

GENERAL

1. THAT the proposed subdivision and development be established in accordance with the application prepared by Momentum Planning and Design dated 21 May 2020, the further information received on the 29 September 2020 and including the plans and all information submitted as part of this application except where modified by any conditions of this consent:

Title	Author	Reference/Version	Date
Application for Resource Consent	Momentum Planning and Design		20th March 2020
Omokoroa Town Centre Master Plan	First Principles Architecture and Interiors	SOU.01 Rev 2	24 th September 2020
Architecture plan Set - Omokoroa Town Centre	First Principles Architects	SOU.01 Rev 2	24 th September 2020
Omokoroa Town Centre Subdivision and Staging Plan	Momentum Planning and Design Ltd		29 th September 2020
Omokoroa Town Centre Landscape Masterplan Plan	Momentum Planning and Design Ltd		29 th September 2020
Omokoroa Town Centre - Design Guidelines	Momentum Planning and Design Ltd		29 th September 2020
Omokoroa Town Centre Services Report	Lysaght Consultants Ltd		15 th May 2020
Omokoroa Town Centre Earthworks Plan	Lysaght Consultants	204509 Rev A	26 June 2020
Geotechnical Investigation Report	CMW Geoscience Ltd	TGA2020-0011AB Rev2	9 October 2020
Transportation Assessment and subsequent additional information letter and attachments 23 Sept 2020	Stantec Ltd	Ref 310203882	14 May 2020 23 Sept 2020
Further Information Response and Attachments 1 to 20.	Momentum Planning and Design		29 September 2020

2. THAT all site development, including landscaping and infrastructure, shall be carried out in accordance with the Staging Plan referred in condition 1 and, subject to Conditions XX below

3. That at least 3 months prior to commencement of any development stage, as shown on the Staging Plan, a Development Plan shall be prepared for the relevant super lot/ stage and submitted to Council for approval.
 - The approval required above must be obtained prior to any application for buildings or structures requiring building consent in accordance the Building Act 2004 being lodged.

The Development Plan shall include:

- a) Show the layout of all proposed buildings, structures, access, carparking, landscaping and infrastructure and confirm gross floor area(s)
- b) Show the finished contours and extent of all earthworks (detailed cross-sections, cut to fill etc) and any retaining walls;
- c) Provide an Earthworks Report outlining the extent and nature of the proposed bulk earthworks.
- d) Provide Council with a design statement prepared by a suitably qualified design expert certifying that the buildings and the stage comply with the approved plans and meet the design outcomes set out in the "Omokoroa Town Centre – Design Guidelines" prepared by Momentum Planning and Design dated 29 September 2020.
- e) Provide confirmation that the design is in general accordance with the Master Plan, Staging Plan, Development Code and complies with all relevant conditions of resource consent
- f) Provide confirmation that the design is in accordance with the mitigation measure recommended in the Earcon report "Assessment of Noise Effects" (ref J004145, dated 18th September 2020), or any subsequent Acoustic Report.
- g) Provide the detailed Engineering Design for all proposed public and private infrastructure in accordance with the engineering conditions below, including water, wastewater and stormwater, transport (including provision for access by roads and private ways, loading, public transport, walking and cycling), and open space in compliance with the Councils applicable standards, including the Development Code (currently at the time the Development Plan is submitted). Infrastructure shall be designed to accommodate the development scale and density as proposed, where this exceeds the minimum values in the DC.
- h) For transport infrastructure, the Engineering Design Plan shall specifically include:
 - i. Assessment against the relevant sections of the Transportation assessment to confirm currency of assumptions;
 - ii. Demonstration of compliance with Councils Development Code including formal agreement for any departures;
 - iii. Intersection control types e.g. roundabout, signals, priority etc and design;
 - iv. Provision for pedestrians and cyclists;
 - v. Provision for public transport;
 - vi. Access controls;
 - vii. Speed limits and their compliance with current guidance;

