Documentation on testing and results;
- c) All fill excavated or placed on the site and cut areas shall be clearly indicated on a site plan to the satisfaction of Waikato District Council. All fill shall be clean fill and certified as being suitable for development by a Chartered Professional Engineer. The site plan shall record the following details:
  - i) Location and extent of fill material in relation to the boundaries of lots;

- ii) The fill material used;
- iii) The depth of the fill and/or cut; and
- iv) Include cross sections of the original slope of the site and slope after fill and/or cut works complete.

EC11 Stage 2: The consent holder shall prepare and submit a Groundwater Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Groundwater Management Plan shall include, but not be limited to, the following:

- a) Include final details of subsoil drainage systems to fill area;
- b) Set out methods of site assessment by suitably qualified personnel to determine the need for the installation of further drainage during the site works;
- c) In respect of subsoil drainage pipes in cut and fill slopes, detail the planned monitoring of the systems and means of access and cleaning of the systems; and
- d) In respect of subsoil drainage pipes in cut and fill slopes, include certified as-built drawings and production of a Drainage System Maintenance Procedure detailing the maintenance activities, timings and actions in the event of any defects being identified.

EC12 Stage 2: No earthworks shall commence until conditions EC8 to EC11 have been met in full.

Advisory Note:

- A. The disposal of surplus earthwork material off site has not been authorised by this consent. Such activities are subject to the provisions of the Waikato District Plan and may require resource consent.

EC13 Stage 2: Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with 'NZS6803:1999 Acoustics – Construction Noise'.

EC14 Stage 2: All areas of earthworks, including cut and batter faces or filled areas are to be revegetated to achieve 80% ground cover within 12 months of the earthworks being completed.

## Legal Conditions

LC4 Stage 2: The current and future owners of Lots 5, 6, 7 and 8 shall be informed of the following conditions:

### *Stormwater management*

- a) That the dual rain tank / stormwater detention system specified in condition UC3 shall be installed on each lot at the time of building consent. The design and sizing of the system shall be in accordance with the Stormwater Disposal Report submitted under condition UC3 to the satisfaction of Waikato District Council;
- b) That the right-of-way swale drains shall be maintained on an ongoing basis in accordance with the recommendations of the Stormwater Disposal Report submitted under condition UC3 to the satisfaction of Waikato District Council;
- c) That stormwater flowpaths are located on the property and that these are not to be filled, blocked or modified to such an extent that drainage of upstream properties is affected;
- d) That ponding of stormwater at the top of any slope shall be prevented;
- e) That there shall be no discharge of concentrated stormwater flows over slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;
- f) That rain tank overflows shall not cause a nuisance on neighbouring properties and be located in accordance with the Final Earthworks Design report submitted under condition EC8 to the satisfaction of Waikato District Council;

### *Slope stability*

- g) That there shall be no over-steepening of existing slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;
- h) That vegetative cover and planting shall be maintained to assist in the control of surface erosion of slopes;

### *Roading*

- i) That the portion of Wilton Collieries Road that services proposed Lots 1-18 is unsealed and Waikato District Council do not propose under its current 15 year forward work programming (at time of granting subdivision consent) to upgrade the road or propose to seal the road at any future date. The owner shall have no recourse with the Waikato District Council for the standard of the road, dust or any nuisances associated with an unsealed road;

### *Building Location and Design*

- j) That the foundation of any building located on each lot shall be located, designed and constructed in accordance with the recommendations of a Chartered Professional Engineer in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition EC8, and further information submitted with the application. The location of any dwelling shall be in accordance with the approved subdivision plan by McCracken Surveys Ltd, reference 05311 (Sheet 0), dated 27 February 2006. If a new location is sought the building consent must be accompanied by a report from a Chartered Professional Engineer to confirm that ground conditions are suitable for building; and
- k) That the minimum setback of any buildings be:
  - 7.5 metres from the legal boundary with the road boundary;
  - 12 metres from the side and rear legal boundaries of the lots.
- l) That should any ancillary unit/dependant persons dwelling be located on the lot it shall be adjoined to the primary dwelling via a solid wall and shall be subject to consent notice items a), j) and m) in respect of stormwater management, building foundation, and effluent disposal.

### *Effluent Disposal*

- m) That the effluent disposal system for each lot shall be located, designed and constructed in accordance with the recommendations of a suitably qualified person in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition EC8, and further information submitted with the application, including the 'Preliminary Wastewater Disposal Field Location Plan' (by Maunsell/Aecom, dated December 2006).

### *Zoning*

- n) That the land is zoned Rural and can be used for any rural activity permitted by the Waikato District Plan.

LC5 Stage 2: Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be prepared by the Waikato District Council's solicitors at the consent holder's expense to ensure compliance on a continuing basis by the subdivision landowner and subsequent owners of:

- a) Lots 5 to 8 (inclusive) with Condition LC4;

- b) Where reference is made to conditions of subdivision consent in Condition LC4, the consent notice shall be read in conjunction with the documents held under subdivision reference SUB0226/06 and/or any subsequent variations to the original consent.

Upon the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 or at such earlier time as may be required, the consent notice pursuant to section 221 of the Resource Management Act 1991, will be issued. The consent notice will specify the listed conditions to be registered on the new Certificates of Title created as a result of the subject subdivision.

## **STAGE 3 (5 additional lots - Lots 9, 10, 11, 12 and 13, & balance lot)**

### **Planning Conditions**

- PC11 Stage 3: The Land Transfer Plan to give effect to this Resource Consent shall be generally consistent with the approved plans prepared by McCracken Surveys Ltd, references 05311(Sheet 0) and 05311(Sheet 3), both dated 27 February 2006, insofar as they relate to Stage 3 (including the balance Lot 20). Copies of the approved plans are attached.
- PC12 Stage 3: The works to give effect to this Resource Consent via conditions of this consent shall be generally consistent with the following documents insofar as they relate to Stage 3:
- a) Subdivision application dated 6 March 2006 (McCracken Surveys Ltd);
  - b) Letter and attachments dated 27 June 2006 (McCracken Surveys Ltd);
  - c) Letter and attachments dated 25 September 2006 (McCracken Surveys Ltd);
  - d) Letter dated 27 September 2006 (Quigley Technical Services Ltd);
  - e) Letter and attachments dated 18 November 2006 (McCracken Surveys Ltd);
  - f) Letter and attachments dated 8 January 2007 (McCracken Surveys Ltd);
  - g) Letter and attachments dated 4 April 2007 (McCracken Surveys Ltd); and
  - h) Letter and attachments dated 15 May 2007 (McCracken Surveys Ltd).
- PC13 Stage 3: Confirmation shall be received from electricity and service providers that reticulations have been placed underground to the boundaries of Lots 9, 10, 11, 12 and 13 to the satisfaction of Waikato District Council.
- PC14 Stage 3: The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of this consent, work in that area will cease immediately. The Police, New Zealand Historic Places trust, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.
- PC15 Stage 3: The consent holder shall notify the Waikato District Council Monitoring Department in writing two weeks prior to the commencement of any works or activities associated with this consent.

## **Financial Contributions**

### **Reserves**

FC5 Stage 3: Pursuant to Section 108(2)(a) of the Resource Management Act 1991, a reserve contribution of \$5,625.00 (Five Thousand Six Hundred and Twenty Five Dollars) GST inclusive, shall be paid to Waikato District Council for the 5 additional lots in Stage 3.

#### Advisory Notes:

- A. A reserve contribution is required for each lot created by subdivision upon which a dwellinghouse or dwellinghouses are authorised by the Waikato District Plan. The subdivision will result in the creation of 5 additional titles in Stage 3. The quantum of financial contribution is based on \$1,125.00 (One Thousand One Hundred Dollars) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$1,125.00) if this stage is completed after all other stages have been issued with section 224 certificates.

### **Roading**

FC6 Stage 3: Pursuant to section 108(2)(a) of the Resource Management Act 1991 a roading fee of \$36,735.40 (Thirty Six Thousand Seven Hundred and Thirty Five Dollars and Forty Cents), GST Inclusive shall be paid to the Waikato District Council for the 5 additional in Stage 3.

#### Advisory Notes:

- A. The quantum of the financial contribution is based on \$7,347.08 (Seven Thousand Three Hundred and Forty-Seven Dollars and Eight Cents) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$7,347.08) if this stage is completed after all other stages have been issued with section 224 certificates.
- C. The quantum of the financial contribution shall be reduced by \$24,900.36 (Twenty Four Thousand Nine Hundred Dollars and Thirty Six Cents) inclusive of GST in return for the upgrade of Wilton Collieries Road by the consent holder during Stage 3 as required under Conditions RC23 to RC30.

RC18 Stage 3: The entrance to Lot 20 shall be upgraded to a standard commercial vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E2 to the satisfaction of Council.



- RC19 Stage 3: Lot 13 shall be provided with a standard residential vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E3 to the satisfaction of Council.
- RC20 Stage 3: The proposed right-of-way 'B' shall be provided with a standard commercial vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E2 to the satisfaction of Council.
- RC21 Stage 3: The proposed right-of-way 'B' shall be designed and constructed in accordance with Section 36.5, Table 5, of the District Plan and the minimum specifications set out in Waikato District Council's Engineering Code of Practice - Part Two - Roading.
- RC22 Stage 3: Two producer statements shall be submitted to Waikato District Council in respect of right-of-way 'B'. The first shall cover the design, including drainage of the right-of-way 'B', and the second shall cover the construction of the right-of-way 'B'. In addition, the Confirmation Form ROW-01 and Confirmation Form ROW-02 shall be completed and submitted to Waikato District Council prior to issuing of the Section 224 certificate.

Advisory Note:

- A. The entrance ways referred to in conditions RC18 – RC22 may be unsealed should Wilton Collieries Road be unsealed at the time of formation.
- RC23 Stage 3: Prior to the completion of Stage 3, the consent holder shall upgrade Wilton Collieries Road from the end of the existing seal to 40 metres south of the entrance to right-of-way 'C' (for Stage 5). The road shall be upgraded in a timely manner, in accordance with standards required by the Waikato District Council Code of Practice, and in accordance with the following:
- a) The road upgrade works shall be designed by a suitably qualified and experienced road design engineer in accordance with the Waikato District Council Code of Practice;
  - b) The road pavement width shall be 6 metres with an alignment and cross section that ensures adequate drainage is achieved and suitable outlets are provided, and with a suitable horizontal and vertical alignment for the speed environment to the satisfaction of Waikato District Council;
  - c) The road pavement structure shall be designed by a suitably qualified engineer to carry the predicted loads generated by both the existing properties on Wilton Collieries Road (south of the subdivision) and combined with the proposed lots, and shall have a minimum life of 25 years;

- d) The road surface may remain unsealed, but if so shall be finished with a suitable running course;
- e) Should the design of the upgraded road alignment involve land associated with the proposed subdivision, allotment boundaries shall be amended where appropriate and indicate areas of road to vest;
- f) A design engineer shall prepare design and engineering drawings for the upgrade of the road. These shall be submitted to Waikato District Council for approval prior to construction; and
- g) The upgrading works shall take place in a timely manner and only within the construction period October to April. A timeframe for such work must be estimated by the consent holder and submitted to Waikato District Council for approval prior to commencement. Once upgrading works have commenced they must be continuous until they are complete.

Advisory Notes:

- A. In respect of clause a), Waikato District Council may accept a narrower road width where the site constraints limit the formation to 5 metres, but this is expected to be in isolated areas only where significant earthworks would be required to achieve 6 metres.
- B. In respect of this condition, Waikato District Council will at the time of reconstruction of Wilton Collieries Road provide free of charge the following materials (only) for the reconstruction of Wilton Collieries Road (by others):
  - a) 30 metres of 300mm diameter pipe culvert (materials only) Class X concrete RCRRJ pipe; and
  - b) 10 truck and trailer loads of base course roading aggregate GAP40.
- C. The timing of these deliveries will be during the construction of the drainage and pavement of the road. The metal and culverts are supplied in recognition of the reduced maintenance to Wilton Collieries Road over the construction period.
- D. Conditions RC23 – RC30 inclusive shall not apply if Waikato District Council confirms in writing that such works have been fully complied with via conditions relating to other Stages of the subdivision.

RC24 Stage 3: The consent holder shall carry out sight line improvement works (sight benching, removal of trees and vegetation) on Wilton Collieries Road in accordance with the approved plan prepared by McCracken Surveys Ltd (reference 05311 (Sheet 0), dated 27 February 2006) and the letter dated 18 November 2006 (ref 05311, item 1.5, "ROW B"). The sight line improvement works shall be constructed to the satisfaction of the Roding Group Manager.

**Advisory Note:**

- A. Minimum sight distances are measured from a point 5 metres from the centre line of the closest lane, at a height of 1.15m above the midpoint of the entrance.
- RC25 Stage 3:** The road upgrading works required by Conditions RC23 and RC24 shall be constructed by a Waikato District Council approved roading contractor in accordance with the quality standards of the Waikato District Council Code of Practice and to the satisfaction of the Roding Group Manager. The roading contractor shall ensure that the works are insured, all plant used on road reserve is insured and shall carry public liability insurance in accordance with Waikato District Council standard roading contracts.
- RC26 Stage 3:** The works required by Conditions RC23 and RC24 shall not commence until a Traffic Management Plan (prepared by the consent holder or representative) has been approved by Waikato District Council. The Traffic Management Plan shall include, but not be limited to, the following matters:
- a) Notification to WDC Roding Staff of the commencement and completion dates of construction works; and
  - b) The traffic safety measures to be put in place along the road to minimise the traffic safety risks and time delays for other motorists.
- RC27 Stage 3:** Two producer statements (PS1 and PS2) shall be submitted to Waikato District Council in respect of Wilton Collieries Road. The first shall cover the design, including drainage of the road, and the second shall cover the construction of the road. Both shall be completed and submitted to Waikato District Council prior to issuing of the Section 224 certificate.
- RC28 Stage 3:** After the road upgrade design is approved as required by condition RC23, the consent holder shall confirm that the new road alignment is wholly comprised in legal road reserve such that this may require the alteration of proposed lot boundaries and areas of land shall be indicated on the section 223 plan as road to vest in Waikato District Council. Should any further areas of land not involved in the proposed subdivision require legalisation as road, due to the upgrade works, then the costs for legalisation of any new areas of road reserve shall be at the expense of the consent holder.
- RC29 Stage 3:** Prior to any work commencing on Wilton Collieries Road in accordance with Conditions RC23 and RC24, the consent holder shall lodge a bank guaranteed bond of \$100,000.00 (One Hundred Thousand Dollars) with the Waikato District Council. The works covered by the bond shall be carried out within a period of twelve months from the date of the bond issued. The preparation of the cash bond shall be undertaken by Waikato District Council's solicitors at the consent holders' expense.

RC30 Stage 3: The consent holder shall make suitable alterations to the pavement markings and signage of Wilton Collieries Road / Kereru Road intersection to reflect the increase flows and need to change priority. Prior to undertaking the works, the consent holder shall submit a design drawing showing the proposed alterations for approval of the Roading Group Manager.

## **Utilities Conditions**

### **Stormwater**

UC5 Stage 3: The consent holder shall engage a suitably qualified person to prepare and submit to Waikato District Council, a Stormwater Disposal Report that details the management of stormwater run-off from all building roofs and hard standing areas (including driveways), and right-of-ways, to attenuate a 10% Annual Exceedance Probability storm to peak greenfields flows. The report shall not be inconsistent with the information provided in the subdivision consent application and subsequent further information provided, unless approved by Waikato District Council and shall provide recommendations on the following matters:

- a) Specifications for the construction of a dual rain tank/stormwater retention system for dwellings, including required tank volume per 100m<sup>2</sup> of roof area, and orifice diameter;
- b) Sizing and location of tank overflows to avoid or mitigate erosion, instability and nuisance on neighbouring properties;
- c) Ongoing management and maintenance of right-of-ways swales, including erosion protection; and
- d) Management of stormwater runoff from driveways to avoid erosion and instability.

UC6 Stage 3: The consent holder shall submit as-built plans at a scale acceptable to Waikato District Council showing:

- a) Final site contours;
- b) Any stormwater infrastructure to be vested with Waikato District Council; and
- c) Right-of-ways and their associated swale drains.

## **Engineering and Earthworks Conditions**

EC15 Stage 3: The consent holder shall prepare and submit a Final Earthworks Design for the proposed fills and associated cuts, access roads and ancillary earthworks to Waikato District Council for review and approval two months prior to earthworks commencing. The earthworks design shall include, but not be limited to, the following:

- a) Be based upon site specific design parameters and shall consider static and seismic conditions;
- b) Include stability analyses for the following case loads:
  - i) static loads, winter ground water conditions;
  - ii) seismic loads, winter ground water conditions.
- c) Detail measures for dealing with situations that do not conform at the time of construction with the design assumptions;
- d) Provide building setback zones (based on stability analyses) that allow for natural slope instability at slope edges and for debris run-out at the base of slopes; and
- e) Provide recommendations for the location of rainwater/stormwater detention tank overflow discharge zones and effluent disposal fields.

EC16 Stage 3: At the time that the Final Earthworks Design is submitted in accordance with Condition EC15, the design of Lot 13 shall take into account the design of Lots 14 and 16 (Stage 4) and Lot 17 (Stage 5) in terms of slope stability.

EC17 Stage 3: The consent holder shall prepare and submit an Earthworks Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Earthworks Management Plan shall relate to earthworks on site, earthworks off-site for road upgrade and sight line improvement works as required by Conditions RC23 to RC30, and transport of any earthworks for disposal off-site. The Earthworks Management Plan shall detail, but not be limited to, the following:

- a) An outline of the proposed earthworks methodology, including testing and revegetation of exposed areas. The stripping of vegetation, overburden and subsoil shall be kept to a minimum and cleared area shall be limited to those areas where works are about to commence;
- b) Detail the material (any imported material shall be clean fill only), volume, sources, use, disposal and treatment;
- c) Proposed depth of cut/fill, volumes, cross-sections and final contours;
- d) Detail silt control and stormwater management proposed during construction;
- e) Detail of dust and noise control methodologies; and
- f) Methods to prevent tracking of earth material onto the road.

EC18 Stage 3: A Geotechnical Completion Report and statement of professional opinion as set out in Schedule 2A of the NZS4404: 2004 Land Development and Subdivision Engineering shall be provided prior to issue of the 224 Certificate for the earthworks carried out within the subdivision to the satisfaction of Waikato District Council. This report shall include, but not be limited to, the following details:

- a) Specific design requirements for each lot;
- b) Documentation on testing and results;
- c) All fill excavated or placed on the site and cut areas shall be clearly indicated on a site plan to the satisfaction of Waikato District Council. All fill shall be clean fill and certified as being suitable for development by a Chartered Professional Engineer. The site plan shall record the following details:
  - i) Location and extent of fill material in relation to the boundaries of lots;
  - ii) The fill material used;
  - iii) The depth of the fill and/or cut; and
  - iv) Include cross sections of the original slope of the site and slope after fill and/or cut works complete.

EC19 Stage 3: The consent holder shall prepare and submit a Groundwater Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Groundwater Management Plan shall include, but not be limited to, the following:

- a) Include final details of subsoil drainage systems to fill area;
- b) Set out methods of site assessment by suitably qualified personnel to determine the need for the installation of further drainage during the site works;
- c) In respect of subsoil drainage pipes in cut and fill slopes, detail the planned monitoring of the systems and means of access and cleaning of the systems; and
- d) In respect of subsoil drainage pipes in cut and fill slopes, include certified as-built drawings and production of a Drainage System Maintenance Procedure detailing the maintenance activities, timings and actions in the event of any defects being identified.

EC20 Stage 3: No earthworks shall commence until conditions EC15 to EC19 have been met in full.

Advisory Note:

- A. The disposal of surplus earthwork material off site has not been authorised by this consent. Such activities are subject to the provisions of the Waikato District Plan and may require resource consent.

- EC21 Stage 3: Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with 'NZS6803:1999 Acoustics – Construction Noise'.
- EC22 Stage 3: All areas of earthworks, including cut and batter faces or filled areas are to be revegetated to achieve 80% ground cover within 12 months of the earthworks being completed.

### **Legal Conditions**

- LC6 Stage 3: The easement document shall make provision for the ongoing maintenance of right-of-way 'B' to the satisfaction of Waikato District Council.
- LC7 Stage 3: The current and future owners of Lots 9, 10, 11 12 and 13 shall be informed of the following conditions:

#### *Stormwater management*

- a) That the dual rain tank / stormwater detention system specified in condition UC5 shall be installed on each lot at the time of building consent. The design and sizing of the system shall be in accordance with the Stormwater Disposal Report submitted under condition UC5 to the satisfaction of Waikato District Council;
- b) That the right-of-way swale drains shall be maintained on an ongoing basis in accordance with the recommendations of the Stormwater Disposal Report submitted under condition UC5 to the satisfaction of Waikato District Council;
- c) That stormwater flowpaths are located on the property and that these are not to be filled, blocked or modified to such an extent that drainage of upstream properties is affected;
- d) That ponding of stormwater at the top of any slope shall be prevented;
- e) That there shall be no discharge of concentrated stormwater flows over slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;
- f) That rain tank overflows shall not cause a nuisance on neighbouring properties and be located in accordance with the Final Earthworks Design report submitted under condition EC15 to the satisfaction of Waikato District Council;

#### *Slope stability*

- g) That there shall be no over-steepening of existing slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;

- h) That vegetative cover and planting shall be maintained to assist in the control of surface erosion of slopes;

*Roading*

- i) That the portion of Wilton Collieries Road that services proposed Lots 1-18 is unsealed and Waikato District Council do not propose under its current 15 year forward work programming (at time of granting subdivision consent) to upgrade the road or propose to seal the road at any future date. The owner shall have no recourse with the Waikato District Council for the standard of the road, dust or any nuisances associated with an unsealed road;

*Building Location and Design*

- j) That the foundation of any building located on each lot shall be located, designed and constructed in accordance with the recommendations of a Chartered Professional Engineer in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition EC15, and further information submitted with the application. The location of any dwelling shall be in accordance with the approved subdivision plan by McCracken Surveys Ltd, reference 05311 (Sheet 0), dated 27 February 2006. If a new location is sought the building consent must be accompanied by a report from a Chartered Professional Engineer to confirm that ground conditions are suitable for building; and
- k) That the minimum setback of any buildings be:
- 7.5 metres from the legal boundary with the road boundary;
  - 12 metres from the side and rear legal boundaries of the lots.
- l) That should any ancillary unit/dependant persons dwelling be located on the lot it shall be adjoined to the primary dwelling via a solid wall and shall be subject to consent notice items a), j) and m) in respect of stormwater management, building foundation, and effluent disposal.

*Effluent Disposal*

- m) That the effluent disposal system for each lot shall be located, designed and constructed in accordance with the recommendations of a suitably qualified person in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition EC15, and further information submitted with the application, including the 'Preliminary Wastewater Disposal Field Location Plan' (by Maunsell/Aecom, dated December 2006).