- viii. Safety in design;
 - j. Measures to mitigate all issues identified in the detail design road safety audit (which has been carried out by an independent and qualified audit team);
- i) For three waters infrastructure, the Engineering Design Report and Plan shall specifically include:
 - i. Demonstration of compliance with Councils Development Code including formal agreement for any departures;
 - ii. Provision for accesses and maintenance;
 - iii. Safety in Design;
 - iv. Pipeline location relative to buildings (existing or proposed) including any formal dispensation for any building to be constructed over a pipeline .
 - v. Provision for appropriate treatment of stormwater discharges from higher risk specific activities, i.e. general catchment treatment measures do not cater for activities such as petrol stations, which require specific design and management at the source.
- j) The sequencing of building construction, associated car parking and services;
- k) Provide confirmation of agreement with utility providers and WBOPDC regarding the location of above and below ground assets within the corridor.
- l) Demonstrate that staging will continue to deliver visual quality, public amenity, and linkages between key nodes, including through interim or temporary provision where practicable taking into consideration the timing of permanent provision and efficient use of resources;
- m) The timing for establishment of on-site landscaping and green areas; and
- n) The timing of any off-site works, such as roading and infrastructure to service the superlot(s) in each Stage;
- o) For on-site parking in the Town Centre, demonstrate that:
 - i. The convenience of the proposed parking to each stage of the development;
 - ii. The management of proposed parking,
 - iii. The quantum, design and location of bicycle parking is appropriate and meets DC requirements.
 - iv. The quantum and location of vehicle parking is consistent with the TA.
 - v. Safe and convenient walking connections between parking areas and associated activities.
- p) A Site Management Plan be prepared and submitted for that stage and include:
 - i. Building private infrastructure maintenance and presentation
 - ii. Rubbish storage, collection and removal.
 - iii. Site landscaping maintenance (in private areas)
 - iv. Driveway and car parking maintenance
 - v. Activities not permitted unless specific resource consent is obtained from Council
 - vi. Managers/ site owners contact details

Medium Density Residential – Lot 6

4. THAT at least 3 months prior to the commencement of subdivision or development of Lot 6 (Medium Density Residential) a Final Design Plan for the full extent of that Stage shall be submitted to the Council for certification.
 - a) The certification required above must be obtained prior to any application for buildings or structures requiring building consent in accordance the Building Act 2004 being lodged.
 - b) The Final Design Plan shall:
 - Provide full architectural drawings for approval for the proposed medium density housing including a mix of terraced and duplex style housing and of single and two storey nature.
 - Show the layout of all proposed sites/lots, landscaping, open space and infrastructure;
 - Show the finished contours and extent of all earthworks;
 - Provide Council with a design statement prepared by a suitably qualified design expert certifying that the buildings and the stage comply with the approved plans and meet the design outcomes set out in the "Omokoroa Town Centre – Design Guidelines" prepared by Momentum Planning and Design dated 29 September 2020.
 - Provide confirmation that the design is generally in accordance with the Staging Plan and Development Standards, and complies with all relevant conditions of resource consent;
 - Provide confirmation that the design is in accordance with the mitigation measure recommended in the Earcon report "Assessment of Noise Effects" (ref J004145, dated 18th September 2020), or any subsequent Acoustic Report.
 - Provide the preliminary design for all proposed public and private infrastructure in accordance with the Services Report including water, waste and stormwater, transport (including provision for access by roads and private ways, loading, public transport, walking and cycling), and open space in compliance with the Councils applicable standards, including the Infrastructure Development Code current at the time the Final Design Plan is submitted. Infrastructure shall be designed to accommodate the development scale and density as proposed, where this exceeds the minimum values in the DC.
 - Provide confirmation of agreement with utility providers and WBOPDC regarding the location of above and below ground assets within the corridor.

Financial Contributions:

5. THAT should the proposal proceed in a staged manner, the consent holder shall provide to the Chief Executive Officer or duly Authorised Officer a calculation of the Financial Contributions relevant for that stage, in accordance

with rule 11.6.2 and Councils current fees and charges. This fee will be dependent on the sizing of the connections, stage area and building area.

Amenity Landscaping

6. That at least 3 months prior to any building consent application, and in conjunction with condition 2 above:
 - a. a detailed landscape plan shall be submitted to Council for approval showing the species, size and location of planting, including planting and maintenance programs, to confirm compliance with other conditions of this consent to be confirmed such as sight lines, road widths etc. The applicant will consult with Pirirakau and Council's Park and Reserves Manager with respect to the availability of locally sourced native plant species where these have been chosen for the landscape planting.
 - b. For areas of hard landscaping such as the marketplace area, detailed drawings shall be submitted to Council for approval to confirm all the landscape works proposed including any structures that require building consent are consistent with the Omokoroa Town Centre Design Guidelines. All building consents required will be obtained in advance of the works being carried out.
7. THAT the approved landscaping plan from condition X above shall then be implemented within the first planting season (autumn to spring) following the completion of the works on the site. The consent holder will maintain, on an ongoing basis, all plantings including the removal and replacement of any dead plants as required to comply with the details of the landscape plan.
8. THAT all refuse servicing areas within the site shall be adequately screened from public areas or designed to be included within each building. Each refuse service area shall be located and designed to be accessible by a waste management recovery vehicle.
 - a) Applicant Comment: A preliminary plan of the waste storage and collection points has been prepared for the Town Centre Master Plan. Loading area that may also be used for car parking during retail hours are shown on First Principles Plan (Sheet 2.1.10 Rev1).
 - b) Council comment: If loading areas are to be utilised for carparking, deliveries will have to be limited for outside of hours of operation

Landscape Mitigation

9. THAT preparation of a Landscape Management Plan which includes the following components and design controls:
 - i. Preparation of a site plan that is in general accordance with the Architectural and landscape drawings XXXX (Dated XXXX)
 - ii. A Landscape Mitigation Plan detailing mitigation planting location, species, quantities and minimum growth heights for achieving mitigation outcomes.
 - iii. Building Design Controls detailing:
 - a) Building RL heights as set in Architecture Plans XXXXXX
 - b) Building set backs as set in Architecture Plans XXXXX
 - c) Building colour controls on Buildings X, X, X, X of less than 37% Reflectance Value for walls, roofs, joinery and gutters.

- d) Avoidance of building branding including branding and signage on residential boundary interfaces.
- e) Avoidance of illuminated signs on residential boundary interfaces.
- f) Avoidance of flood lighting at residential boundary interfaces, including carparking areas. (may wish to nominate areas)
- iv. Technical Specifications for installation and maintenance of the soft landscape mitigation planting.
- v. Performance standards for mitigation vegetation growth heights.

Noise

10. THAT the commercial activities (excluding these noise-sensitive activities in condition X below) shall be conducted as to ensure that noise from the site does not exceed the following noise limits within the stated timeframes at the boundary of any property within a Residential Zone:

Time Period		Sound Level Not to be Exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday	6am to 10pm	55dBA	N/A
Sunday and Public Holidays	9am to 6pm	55dBA	N/A
At all other times		45dBA	70dBA

11. THAT there shall be no delivery vehicles or waste collection vehicles on the site between the following periods:

- Monday to Saturday – Prior to 6am or after 10pm
- Sunday and Public Holidays – Prior to 9am or after 6pm

12. THAT the mitigation measures outlined in Section 9 of the Earcon Assessment of Noise Effects (dated 18th September 2020, ref J004145) be implemented.

Noise sensitivity

13. THAT for potentially noise-sensitive activities such as commercial offices, places of assembly, medical, veterinary or scientific facilities and dwellings and accommodation facilities, an acoustic design certificate shall be provided at the time of building consent demonstrating the building has been designed so that the internal noise limits set out in the following table are not exceeded;

Where windows and doors must be closed in order to meet the internal noise standards, an alternative means of ventilation shall be provided which meets all relevant requirements of the Building Code.

	Sound Level not to be Exceeded	
	Daytime period (LAeq)	Night time period (LAeq)
Offices not accessory to any industry, storage or warehousing	45dB	N/A

Residential units (habitable spaces)	45dB	30dB
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Acoustic certification

14. THAT prior to building consent being approved an acoustic design report prepared by a suitably qualified and experienced acoustical engineer shall be provided to the Council.

The report shall outline the range of activities, their potential noise levels and any noise mitigation/management measures which will be implemented to ensure compliance with the relevant noise performance standards in condition X above.

CHILDCARE CENTRE – SPECIFIC CONDITIONS

15. THAT the childcare centre be limited to 100 children

16. THAT the operating hours of the activity shall be limited to 7.00am to 6.00pm, Monday to Friday (excluding public holidays).

17. THAT prior to the commencement of the activity, the consent holder shall construct an acoustically effective (close boarded) fence along the north western site boundary, adjacent to 40,42 & 44 Traverse Lane. The fence shall be no less than 1.8m in height and shall have a surface mass of no less than 10kg/m2 (e.g. 20mm timber). The consent holder shall maintain the fence on an ongoing basis so as to be acoustically effective for the duration of the activity.