*Zoning*

- n) That the land is zoned Rural and can be used for any rural activity permitted by the Waikato District Plan.



LC8 Stage 3: Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be prepared by the Waikato District Council's solicitors at the consent holder's expense to ensure compliance on a continuing basis by the subdivision landowner and subsequent owners of:

- a) Lots 9 to 13 (inclusive) with Condition LC7;
- b) Where reference is made to conditions of subdivision consent in Condition LC7, the consent notice shall be read in conjunction with the documents held under subdivision reference SUB0226/06 and/or any subsequent variations to the original consent.

Upon the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 or at such earlier time as may be required, the consent notice pursuant to section 221 of the Resource Management Act 1991, will be issued. The consent notice will specify the listed conditions to be registered on the new Certificates of Title created as a result of the subject subdivision.

## **STAGE 4 (3 additional lots - Lots 14, 15 and 16, and balance lot)**

### **Planning Conditions**

- PC16 Stage 4: The Land Transfer Plan to give effect to this Resource Consent shall be generally consistent with the approved plans prepared by McCracken Surveys Ltd, references 05311 (Sheet 0) and 05311 (Sheet 4), both dated 27 February 2006, insofar as they relate to Stage 4 (including the balance Lot 20). Copies of the approved plans are attached.
- PC17 Stage 4: The works to give effect to this Resource Consent via conditions of this consent shall be generally consistent with the following documents insofar as they relate to Stage 4:
- a) Subdivision application dated 6 March 2006 (McCracken Surveys Ltd);
  - b) Letter and attachments dated 27 June 2006 (McCracken Surveys Ltd);
  - c) Letter and attachments dated 25 September 2006 (McCracken Surveys Ltd);
  - d) Letter dated 27 September 2006 (Quigley Technical Services Ltd);
  - e) Letter and attachments dated 18 November 2006 (McCracken Surveys Ltd);
  - f) Letter and attachments dated 8 January 2007 (McCracken Surveys Ltd);
  - g) Letter and attachments dated 4 April 2007 (McCracken Surveys Ltd); and
  - h) Letter and attachments dated 15 May 2007 (McCracken Surveys Ltd).
- PC18 Stage 4: Confirmation shall be received from electricity and service providers that reticulations have been placed underground to the boundaries of Lots 14, 15 and 16 to the satisfaction of Waikato District Council.
- PC19 Stage 4: The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of this consent, work in that area will cease immediately. The Police, New Zealand Historic Places trust, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.
- PC20 Stage 4: The consent holder shall notify the Waikato District Council Monitoring Department in writing two weeks prior to the commencement of any works or activities associated with this consent.

## **Financial Contributions**

### **Reserves**

FC7 Stage 4: Pursuant to Section 108(2)(a) of the Resource Management Act 1991, a reserve contribution of \$3,375.00 (Three Thousand Three Hundred and Seventy Five Dollars) GST inclusive, shall be paid to Waikato District Council for the 3 additional lots in Stage 4.

#### **Advisory Notes:**

- A. A reserve contribution is required for each lot created by subdivision upon which a dwellinghouse or dwellinghouses are authorised by the Waikato District Plan. The subdivision will result in the creation of 3 additional titles in Stage 4. The quantum of financial contribution is based on \$1,125.00 (One Thousand One Hundred Dollars) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$1,125.00) if this stage is completed after all other stages have been issued with section 224 certificates

### **Roading**

FC8 Stage 4: Pursuant to section 108(2)(a) of the Resource Management Act 1991 a roading fee of \$22,041.24 (Twenty Two Thousand and Forty-One Dollars and Twenty Four Cents), GST Inclusive shall be paid to the Waikato District Council for the 3 additional lots in Stage 4.

#### **Advisory Notes:**

- A. The quantum of the financial contribution is based on \$7,347.08 (Seven Thousand Three Hundred and Forty-Seven Dollars and Eight Cents) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$7,347.08) if this stage is completed after all other stages have been issued with section 224 certificates.
- C. The quantum of the financial contribution shall be reduced by \$24,900.36 (Twenty Four Thousand Nine Hundred Dollars and Thirty Six Cents) inclusive of GST in return for the upgrade of Wilton Collieries Road by the consent holder during Stage 4 as required under Conditions RC34 to RC41.

### **Roading Conditions**

RC31 Stage 4: The entrance to Lot 20 shall be upgraded to a standard commercial vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E2 to the satisfaction of Council.

RC32 Stage 4: The existing entrance to Lot 16 shall be upgraded to a standard residential vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E3 to the satisfaction of Council.

RC33 Stage 4: Lots 14, and 15 shall each be provided with a standard residential vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E3 to the satisfaction of Council.

Advisory Note:

A. The entrance ways referred to in conditions RC31 – RC33 may be unsealed should Wilton Collieries Road be unsealed at the time of formation.

RC34 Stage 4: Prior to the completion of Stage 4, the consent holder shall upgrade Wilton Collieries Road from the end of the existing seal to 40 metres south of the entrance to right-of-way 'C' (for Stage 5). The road shall be upgraded in a timely manner, in accordance with standards required by the Waikato District Council Code of Practice, and in accordance with the following:

- a) The road upgrade works shall be designed by a suitably qualified and experienced road design engineer in accordance with the Waikato District Council Code of Practice;
- b) The road pavement width shall be 6 metres with an alignment and cross section that ensures adequate drainage is achieved and suitable outlets are provided, and with a suitable horizontal and vertical alignment for the speed environment to the satisfaction of Waikato District Council;
- c) The road pavement structure shall be designed by a suitably qualified engineer to carry the predicted loads generated by both the existing properties on Wilton Collieries Road (south of the subdivision) and combined with the proposed lots, and shall have a minimum life of 25 years;
- d) The road surface may remain unsealed, but if so shall be finished with a suitable running course;
- e) Should the design of the upgraded road alignment involve land associated with the proposed subdivision, allotment boundaries shall be amended where appropriate and indicate areas of road to vest;
- f) A design engineer shall prepare design and engineering drawings for the upgrade of the road. These shall be submitted to Waikato District Council for approval prior to construction; and

- g) The upgrading works shall take place in a timely manner and only within the construction period October to April. A timeframe for such work must be estimated by the consent holder and submitted to Waikato District Council for approval prior to commencement. Once upgrading works have commenced they must be continuous until they are complete.

Advisory Notes:

- A. In respect of clause a), Waikato District Council may accept a narrower road width where the site constraints limit the formation to 5 metres, but this is expected to be in isolated areas only where significant earthworks would be required to achieve 6 metres.
- B. In respect of this condition, Waikato District Council will at the time of reconstruction of Wilton Collieries Road provide free of charge the following materials (only) for the reconstruction of Wilton Collieries Road (by others):
- a) 30 metres of 300mm diameter pipe culvert (materials only) Class X concrete RCRRJ pipe; and
  - b) 10 truck and trailer loads of base course roading aggregate GAP40.
- C. The timing of these deliveries will be during the construction of the drainage and pavement of the road. The metal and culverts are supplied in recognition of the reduced maintenance to Wilton Collieries Road over the construction period.
- D. Conditions RC34 – RC41 inclusive shall not apply if Waikato District Council confirms in writing that such works have been fully complied with via conditions relating to other Stages of the subdivision.
- RC35 Stage 4: The consent holder shall carry out sight line improvement works (sight benching, removal of trees and vegetation) on Wilton Collieries Road in accordance with the approved plan prepared by McCracken Surveys Ltd (reference 05311 (Sheet 0) dated 27 February 2006) and the letter dated 18 November 2006 (ref 05311, item 1.5, "ROW B"). The sight line improvement works shall be constructed to the satisfaction of the Roding Group Manager.

Advisory Note:

- A. Minimum sight distances are measured from a point 5 metres from the centre line of the closest lane, at a height of 1.15m above the midpoint of the entrance.

- RC36 Stage 4: The road upgrading works required by Conditions RC34 and RC35 shall be constructed by a Waikato District Council approved roading contractor in accordance with the quality standards of the Waikato District Council Code of Practice and to the satisfaction of the Roding Group Manager. The roading contractor shall ensure that the works are insured, all plant used on road reserve is insured and shall carry public liability insurance in accordance with Waikato District Council standard roading contracts.
- RC37 Stage 4: The works required by Conditions RC34 and RC35 shall not commence until a Traffic Management Plan (prepared by the consent holder or representative) has been approved by Waikato District Council. The Traffic Management Plan shall include, but not be limited to, the following matters:
- a) Notification to WDC Roding Staff of the commencement and completion dates of construction works; and
  - b) The traffic safety measures to be put in place along the road to minimise the traffic safety risks and time delays for other motorists.
- RC38 Stage 4: Two producer statements (PS1 and PS2) shall be submitted to Waikato District Council in respect of Wilton Collieries Road. The first shall cover the design, including drainage of the road, and the second shall cover the construction of the road. Both shall be completed and submitted to Waikato District Council prior to issuing of the Section 224 certificate.
- RC39 Stage 4: After the road upgrade design is approved as required by condition RC34, the consent holder shall confirm that the new road alignment is wholly comprised in legal road reserve such that this may require the alteration of proposed lot boundaries and areas of land shall be indicated on the section 223 plan as road to vest in Waikato District Council. Should any further areas of land not involved in the proposed subdivision require legalisation as road, due to the upgrade works, then the costs for legalisation of any new areas of road reserve shall be at the expense of the consent holder.
- RC40 Stage 4: Prior to any work commencing on Wilton Collieries Road in accordance with Conditions RC34 and RC35, the consent holder shall lodge a bank guaranteed bond of \$100,000.00 (One Hundred Thousand Dollars) with the Waikato District Council. The works covered by the bond shall be carried out within a period of twelve months from the date of the bond issued. The preparation of the cash bond shall be undertaken by Waikato District Council's solicitors at the consent holders's expense.

RC41 Stage 4: The consent holder shall make suitable alterations to the pavement markings and signage of Wilton Collieries Road / Kereru Road intersection to reflect the increase flows and need to change priority. Prior to undertaking the works, the consent holder shall submit a design drawing showing the proposed alterations for approval of the Roading Group Manager.

## **Utilities Conditions**

### **Stormwater**

UC7 Stage 4: The consent holder shall engage a suitably qualified person to prepare and submit to Waikato District Council, a Stormwater Disposal Report that details the management of stormwater run-off from all building roofs and hard standing areas (including driveways), and right-of-ways, to attenuate a 10% Annual Exceedance Probability storm to peak greenfields flows. The report shall not be inconsistent with the information provided in the subdivision consent application and subsequent further information provided, unless approved by Waikato District Council and shall provide recommendations on the following matters:

- a) Specifications for the construction of a dual rain tank/stormwater retention system for dwellings, including required tank volume per 100m<sup>2</sup> of roof area, and orifice diameter;
- b) Sizing and location of tank overflows to avoid or mitigate erosion, instability and nuisance on neighbouring properties;
- c) Ongoing management and maintenance of right-of-ways swales, including erosion protection; and
- d) Management of stormwater runoff from driveways to avoid erosion and instability.

UC8 Stage 4: The consent holder shall submit as-built plans at a scale acceptable to Waikato District Council showing:

- a) Final site contours;
- b) Any stormwater infrastructure to be vested with Waikato District Council; and
- c) Right-of-ways and their associated swale drains.