18. THAT prior to the commencement of the activity under this consent, an Acoustic Engineer shall certify that the fence has been constructed in accordance with Condition (X) above.

19. THAT noise from the activity shall not exceed the following noise limits at any point within the boundary of a dwelling in a Residential Zone:

Time Period		Sound Level Not to be Exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday	7am to 10pm	53dBA	N/A
Sunday	7am to 6pm	50dBA	N/A
At all other times and on public holidays		40dBA	65dBA

20. THAT group singing as well as musical instruments are restricted to the indoor areas and that windows are required to be closed during singing.

21. THAT a Noise Management Plan be prepared by a suitable qualified acoustic expert and submitted to Council for approval at least 3 months prior to an application under the Building Act. The operator of the childcare centre must maintain operational procedures in accordance with the approved Noise Management Plan to control activities that generate excessive noise.

22. THAT the building must be designed with mechanical services selected, located, and shielded such that noise levels at the boundary are 5dBA below the compliance limits (including night time if services run at night.) This may require that all services are located away from the northern and eastern façades. Prior to building consent being approved an acoustic design report prepared by a suitably qualified and experienced acoustical engineer shall be provided to the Council confirming compliance with this requirement.
23. THAT the perimeter fencing along the western and southern boundaries will be in 'pool' style open fencing to the reserve/ market area.
24. THAT a detailed landscape plan, including an implementation and maintenance programme, shall be submitted to and be provided for Council's approval at the time of Engineering Design Approval for the relevant stage that satisfies the following minimum requirements:
- a. Provide for planting the full width between the legal boundary and the foot of the proposed retaining walls, and be continuous for the full extent of the retaining walls around the western, northern and eastern boundary (open space and play area).
 - b. Provide a minimum of one specimen tree (1.2m in height at the time of planting or greater) per 35m² of planted area shall be planted and maintained to best horticultural practice; and
 - c. The planting plan shall include plant and tree numbers, plant and tree species and the grade of plant and tree at time of planting; and
 - d. Shrubs and groundcovers shall be a minimum grade of pb2 at the time of planting; and
 - e. Trees shall be a minimum grade of pb95 at the time of planting.
 - f. The approved planting plan will then be implemented in the first planting season following completion of the retaining walls on site.
 - g. All planting shall be maintained on an ongoing basis by the consent holder, including the replacement of dead or damaged vegetation.
25. THAT landscaping be implemented in accordance with the approved landscape plan in condition X above within the first planting season following construction.

Financial Contributions

26. THAT financial contributions shall be paid prior to the uplifting of any associated building consent related to the site. The financial contribution fees will be levied proportionate to the childcare activity and or services consumption. The timing for payment of the financial contributions will at time of application for Building Consent for each building. At the time of building consent the applicant shall provide an assessment in accordance with Rule 11.6.2 (or subsequent rule) and Councils current fees and charges.
27. THAT with regard to Condition (X), the financial contributions calculated in accordance with the provisions of the Operative District Plan, shall be paid within full within two years of the date of commencement of the consent provided that:

28. Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set out in Council's Annual Plan current at the date of payment.
29. Any financial contributions not paid within two years from the date of the commencement of the consent shall be (where applicable) paid prior to the issue of a Building Consent under the Building Act 2004, subject to the adjustments referred to in sub-paragraph (a) herein.

Signage

30. THAT the signage be limited to one double sided 1m x 2m freestanding sign of the internal road, Content shall be limited to the consented activity and shall not be illuminated.

Car parking & Access

31. . THAT
 - a) At least 3 months prior to an application under the Building Act the applicant shall submit a Transportation Assessment to Council for approval in relation to the childcare centre, taking into account the number of children and staff, carparking requirements, access and traffic safety requirements.
 - b) The consent holder shall submit to Council for approval a "Travel Management Plan" prepared by a suitably qualified transportation expert to the satisfaction of the Chief Executive Officer (or delegate authority). The Plan shall be implemented, monitored over time, and reviewed by the consent holder or Council and updated as necessary to remain effective.
32. THAT the minimum number of permanent carparks (two designated for disabilities) identified in the Transportation Assessment above be provided and all carparks, access roads and manoeuvring areas be constructed with 130mm min compacted GAP 40 basecourse, two coat chip seal, pavement marking and that provision be made for the disposal of stormwater via an approved outlet, in accordance with Council's Development Code.
33. THAT the majority of staff parking is to be located on-site, and the carpark shall remain open and available for parking at all times during the Centre's operating hours.
34. THAT a double vehicle crossing (6m at edge of carriageway) to serve the development be constructed in accordance with Council's Standard Specification Drawing No W435 (industrial).
35. THAT the consent holder's representative submit to the Chief Executive Officer or duly authorised officer for approval, with the appropriate engineering inspection fee; construction drawings, specifications, calculations and project

cost estimate; covering the car parking and the stormwater disposal for the car park, in accordance with Council's Development Code and vest in Council. Construction shall not commence until written approval of the plans and specification has been provided by Council.

36. THAT connections to infrastructure (e.g. roads and wastewater) can only be undertaken at the time that the infrastructure has been vested in Council as any underlying subdivision consent

37. THAT any safety recommendations from the Transportation Assessment in required in condition x above be implemented.

As-builts and Certification

38. THAT all works required by Conditions X-x for the childcare centre be supervised and certified as complete in accordance with the conditions by the consent holder's representative (refer Section 12.3.10.1(f) of Western Bay of Plenty District Council's District Plan) prior to the activity (childcare centre) commencing operation.

39. THAT all costs associated with the conditions of this consent shall be met by the consent holder.

EARTHWORKS

40. THAT the consent holder shall provide to the Council's Compliance Officer notice of the date works are to commence. This notice shall be received by the Council no less than 2 weeks prior to the commencement date and shall include the following details:

- name and telephone number of the project manager, contractor and site owner;
- site address to which the consent relates
- activity to which the consent relates
- expected duration of works.

41. THAT the proposed building development shall be in accordance with the geotechnical report prepared by CMW Geosciences dated 9th October 2020 reference TGA2020-001AB Rev2 or subsequent geotechnical reports prepared by a chartered professional engineer suitably experienced to the satisfaction of the Chief Executive Officer or duly Authorised Officer.

42. THAT a Chartered Professional Engineer or engineering geologist who has been pre-approved by Council as suitably qualified and experienced with soils, shall prepare a geotechnical completion report relating to the nominated building sites and roading 'platforms' which describes their suitability for commercial building and road pavement development as required by Rule 12.4.1 of the District Plan. This report shall state the extent of inspection, supply test results and a statement of professional opinion with regard to the nominated building sites in respect of the following:-

- a. That the nominated building sites and roading platforms are suitable for conventional commercial and roading development with standard foundations in accordance with NZS3604; (except different standards apply to roading) or
 - b. Where the nominated building sites or roading platforms are not suitable for conventional commercial development, then any non compliance shall be clearly stated and sufficient geotechnical engineering detail provided, so that at Building Consent stage and roading pavement design stage specific foundations could be designed, without the requirement for further geotechnical input. This geotechnical information may, at the discretion of the Chief Executive Officer or delegate, be incorporated as Consent Notices pursuant to Section 221 of the Resource management Act 1991, on Lots where the building sites have not been certified by the applicant as suitable for conventional commercial development and that specific design may be required for roading foundations.
 - c. Where the geotechnical report recommends a building set back then a Building Line Restriction shall be shown on the 223 plan and included in the consent notice.
 - d. Where a consent notice is required, the notice shall state that all future development be in accordance with the relevant geotechnical report (or subsequent approved reports), refer to any Building Restriction Lines and include clear reference to the report including date, author , reference and revision numbers as applicable.
43. THAT the consent holder shall submit confirmation from the Bay of Plenty Regional Council, that all necessary consents in relation to the subdivision have been granted. That written confirmation shall be provided from the Bay of Plenty Regional Council that the works required by this condition have been completed to their satisfaction.
44. THAT prior to undertaking bulk earthworks on site, the underground springs within the property be identified and a report prepared by a suitable qualified geotechnical engineer outline the nature and extent, and how these will be managed as part of the development, this report shall be submitted to Council for review at the time of engineering desing approval.

Retaining Walls

45. THAT prior to construction of any retaining structures (equal or greater than a height of 1.5m or subject to any surcharge loads) written confirmation shall be submitted to the Chief Executive Officer or duly authorised officer that all necessary building consents for the construction of the retaining walls in relation to the development have been granted.