## **Engineering and Earthworks Conditions**

EC23 Stage 4: The consent holder shall prepare and submit a Final Earthworks Design for the proposed fills and associated cuts, access roads and ancillary earthworks to Waikato District Council for review and approval two months prior to earthworks commencing. The earthworks design shall include, but not be limited to, the following:

- a) Be based upon site specific design parameters and shall consider static and seismic conditions;
- b) Include stability analyses for the following case loads:
  - i) static loads, winter ground water conditions;
  - ii) seismic loads, winter ground water conditions.
- c) Detail measures for dealing with situations that do not conform at the time of construction with the design assumptions;
- d) Provide building setback zones (based on stability analyses) that allow for natural slope instability at slope edges and for debris run-out at the base of slopes; and
- e) Provide recommendations for the location of rainwater/stormwater detention tank overflow discharge zones and effluent disposal fields.

EC 24 Stage 4: The consent holder shall prepare and submit an Earthworks Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Earthworks Management Plan shall relate to earthworks on site, earthworks off-site for road upgrade and sight line improvement works as required by Conditions RC34 to RC41, and transport of any earthworks for disposal off-site. The Earthworks Management Plan shall detail, but not be limited to, the following:

- a) An outline of the proposed earthworks methodology, including testing and revegetation of exposed areas. The stripping of vegetation, overburden and subsoil shall be kept to a minimum and cleared area shall be limited to those areas where works are about to commence;
- b) Detail the material (any imported material shall be clean fill only), volume, sources, use, disposal and treatment;
- c) Proposed depth of cut/fill, volumes, cross-sections and final contours;
- d) Detail silt control and stormwater management proposed during construction;
- e) Detail of dust and noise control methodologies; and
- f) Methods to prevent tracking of earth material onto the road.

EC25 Stage 4: A Geotechnical Completion Report and statement of professional opinion as set out in Schedule 2A of the NZS4404: 2004 Land Development and Subdivision Engineering shall be provided prior to issue of the 224 Certificate for the earthworks carried out within the subdivision to the satisfaction of Waikato District Council. This report shall include, but not be limited to, the following details:

- a) Specific design requirements for each lot;
- b) Documentation on testing and results;



- c) All fill excavated or placed on the site and cut areas shall be clearly indicated on a site plan to the satisfaction of Waikato District Council. All fill shall be clean fill and certified as being suitable for development by a Chartered Professional Engineer. The site plan shall record the following details:
  - i) Location and extent of fill material in relation to the boundaries of lots;
  - ii) The fill material used;
  - iii) The depth of the fill and/or cut; and
  - iv) Include cross sections of the original slope of the site and slope after fill and/or cut works complete.

EC26 Stage 4: The consent holder shall prepare and submit a Groundwater Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Groundwater Management Plan shall include, but not be limited to, the following:

- a) Include final details of subsoil drainage systems to fill area;
- b) Set out methods of site assessment by suitably qualified personnel to determine the need for the installation of further drainage during the site works;
- c) In respect of subsoil drainage pipes in cut and fill slopes, detail the planned monitoring of the systems and means of access and cleaning of the systems; and
- d) In respect of subsoil drainage pipes in cut and fill slopes, include certified as-built drawings and production of a Drainage System Maintenance Procedure detailing the maintenance activities, timings and actions in the event of any defects being identified.

EC27 Stage 4: No earthworks shall commence until conditions EC23 to EC26 have been met in full.

Advisory Note:

- A. The disposal of surplus earthwork material off site has not been authorised by this consent. Such activities are subject to the provisions of the Waikato District Plan and may require resource consent.

EC28 Stage 4: Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with 'NZS6803:1999 Acoustics – Construction Noise'.

EC29 Stage 4: All areas of earthworks, including cut and batter faces or filled areas are to be revegetated to achieve 80% ground cover within 12 months of the earthworks being completed.

## Legal Conditions

LC9 Stage 4: The current and future owners of Lots 14, 15 and 16 shall be informed of the following conditions:

### *Stormwater management*

- a) That the dual rain tank / stormwater detention system specified in condition UC7 shall be installed on each lot at the time of building consent. The design and sizing of the system shall be in accordance with the Stormwater Disposal Report submitted under condition UC7 to the satisfaction of Waikato District Council;
- b) That the right-of-way swale drains shall be maintained on an ongoing basis in accordance with the recommendations of the Stormwater Disposal Report submitted under condition UC7 to the satisfaction of Waikato District Council;
- c) That stormwater flowpaths are located on the property and that these are not to be filled, blocked or modified to such an extent that drainage of upstream properties is affected;
- d) That ponding of stormwater at the top of any slope shall be prevented;
- e) That there shall be no discharge of concentrated stormwater flows over slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;
- f) That rain tank overflows shall not cause a nuisance on neighbouring properties and be located in accordance with the Final Earthworks Design report submitted under condition EC23 to the satisfaction of Waikato District Council;

### *Slope stability*

- g) That there shall be no over-steepening of existing slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;
- h) That vegetative cover and planting shall be maintained to assist in the control of surface erosion of slopes;

### *Roading*

- i) That the portion of Wilton Collieries Road that services proposed Lots 1-18 is unsealed and Waikato District Council do not propose under its current 15 year forward work programming (at time of granting subdivision consent) to upgrade the road or propose to seal the road at any future date. The owner shall have no recourse with the Waikato District Council for the standard of the road, dust or any nuisances associated with an unsealed road;

### *Building Location and Design*

- j) That the foundation of any building located on each lot shall be located, designed and constructed in accordance with the recommendations of a Chartered Professional Engineer in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition EC23, and further information submitted with the application. The location of any dwelling shall be in accordance with the approved subdivision plan by McCracken Surveys Ltd, reference 05311 (Sheet 0), dated 27 February 2006. If a new location is sought the building consent must be accompanied by a report from a Chartered Professional Engineer to confirm that ground conditions are suitable for building; and
- k) That the minimum setback of any buildings be:
  - 7.5 metres from the legal boundary with the road boundary;
  - 12 metres from the side and rear legal boundaries of the lots.
- l) That should any ancillary unit/dependant persons dwelling be located on the lot it shall be adjoined to the primary dwelling via a solid wall and shall be subject to consent notice items a), j) and m) in respect of stormwater management, building foundation, and effluent disposal.

### *Effluent Disposal*

- m) That the effluent disposal system for each lot shall be located, designed and constructed in accordance with the recommendations of a suitably qualified person in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition EC23, and further information submitted with the application, including the 'Preliminary Wastewater Disposal Field Location Plan' (by Maunsell/Aecom, dated December 2006).

### *Zoning*

- n) That the land is zoned Rural and can be used for any rural activity permitted by the Waikato District Plan.

LC10 Stage 4: Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be prepared by the Waikato District Council's solicitors at the consent holder's expense to ensure compliance on a continuing basis by the subdivision landowner and subsequent owners of:

- a) Lots 14 to 16 (inclusive) with Condition LC9;

- b) Where reference is made to conditions of subdivision consent in Condition LC9, the consent notice shall be read in conjunction with the documents held under subdivision reference SUB0226/06 and/or any subsequent variations to the original consent.

Upon the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 or at such earlier time as may be required, the consent notice pursuant to section 221 of the Resource Management Act 1991, will be issued. The consent notice will specify the listed conditions to be registered on the new Certificates of Title created as a result of the subject subdivision.

## **STAGE 5 (2 additional lots - Lots 17 and 18)**

### **Planning Conditions**

- PC21 Stage 5: The Land Transfer Plan to give effect to this Resource Consent shall be generally consistent with the approved plans prepared by McCracken Surveys Ltd, references 05311(Sheet 0) and 05311(Sheet 5), both dated 27 February 2006, insofar as they relate to Stage 5. Copies of the approved plans are attached.
- PC22 Stage 5: The works to give effect to this Resource Consent via conditions of this consent shall be generally consistent with the following documents insofar as they relate to Stage 5:
- a) Subdivision application dated 6 March 2006 (McCracken Surveys Ltd);
  - b) Letter and attachments dated 27 June 2006 (McCracken Surveys Ltd);
  - c) Letter and attachments dated 25 September 2006 (McCracken Surveys Ltd);
  - d) Letter dated 27 September 2006 (Quigley Technical Services Ltd);
  - e) Letter and attachments dated 18 November 2006 (McCracken Surveys Ltd);
  - f) Letter and attachments dated 8 January 2007 (McCracken Surveys Ltd);
  - g) Letter and attachments dated 4 April 2007 (McCracken Surveys Ltd); and
  - h) Letter and attachments dated 15 May 2007 (McCracken Surveys Ltd).
- PC23 Stage 5: Confirmation shall be received from electricity and service providers that reticulations have been placed underground to the boundaries of Lots 17 and 18 to the satisfaction of Waikato District Council.
- PC24 Stage 5: The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of this consent, work in that area will cease immediately. The Police, New Zealand Historic Places trust, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.
- PC25 Stage 5: The consent holder shall notify the Waikato District Council Monitoring Department in writing two weeks prior to the commencement of any works or activities associated with this consent.

## **Financial Contributions**

### **Reserves**

FC9 Stage 5: Pursuant to Section 108(2)(a) of the Resource Management Act 1991, a reserve contribution of \$2,250.00 (Two Thousand Two Hundred and Fifty Dollars) GST inclusive, shall be paid to Waikato District Council for the 2 additional lots in Stage 5.

#### **Advisory Notes:**

- A. A reserve contribution is required for each lot created by subdivision upon which a dwellinghouse or dwellinghouses are authorised by the Waikato District Plan. The subdivision will result in the creation of 2 additional titles in Stage 5. The quantum of financial contribution is based on \$1,125.00 (One Thousand One Hundred Dollars) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$1,125.00) if this stage is completed after all other stages have been issued with section 224 certificates.

### **Roading**

FC10 Stage 5: Pursuant to section 108(2)(a) of the Resource Management Act 1991 a roading fee of \$14,694.16 (Fourteen Thousand Six Hundred and Ninety Four Dollars and Sixteen Cents), GST Inclusive shall be paid to the Waikato District Council for the 2 additional lots in Stage 5.

#### **Advisory Notes:**

- A. The quantum of the financial contribution is based on \$7,347.08 (Seven Thousand Three Hundred and Forty-Seven Dollars and Eight Cents) for each lot.
- B. The quantum of the financial contribution shall be reduced by one lot (\$7,347.08) if this stage is completed after all other stages have been issued with section 224 certificates.

### **Roading Conditions**

RC42 Stage 5: The proposed right-of-way 'C' shall be upgraded to standard commercial vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E2 to the satisfaction of Council.

RC43 Stage 5: The proposed right-of-way 'C' shall be designed and constructed in accordance with Section 36.5, Table 5, of the District Plan and the minimum specifications set out in Waikato District Council's Engineering Code of Practice - Part Two - Roding.

RC44 Stage 5: Two producer statements shall be submitted to Waikato District Council in respect of right-of-way 'C'. The first shall cover the design, including drainage of the right-of-way 'C', and the second shall cover the construction of the right-of-way 'C'. In addition, the Confirmation Form ROW-01 and Confirmation Form ROW-02 shall be completed and submitted to Waikato District Council prior to issuing of the Section 224 certificate.

Advisory Note:

A. The entrance ways referred to in Conditions RC42 – RC44 may be unsealed should Wilton Collieries Road be unsealed at the time of formation.

RC45 Stage 5: The consent holder shall carry out sight line improvement works (sight benching, removal of trees and vegetation) on Wilton Collieries Road in accordance with the approved plan prepared by McCracken Surveys Ltd (reference 05311 (Sheet 0) dated 27 February 2006) and the letter dated 18 November 2006 (ref 05311, item 1.5, "ROW B"). The sight line improvement works shall be constructed to the satisfaction of the Roding Group Manager.

Advisory Note:

A. Minimum sight distances are measured from a point 5 metres from the centre line of the closest lane, at a height of 1.15m above the midpoint of the entrance.

RC46 Stage 5: The sight line improvement works required by Condition RC45 shall be constructed by a Waikato District Council approved roding contractor in accordance with the quality standards of the Waikato District Council Code of Practice and to the satisfaction of the Roding Group Manager. The roding contractor shall ensure that the works are insured, all plant used on road reserve is insured and shall carry public liability insurance in accordance with Waikato District Council standard roding contracts.

RC47 Stage 5: The works required by Condition RC45 shall not commence until a Traffic Management Plan (prepared by the consent holder or representative) has been approved by Waikato District Council. The Traffic Management Plan shall include, but not be limited to, the following matters:

a) Notification to WDC Roding Staff of the commencement and completion dates of construction works; and

- b) The traffic safety measures to be put in place along the road to minimise the traffic safety risks and time delays for other motorists.

## **Utilities Conditions**

### **Stormwater**

UC9 Stage 5: The consent holder shall engage a suitably qualified person to prepare and submit to Waikato District Council, a Stormwater Disposal Report that details the management of stormwater run-off from all building roofs and hard standing areas (including driveways), and right-of-ways, to attenuate a 10% Annual Exceedance Probability storm to peak greenfields flows. The report shall not be inconsistent with the information provided in the subdivision consent application and subsequent further information provided, unless approved by Waikato District Council and shall provide recommendations on the following matters:

- a) Specifications for the construction of a dual rain tank/stormwater retention system for dwellings, including required tank volume per 100m<sup>2</sup> of roof area, and orifice diameter;
- b) Sizing and location of tank overflows to avoid or mitigate erosion, instability and nuisance on neighbouring properties;
- c) Ongoing management and maintenance of right-of-ways swales, including erosion protection; and
- d) Management of stormwater runoff from driveways to avoid erosion and instability.

UC10 Stage 5: The consent holder shall submit as-built plans at a scale acceptable to Waikato District Council showing:

- a) Final site contours;
- b) Any stormwater infrastructure to be vested with Waikato District Council; and
- c) Right-of-ways and their associated swale drains.

## **Engineering and Earthworks Conditions**

EC30 Stage 5: The consent holder shall prepare and submit a Final Earthworks Design for the proposed fills and associated cuts, access roads and ancillary earthworks to Waikato District Council for review and approval two months prior to earthworks commencing. The earthworks design shall include, but not be limited to, the following:

- a) Be based upon site specific design parameters and shall consider static and seismic conditions;



- b) Include stability analyses for the following case loads:
  - i) static loads, winter ground water conditions;
  - ii) seismic loads, winter ground water conditions.
- c) Detail measures for dealing with situations that do not conform at the time of construction with the design assumptions;
- d) Provide building setback zones (based on stability analyses) that allow for natural slope instability at slope edges and for debris run-out at the base of slopes; and
- e) Provide recommendations for the location of rainwater/stormwater detention tank overflow discharge zones and effluent disposal fields.

EC31 Stage 5: The consent holder shall prepare and submit an Earthworks Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Earthworks Management Plan shall relate to earthworks on site, earthworks off-site for sight line improvement works as required by Condition RC45, and transport of any earthworks for disposal off-site. The Earthworks Management Plan shall detail, but not be limited to, the following:

- a) An outline of the proposed earthworks methodology, including testing and revegetation of exposed areas. The stripping of vegetation, overburden and subsoil shall be kept to a minimum and cleared area shall be limited to those areas where works are about to commence;
- b) Detail the material (any imported material shall be clean fill only), volume, sources, use, disposal and treatment;
- c) Proposed depth of cut/fill, volumes, cross-sections and final contours;
- d) Detail silt control and stormwater management proposed during construction;
- e) Detail of dust and noise control methodologies; and
- f) Methods to prevent tracking of earth material onto the road.

EC32 Stage 5: A Geotechnical Completion Report and statement of professional opinion as set out in Schedule 2A of the NZS4404: 2004 Land Development and Subdivision Engineering shall be provided prior to issue of the 224 Certificate for the earthworks carried out within the subdivision to the satisfaction of Waikato District Council. This report shall include, but not be limited to, the following details:

- a) Specific design requirements for each lot;
- b) Documentation on testing and results;

- c) All fill excavated or placed on the site and cut areas shall be clearly indicated on a site plan to the satisfaction of Waikato District Council. All fill shall be clean fill and certified as being suitable for development by a Chartered Professional Engineer. The site plan shall record the following details:
- i) Location and extent of fill material in relation to the boundaries of lots;
  - ii) The fill material used;
  - iii) The depth of the fill and/or cut; and
  - iv) Include cross sections of the original slope of the site and slope after fill and/or cut works complete.

EC33 Stage 5: The consent holder shall prepare and submit a Groundwater Management Plan to Waikato District Council for review and approval two months prior to earthworks commencing. The Groundwater Management Plan shall include, but not be limited to, the following:

- a) Include final details of subsoil drainage systems to fill area;
- b) Set out methods of site assessment by suitably qualified personnel to determine the need for the installation of further drainage during the site works;
- c) In respect of subsoil drainage pipes in cut and fill slopes, detail the planned monitoring of the systems and means of access and cleaning of the systems; and
- d) In respect of subsoil drainage pipes in cut and fill slopes, include certified as-built drawings and production of a Drainage System Maintenance Procedure detailing the maintenance activities, timings and actions in the event of any defects being identified.

EC34 Stage 5: No earthworks shall commence until conditions EC30 to EC33 have been met in full.

Advisory Note:

- A. The disposal of surplus earthwork material off site has not been authorised by this consent. Such activities are subject to the provisions of the Waikato District Plan and may require resource consent.

EC35 Stage 5: Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with 'NZS6803:1999 Acoustics – Construction Noise'.

EC36 Stage 5: All areas of earthworks, including cut and batter faces or filled areas are to be revegetated to achieve 80% ground cover within 12 months of the earthworks being completed.

## Legal Conditions

LC11 Stage 5: The easement document shall make provision for the ongoing maintenance of right-of-way 'C' to the satisfaction of Waikato District Council.

LC12 Stage 5: The current and future owners of Lots 17 – 18 shall be informed of the following conditions:

### *Stormwater management*

- a) That the dual rain tank / stormwater detention system specified in condition UC9 shall be installed on each lot at the time of building consent. The design and sizing of the system shall be in accordance with the Stormwater Disposal Report submitted under condition UC9 to the satisfaction of Waikato District Council;
- b) That the right-of-way swale drains shall be maintained on an ongoing basis in accordance with the recommendations of the Stormwater Disposal Report submitted under condition UC9 to the satisfaction of Waikato District Council;
- c) That stormwater flowpaths are located on the property and that these are not to be filled, blocked or modified to such an extent that drainage of upstream properties is affected;
- d) That ponding of stormwater at the top of any slope shall be prevented;
- e) That there shall be no discharge of concentrated stormwater flows over slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;
- f) That rain tank overflows shall not cause a nuisance on neighbouring properties and be located in accordance with the Final Earthworks Design report submitted under condition EC30 to the satisfaction of Waikato District Council;

### *Slope stability*

- g) That there shall be no over-steepening of existing slopes without specific engineering design by a Chartered Professional Engineer to the satisfaction of Waikato District Council;
- h) That vegetative cover and planting shall be maintained to assist in the control of surface erosion of slopes;

### *Roading*

- i) That the portion of Wilton Collieries Road that services proposed Lots 1-18 is unsealed and Waikato District Council do not propose under its current 15 year forward work programming (at time of granting subdivision consent) to upgrade the road or propose to seal the road at any future date. The owner shall have no recourse with the Waikato District Council for the standard of the road, dust or any nuisances associated with an unsealed road;

### *Building Location and Design*

- j) That the foundation of any building located on each lot shall be located, designed and constructed in accordance with the recommendations of a Chartered Professional Engineer in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition EC30, and further information submitted with the application. The location of any dwelling shall be in accordance with the approved subdivision plan by McCracken Surveys Ltd, reference 05311 (Sheet 0), dated 27 February 2006. If a new location is sought the building consent must be accompanied by a report from a Chartered Professional Engineer to confirm that ground conditions are suitable for building; and
- k) That the minimum setback of any buildings be:
  - 7.5 metres from the legal boundary with the road boundary;
  - 12 metres from the side and rear legal boundaries of the lots.
- l) That should any ancillary unit/dependant persons dwelling be located on the lot it shall be adjoined to the primary dwelling via a solid wall and shall be subject to consent notice items a), j) and m) in respect of stormwater management, building foundation, and effluent disposal.

### *Effluent Disposal*

- m) That the effluent disposal system for each lot shall be located, designed and constructed in accordance with the recommendations of a suitably qualified person in accordance with the 'Preliminary Geotechnical Investigation Report' (by Maunsell/Aecom, dated 3 August 2006, ref: 5591494), the Final Earthworks Design report submitted under condition EC30, and further information submitted with the application, including the 'Preliminary Wastewater Disposal Field Location Plan' (by Maunsell/Aecom, dated December 2006).

### *Zoning*

- n) That the land is zoned Rural and can be used for any rural activity permitted by the Waikato District Plan.

LC13 Stage 5: Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be prepared by the Waikato District Council's solicitors at the consent holder's expense to ensure compliance on a continuing basis by the subdivision landowner and subsequent owners of:

- a) Lots 17 and 18 with Condition LC12;
- b) Where reference is made to conditions of subdivision consent in Condition LC12, the consent notice shall be read in conjunction with the documents held under subdivision reference SUB0226/06 and/or any subsequent variations to the original consent.

Upon the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 or at such earlier time as may be required, the consent notice pursuant to section 221 of the Resource Management Act 1991, will be issued. The consent notice will specify the listed conditions to be registered on the new Certificates of Title created as a result of the subject subdivision.

## Reasons for Decision

Resource Consent No: SUB0226/06

1. Consent can be granted to the subdivision of the site into 18 lots in five stages, associated earthworks, and works in the road reserve, as a non-complying activity because the adverse effects on the environment will be no more than minor and thus satisfies section 104D(1)(a) of the Resource Management Act 1991.
2. Sufficient information and preliminary design detail for works necessary to develop the subdivision has been provided in the application such that it is considered that all of the following potential effects can be avoided, remedied or mitigated to a level where it is considered that effects on the environment will be no more than minor:
  - a) staging of the subdivision development and financial contributions;
  - b) the number and size of lots (density) on rural land and soil resource;
  - c) proposed building platform setbacks and suitability of lots for building foundations;
  - d) building bulk and physical works on landscapes and landforms;
  - e) rural character amenity values;
  - f) unsealed ROWs, assess leg parallel to road, and reduced lot frontage;
  - g) suitability of lots for wastewater disposal;
  - h) suitability of lots for stormwater disposal;
  - i) earthworks to fill dry gully head and on road reserve;
  - j) safe and efficient function of Wilton Collieries Road; and
  - k) indigenous vegetation and waterways.
3. The subdivision will be not be contrary to objectives and policies of the Operative Waikato District Plan and will not be contrary to the majority of objectives and policies of the Proposed Waikato District Plan. While the subdivision will be contrary to some objectives and policies of the Proposed Waikato District Plan the adverse effect of the subdivision in respect of these matters will be no more than minor as detailed in reasons 4 and 5.

4. The subdivision will be contrary to objective 4.4.1 and policy 4.4.2A of the Proposed District Plan for Natural Resources which seek to ensure rural land is retained in large holdings to enable rural based primary production. However, in this case, the effect of not retaining land in large holdings will be no more than minor because:
  - a) There will be no impact on high quality soils,
  - b) The site is of marginal use for rural productive purposes with its low quality soils and steep topography; and
  - c) The land is likely to benefit from less intensive rural land use activities (e.g. low intensity rural residential type lifestyle activities).
  