46. THAT:
- a. all retaining walls constructed on the site and subject to building consent shall obtain a code of compliance certificate prior to 224 approval
 - b. Any retaining walls not subject to building consents shall be supervised and certified as complying with the building code as part of the geotechnical completion report
47. THAT any 'party' walls that cross boundaries shall be structurally independent for each allotment.
48. THAT evidence be provided of consultation and agreement (written approval) from the Ministry of Education for access over their property for construction of the retaining wall. Should an easement be required for formalise ongoing access this shall be provided at the time of 223 of the relevant stage.
49. THAT where retaining walls cross proposed lot boundaries easements shall be provided at the time of 223 for 'party' wall and drainage requirements.
- a) Advice Note:
 - b) Provision for future legal access from the school site for maintenance purposes
 - c) Easements to capture 'party' wall drainage where a single wall crosses proposed lot boundaries

CONSTRUCTION MANAGEMENT

50. THAT earthworks, enabling works and any other construction activities shall be actively managed to avoid or otherwise remedy or mitigate any off-site nuisance effects, any adverse effects caused by debris, noise, vibration matters or any other construction-related adverse environmental effects. The CMP shall remain in place until the Completion of Construction Works with the exception of those matters that continue beyond the Completion of Construction Work or other construction-related adverse environmental effects.
51. THAT at least three months prior to the commencement of earthworks or construction activities onsite (excluding site investigations and enabling works) the Consent Holder shall submit a Construction Management Plan (CMP) to the WBOPDC Environmental Consents Manager or nominee for certification. CMPs may be submitted for individual or multiple stages of construction works.
- a) The objective of the CMP is to establish procedures to manage and control any potential off-site nuisance or adverse effects as described in Condition XX above
52. THAT the Construction Management Plan (CMP) shall include but not limited to:

- a) Details of the works, intended construction timetable (including construction staging) and hours of operation
- b) Quality assurance/quality control including but not limited to;
 - i. Contact details of the person in charge of construction works or other person responsible for implementing this Plan;
 - staff and contractors' responsibilities;
 - training requirements for employees, sub-contractors and visitors;
 - environmental incident and emergency management (including the procedures required under regional consent conditions);
 - communication procedures;
 - complaints management;
 - compliance monitoring;
 - environmental reporting;
 - corrective action;
 - construction lighting;
 - ii. Methods to control debris on roads and silt laden runoff during construction;
 - iii. Methods to clean and inspect all machinery to be used to reduce the risk of the spread of weeds and diseases (such as Myrtle Rust), and ensure all seed and/or plant matter has been removed from all machinery.
 - iv. (Measures for the protection of treatment and soakage systems during earthworks periods to ensure sedimentation does not reduce device effectiveness, as consented under the Regional Council consents.
 - v. Existing network utilities;
 - vi. Traffic Management;
 - a) General methods to mitigate and manage construction noise in order to comply with the noise limits set out in **condition XX below;**
 - b) Identification of any special construction activities (including any pile driving and concrete pours) that may require specific mitigation measures in order to comply with the noise limits;
 - c) the methods to engage with stakeholders, including:
 - i. how the community will be kept informed of progress with Works, including
 - ii. proposed hours of operation outside normal working hours and Project
 - iii. construction personnel contact details;
 - iv. identifying stakeholders such as landowners, road users, local community, iwi, regulatory authorities, industry, network utility operators, road maintenance contractors, emergency services;
 - v. responding to queries and complaints (in accordance with condition xx;);
 - d) any necessary health and safety requirements

53. THAT the consent holder shall implement the certified Construction Management Plan, and any updated certified Construction Management Plan.

- i. Advice Note: Any changes to the Construction Management Plan shall be confirmed in writing by the Consent Holder following consultation with WBOPDC LDE Manager before implementation.*
- ii. 'Earthworks' means the disturbance of the land surface by moving, removing, placing or replacing soil or earth, by excavation, cutting or filling, but excludes cultivation of land for farming purposes.*
- iii. 'Enabling Works' means the following and similar activities; demolition and/or removal of existing buildings and structures, fencing, tree felling (except as subject to specific conditions of this consent) and removal of any associated underground or above ground services.*
- iv. 'Construction staging' refers to the extent of works undertaken at any one time and may differ from the subdivision staging shown in the approved scheme plans.*

54. THAT prior to the commencement of each subsequent stage of construction that is not covered by an earlier CMP which has been certified for multiple stages, the Consent Holder shall provide an updated Construction Management Plan (CMP) for certification by the WBOPDE LDE Manager (or nominee).