5. The subdivision will be contrary to objective 13.6.1 and policy 13.6.2 of the Proposed District Plan for Amenity Values which seek to preserve rural character. However, in this case, the effect on rural character and landscapes will be no more than minor beyond the site because:
  - a) The site has a distinct valley formation separating it from the wider Glen Massey valley and thus confining any effects to the site itself;
  - b) Intervening topography isolates it from the Glen Massey valley and residential zoned properties;
  - c) There are very limited public places that would view all 18 lots at once;
  - d) Buildings platforms can be absorbed into the landscape;
  - e) Internal ridgelines where some buildings platforms are proposed are do not dominate the wider landscape;
  - f) Earthworks will not take place on locally prominent landforms; and
  - g) Future owners can be advised by consent notices that any ancillary unit/dependant persons dwelling must be adjoined to the primary dwelling.
  
6. The subdivision will be in accordance with the purposes and principles of the Resource Management Act 1991, sections 6, 7 and 8, and in particular section 5 which seeks to promote the sustainable management of natural and physical resources.
  
7. The proposed staging of the subdivision and development of stages out of numerical sequence will have no more than minor adverse effects on the environment only on the basis that each stage has its own separate suite of conditions to assist with compliance and monitoring. The suites of conditions reflect matters common to all stages (to varying degrees of scale and intensity) and matters unique to certain stages. To further assist, the consent holder is required to provide 2 weeks notice to Council of any works commencing on site prior to commencement.
  
8. Financial contribution conditions for reserves and roading for the 17 additional lots have been imposed and worded to allow flexibility for payment irrespective of the sequence that stages are developed.

9. The conditions relating to roading contributions reflect that Council Council has agreed to reduce the quantum of roading contributions by \$24,900.36 (limiting the maximum roading contribution to \$100,000.00 for all stages) in return for the Applicant undertaking the upgrade of Wilton Collieries Road during either Stage 2, 3 or 4. Therefore a roading contribution credit of \$24,900.36 will be given to the applicant in either Stage 2, 3 or 4 depending when the actual upgrade of the road occurs. The conditions requiring the payment of roading contributions are worded to reflect this.
  
10. The number of lots proposed will, in this case, have no more than a minor adverse effect on rural land and soil resources of the Rural Zone of the Proposed District Plan because:
  - a) While it is clearly Councils intension to change the approach regarding the number of lots created irrespective of high or low quality soils, the change in 'policy' under Proposed Variation 6 has as yet been untested through the RMA process.
  - b) There will be no impact on high quality soils and with its low quality soils, steep topography incised by the network of gullies, streams and wetland areas, the site is of marginal use as a productive rural property and is certainly not suitable for any form of intensive productive rural use.
  - c) The presence of the reasonably extensive areas of indigenous vegetation on the rear portion of the property indicates that topographical and access constraints have limited the ability to develop the property for rural productive purposes.
  - d) The subdivision creates rural residential lifestyle lots with one large balance lot containing large tracts of regenerating indigenous vegetation. The lots can be used for low intensity rural residential type lifestyle activities and the land will benefit from less intensive rural land use activities, especially if future owners allow pasture to revert back to native vegetation.
  
11. The proposed 12m boundary setbacks provided for buildings will have no more than a minor adverse effect on the Rural Zone of the Proposed District Plan because in this case it is considered that:
  - a) Reverse sensitivity effects are unlikely to be an issue between the new lots within the site because the whole site is to be subdivided into rural residential lifestyle type lots and the few larger lots all have significant constraints (steep topography and vegetation) such that they are unlikely to be utilized for intensive rural productive activities which might create the potential for reverse sensitivity effects;



- b) Reverse sensitivity effects are unlikely to be an issue for lots adjacent to the large rural property along the southern boundary because of the additional separation distance provided for by the ROW C and the nature of the topography on the adjacent property that does not lend itself to intensive forms of productive rural use;
  - c) Future owners can be advised by consent notices that that building platforms may be located without the need for resource consent up to but not within the 12m boundary setbacks, and that the land is zoned Rural and can be used for any rural activity permitted by the Waikato District Plan.
12. The development of buildings on the site will have no more than a minor adverse effect on the environment despite the topographical constraints of the site (steep slopes and instability) because:
- a) Preliminary geotechnical investigations have identified slope stability constraints and various methods for foundations at building platforms on each lot such that it has been demonstrated that all lots can accommodate a practical building platform;
  - b) There is flexibility for future owners to locate buildings away from the 30m shape factor circles provided additional geotechnical investigations are undertaken to confirm suitability and method; and future owners can be advised by consent notices that building foundations must be engineer designed; and
  - c) Future owners can be advised by consent notices that any ancillary unit/dependant persons dwelling must be subject to the specific building foundation requirements.
13. The formation of vehicle entrances and ROW's to an unsealed standard will have no more than a minor adverse effect on traffic safety because:
- a) The widths and gradients of the ROWs will comply with permitted standards;
  - b) Site specific stormwater control measures are proposed within the unsealed formations;
  - c) The unsealed formations will be appropriate for the type and volume of vehicles expected on these ROWs for life style block activities; and
  - d) The unsealed formations is in keeping with the current formation standards of Wilton Collieries Road and Council does not propose under its current 15 year forward work programme to upgrade the road or propose to seal the road at any future date and therefore it would be unreasonable to require the entrances or ROWs to be sealed.
14. The access leg to Lot 3 running parallel to Wilton Collieries Road will have no more than a minor adverse effect on traffic safety because the topography between the road and the access leg will mitigate the potential for direct headlight glare.

15. The under width frontages on Lots 5 and 7 will have no more than a minor adverse effect on traffic safety because:
- a) While the frontage of Lot 5 is 10m under the standard, its vehicle entrance is a dual one combined with Lot 4, and the nearest entrances in either direction are over 100m and sight distances in this location after sight line improvements works, and road upgrade works will be further improved; and
  - b) The frontage of Lot 7, which is 5m under the standard, its vehicle entrance will also be a dual one combined with Lot 8, but within 60m of the proposed entrance to Lot 6, and sight distances in this location after sight line improvements works, and road upgrade works will be further improved.
16. There is the potential for the increased traffic generated to have an adverse effect on safe and efficient function of Wilton Collieries Road and it is considered that only Stage 1 (4 lots) can be developed without adverse effects. However, the development of Stages 2, 3, 4 and 5 have the potential for adverse effects on traffic safety and such effects can only be mitigated if the consent holder undertakes sight line improvement works at the time of Stages 2, 3, 4 or 5, more extensive road upgrade works at the time of Stages 2, 3 or 4, and alterations to pavement markings and signage at the Wilton Collieries Road/Kereru Road intersection at the time of Stages 2, 3 and 4 to change priority at the intersection.
17. Works on roads are not normally undertaken by anyone other than Council and approved contractors and therefore conditions requiring the consent holder to undertake works in the road reserve cover a range of matters to ensure works will be to an acceptable design, standard and timeframe, and to ensure appropriate insurances, traffic management plan and bank guaranteed bond are in place prior to works commencing.
18. The disposal of wastewater on site will have no more than a minor adverse effect on the environment despite the sites topographical constraints (steep slopes and instability) because:
- a) Preliminary geotechnical investigation has demonstrated it will be possible to establish appropriate methods of on-site wastewater disposal on every lot without compromising slope instability factors;
  - b) Future owners can be advised by consent notices that on-site wastewater disposal systems for dwellings must be engineer designed; and.
  - c) Future owners can be advised by consent notices that any ancillary unit/dependant persons dwelling must be subject to the specific wastewater disposal requirements.

19. The disposal of stormwater on site will have no more than a minor adverse effect on the environment despite the sites topographical constraints (steep slopes and instability) because:
- a) Preliminary geotechnical investigation has demonstrated that it will be possible to establish appropriate methods of stormwater disposal on every lot without compromising slope instability factors;
  - b) Future owners can be advised by consent notices that stormwater disposal for dwellings must be engineer designed, and that activities related to water and sloping topography are restricted on each lot; and
  - c) Future owners can be advised by consent notices that any ancillary unit/dependant persons dwelling must be subject to the specific wastewater disposal requirements.
20. The earthworks proposed to develop the site and works in the road will have no more than a minor adverse effect on the environment despite their significance, particularly during Stage 2, because effects can be avoided, remedied or mitigated via conditions requiring the preparation of:
- a) A Final Earthworks Design (including final stability analysis, conformation of any building setback zones, recommendations for stormwater and effluent disposal systems in relation to cut and fill areas);
  - b) An Earthworks Management Plan (confirming proposed methodologies, silt control and stormwater mangement, dust and noise control measures; methods to prevent tracking of earth onto the road);
  - c) A Geotechnical Completion Report (confirming any specific design requirements for each lot, documentation of testing; location and details of all earthworks areas);
  - d) A Groundwater Management Plan (confirming final design details for subsoil drains in gully fill area; as-built drawings of installed pipes etc); and
  - e) A condition also requires protocols and procedures to be followed if any archaeological features/artefacts are uncovered during earthworks.
21. The subdivision will have no adverse effect on the areas of regenerating indigenous vegetation on the site despite them not being covenanted by the applicant because they not identified as areas of 'significant' indigenous vegetation, are to be held in two large lots, and activities by future owners involving clearance of vegetation will be subject to rules in the Proposed District Plan.
22. Esplanade reserves along margins of waterways are not required where the stream is less than 3 m wide and the lots through which they pass are greater than 4 ha and in this case, the unnamed tributary streams are less than 3m wide and mainly pass through lots that are greater than 4 ha.

05311



**APPROVED PLAN**  
*A.M. McCall* 29 May 2007  
**MASTER PLAN - SHEET C OF 6**

KEY  
2  
DPS 51781  
30 ft CIRCLE

MEMORANDUM OF DECISIONS			
PURPOSE	ISSUE	DATE	TO/FR
RIGHT OF WAY	A	LOT 5	LOT 102
SEWERAGES	B	LOT 11	LOT 103
	C	LOT 12	LOT 104
		LOT 13	LOT 105
		LOT 14	LOT 106
		LOT 15	LOT 107
		LOT 16	LOT 108
		LOT 17	LOT 109
		LOT 18	LOT 110

Contours were from Quilley  
Contour Interval = 10m

Note: The building envelopes shown on this plan are shown in all red and indicate the building envelopes. The building envelopes are shown in red and indicate the building envelopes. The building envelopes are shown in red and indicate the building envelopes.

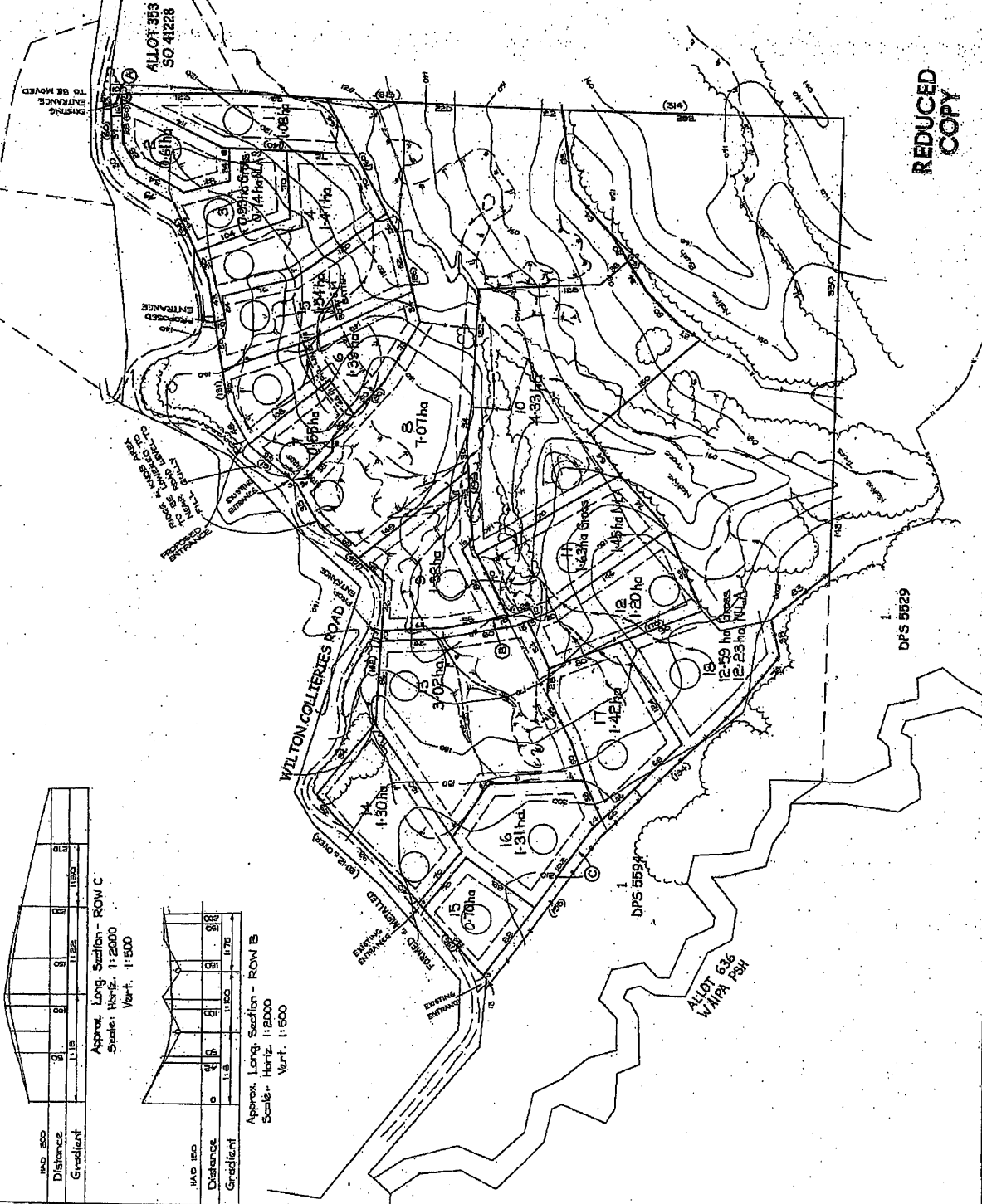
Note: Water subject to approval on  
DPS 51781  
Registered Surveyor  
Date: 29/05/07

David Vespat, Incorporated,  
1000 Highway 100, Unit 10,  
Hamilton, Ontario L8N 4K1  
Tel: (905) 571-1111  
Fax: (905) 571-1112  
www.davidvespat.com

Registered Surveyor  
Date: 29/05/07

Amendments		Date
1	Redesign of Lot 5	2007-05-29
2	Redesign of Lot 102	2007-05-29
3	Redesign of Lot 103	2007-05-29
4	Redesign of Lot 104	2007-05-29
5	Redesign of Lot 105	2007-05-29
6	Redesign of Lot 106	2007-05-29
7	Redesign of Lot 107	2007-05-29
8	Redesign of Lot 108	2007-05-29
9	Redesign of Lot 109	2007-05-29
10	Redesign of Lot 110	2007-05-29

Prepared for:		Checked	Date	Series	Scale	Sheet
QUIGLEY FAMILY TRUST			27 FEB 2008	1:2000 A1		05311
Drawn						
Trace						



REDUCED COPY

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Distance	Gradient	Distance	Gradient	Distance	Gradient	Distance	Gradient
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1.18	11.25	1.18	11.25	1.18	11.25	1.18	11.25

Approx. Long. Section - ROW C  
Scale: Horiz. 1:2000  
Vert. 1:500

1:400 150		1:1250		1:1250		1:1250	
Distance	Gradient	Distance	Gradient	Distance	Gradient	Distance	Gradient
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1.18	11.25	1.18	11.25	1.18	11.25	1.18	11.25

Approx. Long. Section - ROW B  
Scale: Horiz. 1:2000  
Vert. 1:500

PROPOSED SUBDIVISION OF PT LOT 1 DP 34706



**MCCRACKEN SURVEYS Ltd.**  
67 Acton Road  
Hamilton  
P.O. Box 19182, HAMILTON

Phone: (905) 8461083  
Fax: (905) 8461084

05311



**APPROVED PLAN**  
*X. Kelly* 29 May 2007  
STAGE 1 - SHEET 1 OF 6

2  
DPS 51781

MEMORANDUM OF EASEMENTS				
PURPOSE	SHOWN	SEV	DOM	TENE
ROW & SERVICES	A	LOT 5	HEREON	LOTS 1 & 2
				HEREON

Note: The Right of Way shown hereon is an all the way easement for the purpose of the easement specified in the Schedule of Easements.

Note: All easements are subject to the provisions of the relevant legislation.

Drawn by: *[Signature]*  
Checked by: *[Signature]*  
Designed by: *[Signature]*  
Reviewed by: *[Signature]*

Scale: 1:3000 A2  
Date: 21/5/07

Amendments

No.	Date	Description
1	20/05/07	1-1-07

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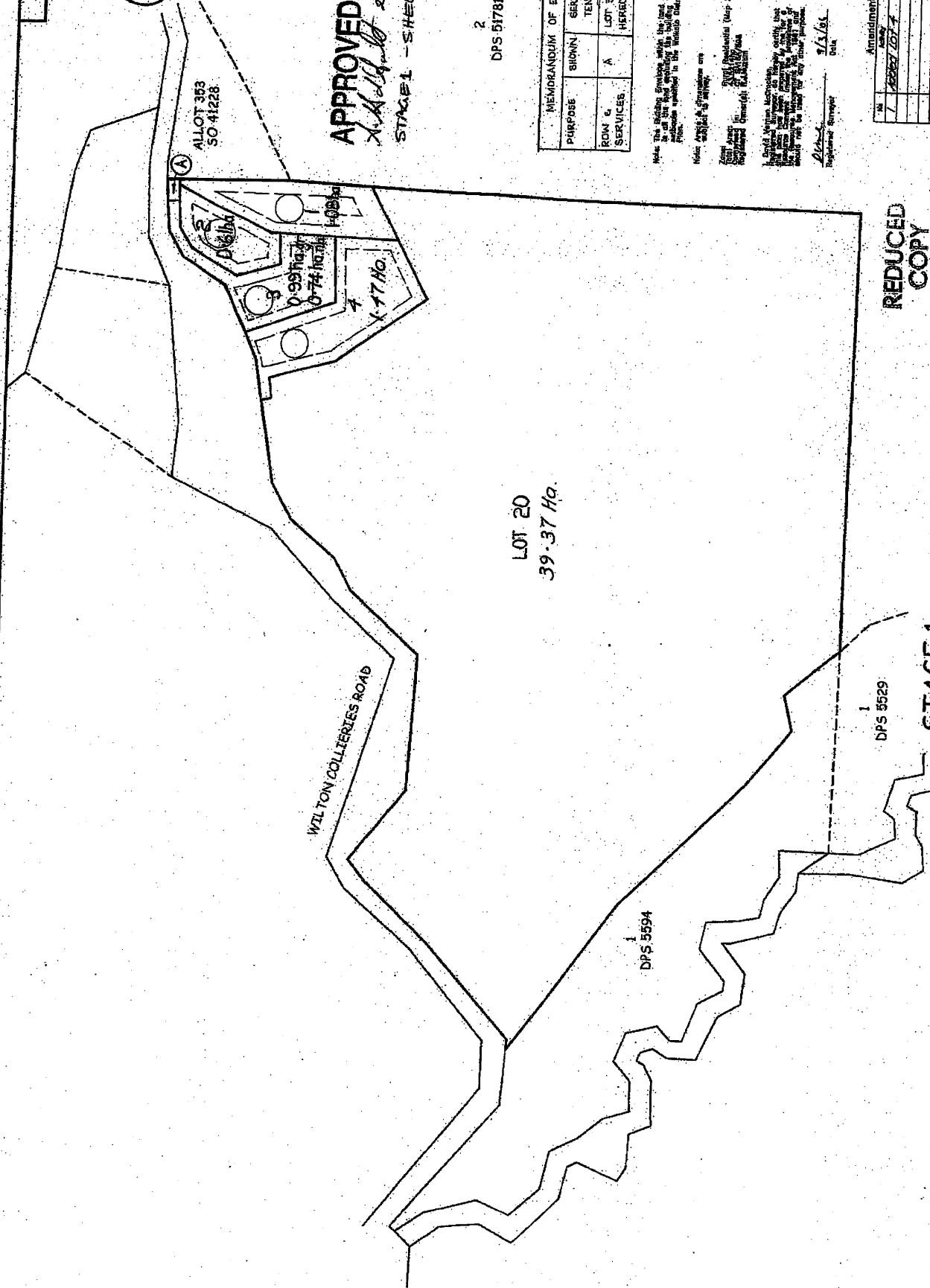
Prepared for:

CRUGLEY FAMILY TRUST

PROPOSED SUBDIVISION OF PT LOT 1 DP 34706

**McCRACKEN SURVEYS Ltd.**  
 67 Norton Road  
 Hamilton  
 P.O. Box 19182, Hamilton

Phone: (07) 8481083  
 Fax: (07) 8481081



LOT 20  
39.37 Ha.

WILTON COLLIERIES ROAD

ALLOT 353  
SO 41228

0.99 Ha  
0.74 Ha  
1.17 Ha

DPS 5594

DPS 5529

STAGE 1

Sheet 1 of 5  
Date of Plan: 21/05/2007  
Scale: 1:3000 A2  
Ref: 05311

05311



ALLOT 383  
SO 41228

**APPROVED PLAN**  
*M. J. McCracken*  
29 May 2007

STAGE 2 - SHEET 2 OF 6

DPS 51781

Note: This building footprint is not shown to be in compliance with the Building Code. It is shown for information only.

Note: Areas of vegetation are shown for information only.

Note: The proposed boundary lines are shown for information only.

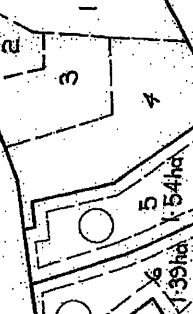
Note: The proposed boundary lines are shown for information only.

Note: The proposed boundary lines are shown for information only.

Note: The proposed boundary lines are shown for information only.

Amendments	
No.	Date
1	29 May 2007

STAGE 1



8  
7.07ha.

LOT 20  
28.62 ha.

WILTON COLLIERIES ROAD

DPS 5594

DPS 5529

STAGE 2

REDUCED COPY

**McCRACKEN SURVEYS Ltd.**  
 67 Newton Road  
 Hamilton  
 P.O. Box 10182, HAMILTON  
 Phone: (07) 8481083  
 Fax: (07) 8481084

PROPOSED SUBDIVISION OF PT LOT 1 DP 34706

Prepared for  
**QUIGLEY FAMILY TRUST**

No.	Date
1	29 May 2007

05311



ALLOT 353  
SO-41228

**APPROVED PLAN**

*A. McCracken*  
29 May 2007

STAGE 3 - SHEET 3 OF 6

2  
DPS 51781

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERV. TENE.	DOM. TENE.
ROW'S SERVICES	B	LOT 11	LOTS 9, 10, 12 HEREON

Note: The rights granted within the land shown in all the stages of this subdivision are subject to the easements specified in the Schedule above.

Note: Maps of Stages are subject to survey.

Scale: 1:1000  
Date: 29 May 2007  
Registered Surveyor: A. McCracken

David Vernon, Manager  
100 North Street, Hamilton  
Phone: (07) 3410000  
Fax: (07) 3410001

Registered Surveyor  
*A. McCracken*  
9/1/2006  
Date

Amendments	
No.	Date
1	Lot 13/15 Eas. Proposed
2	Lot 12 Eas. Proposed

REDUCE COPY

STAGE 3

PROPOSED SUBDIVISION OF PT LOT 1 DP 34706

Prepared for:

QUIGLEY FAMILY TRUST

Drawn: [Signature]  
Checked: [Signature]  
Date: 27 FEB 2008

Scale: 1:3000 A2  
Sheet: 3 OF 5

Plan: 05311

**McCRACKEN SURVEYS Ltd.**

87 Nelson Road  
Hamilton  
P.O. Box 18192, HAMILTON

Phone: (07) 3410000  
Fax: (07) 3410001



05311



ALLOT 383  
SO 41228

**APPROVED PLAN**  
*A. McCracken 29 May 2007*  
STAGE 4 - SHEET 4 OF 6

2  
DPS 51781

Note: The Building Division, while the land owner is not responsible for the building, will issue a building permit subject to the building plan.

Note: Areas of disturbance are subject to survey.

Zone: Zone 1  
Registered Surveyor: [Signature]  
Registered Surveyor: [Signature]

Date: 29 May 2007  
Registered Surveyor: [Signature]  
Registered Surveyor: [Signature]

Registered Surveyor: [Signature]  
Date: 29 May 2007

Amendments

No.	Date	Amendment
1	29 May 2007	As per original plan

REDUCED COPY

Prepared for:

QUIGLEY FAMILY TRUST

Date: 27 Feb 2008

Checked: [Signature]

Drawn: [Signature]

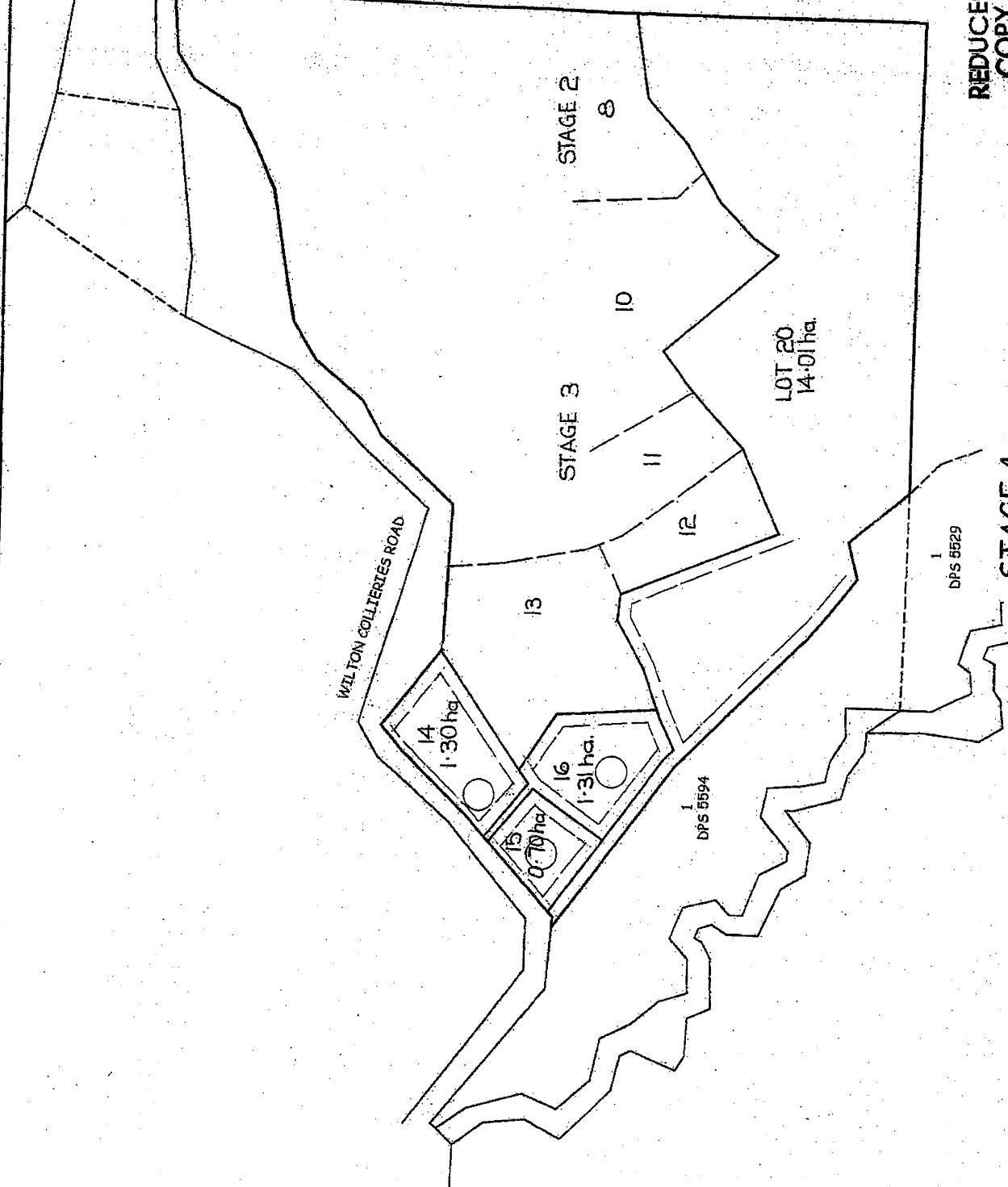
PROPOSED SUBDIVISION OF PT LOT 1 DP 34706

McCRACKEN SURVEYS Ltd.

47 Milton Road  
P.O. Box 19182, HAMILTON  
Phone: (07) 8461033  
Fax: (07) 8461084



Sheet: 4  
Series: 4 OF 5  
Ref: 05311



WILTON COLLIERIES ROAD

14  
1.30 ha.

15  
0.70 ha.

16  
1.31 ha.

13

STAGE 3

10

STAGE 2

8

LOT 20  
14.01 ha.

11

12

1  
DPS 5594

1  
DPS 5529

STAGE 4





ALLOT 353  
50 41228

**APPROVED PLAN**  
*A. McCracken 29 May 2007*  
STAGES - SHEET 5 OF 5

2  
DPS 51781

MEMORANDUM OF EASEMENTS				
PURPOSE	SPAWN	SERV' TENE	DOM. TENE	LOT IT HEREON
	C			LOT 17 HEREON

Note: The existing easements within the land shown are not shown as they are not being transferred to this proposed subdivision.

Note: Areas & Situations are subject to survey.

2007 2007 2007  
DPS 51781  
Registered Owner: P. McCracken

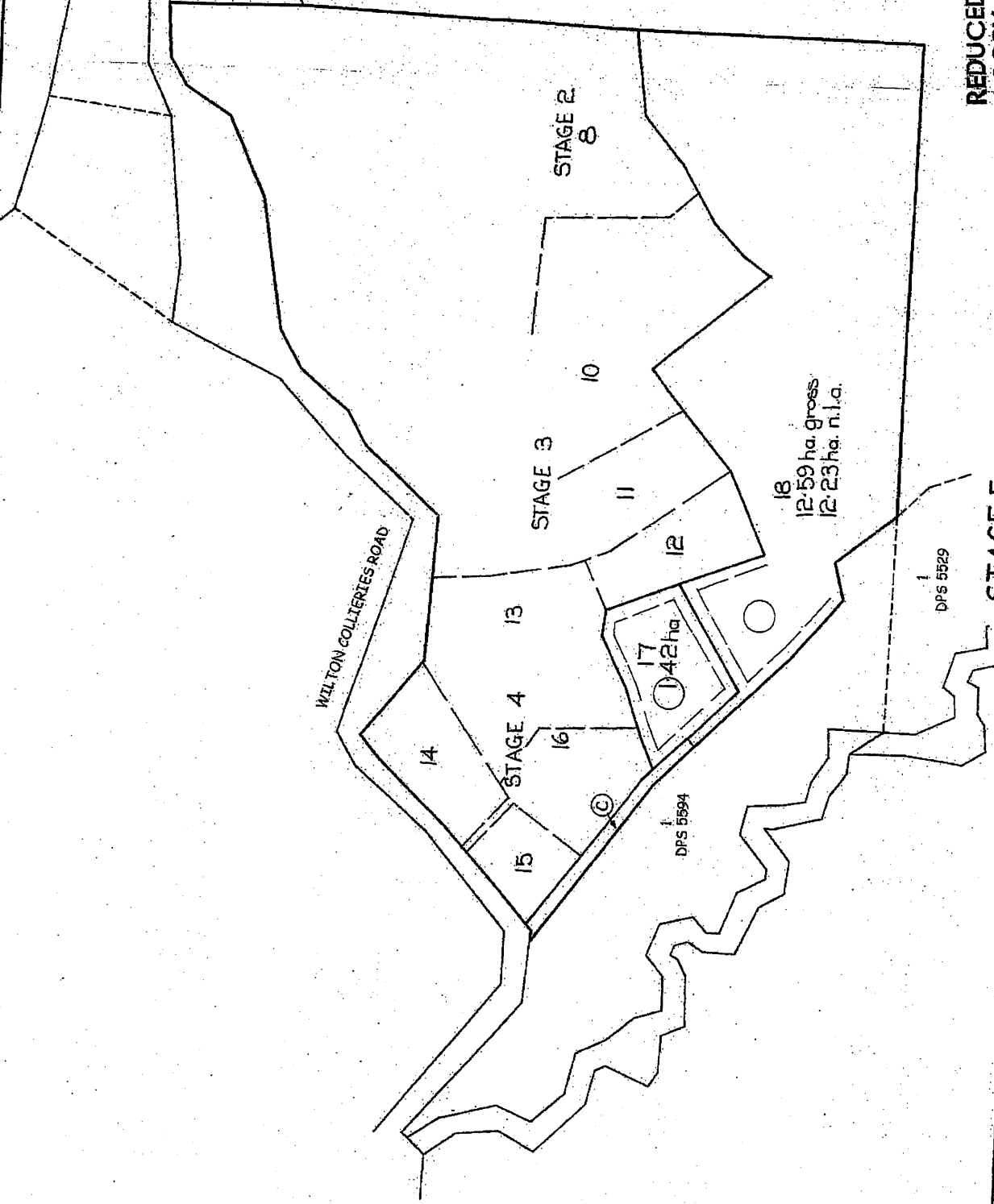
A. McCracken  
Registered Surveyor  
DPS 51781

9/1/01  
Registered Surveyor  
DPS

Amendments	
No.	Date
1	15/11/06 E.A. Adams

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Prepared for:		Sheet	
Name	Drawn by	No.	Scale
QUIGLEY FAMILY TRUST	A. McCracken	5	1:3000 A2
Date: 27 Feb 2008	Date: 27 Feb 2008		1:3000 A2



PROPOSED SUBDIVISION OF PT LOT 1 DP 34706

**McCracken Surveys Ltd.**  
67 Norton Road  
Hamilton  
P.O. Box 10182, Hamilton  
Phone: (07) 8481063  
Fax: (07) 8481004