Construction Traffic Management Plan

55. THAT adverse traffic effects, including effects on safety, and adverse effects associated with access to the site must be avoided or otherwise remedied and mitigated to ensure that the transport network functions at an acceptable level of service during the construction phase of development across all stages of the subdivision.
56. THAT A Construction Traffic Management Plan (CTMP), shall be prepared by a suitably qualified and experienced person in accordance with the NZTA Code of Practice for Temporary Traffic Management and after consultation with the Territorial Authority Chief Executive or nominee.
- a) The CTMP shall be submitted to the WBOPDC Land Development Engineering Manager (LDE Manager) or nominee, for certification that the CTMP satisfies the requirements of condition **XX** no later than **twenty (20)** working days prior to the commencement of any stage during Construction Works.
 - b) Construction of any relevant stage of the development shall not commence until the Consent Holder has received the LDE Manager or nominee written certification of the CTMP for that stage of works.

The objective of the CTMP is to provide a framework of actions and responses which must be implemented by the Consent Holder to ensure that the adverse traffic and access related effects of the construction of the development will be avoided, remedied or mitigated, as required by Condition **XX** above.

When requesting certification of a CTMP, the Consent Holder shall provide the LDE Manager Development or nominee with a letter from the New Zealand Transport Agency and Western Bay of Plenty District Council Infrastructure Services Group Manger as road controlling authorities whose roads are affected by the development's construction traffic confirming that the

Consent Holder has adequately consulted with that road controlling authority in relation to Condition XX and any effects on their road network and included adequate measures to manage such effects.

The CTMP shall describe the measures which must be carried out to avoid, remedy or mitigate the local and network wide construction traffic effects of the development. In particular (but not limited to), the CTMP shall describe the following as they are applicable to each construction stage for the development.

- (a) Measures to maintain pedestrian, cycling and vehicle access to roads and property to defined and approved levels of service. The CTMP shall identify notification thresholds and processes for communicating with affected parties and shall consider whether there are specific user needs that require specific responses.
- (b) Measures to maintain access for emergency vehicles, and methods to ensure that emergency service providers are regularly informed of the timing and sequencing of works, road closures and alternative routes if necessary.
- (c) How service providers are to be regularly informed of the timing and sequencing of works, any road closures and alternative routes if necessary.
- (d) The timing and sequencing of any road closures that will be required and the nature and duration of any traffic management measures that will result, including any temporary restrictions, detours or diversions.
- (e) Measures to ensure safe access to the development site.
- (f) Management and sequencing of construction works to avoid, remedy or mitigate traffic-related adverse effects.
- (g) Routes to be used and times for heavy haulage (and roads and times to be specifically avoided) for development-related Heavy Commercial Vehicles (HCVs) for shifting bulk materials (such as earth fill or pavement materials or water) (Bulk HCVs) and temporary traffic management controls in accordance with the Code of Practice for Temporary Traffic Management.
- (h) Assessment and monitoring of road conditions and response should severe and sudden deficiencies arise directly associated with development-related HCVs.

57. THAT the certificated CTMP shall be implemented throughout the period of the construction works.

Construction Noise and Vibration Management

58. THAT A Construction Noise and Vibration Management Plan (CNVMP) outlining how noise and vibration nuisance will be mitigated during

construction activities. The plan shall specify any restrictions on work hours, physical noise mitigation to be employed, and limitations on the timing of specific activities, including high noise generating activities. The CNVMP must address the relevant measures in Annex E of NZS 6803:1999 "Acoustics – Construction Noise" and Appendix B of DIN 4150-3:1999 "Structural vibration – Part 3 Effects of vibration on structures" or equivalent standard.

59. The consent holder must ensure that construction activities which exceed the noise limits for the zone and truck movements shall occur only between the hours of 7.30am – 6.00pm Monday to Saturday, and no work on Sunday. No activities shall occur on public holidays except in cases of operational necessity, with prior agreement of the Council. The consent holder must ensure that all construction activities comply with the long-term limits set out in Table 2 of NZS6803:1999 "Acoustics – Construction noise" as far as is practical. The CNVMP required under Condition 28(c) must include measures for higher noise generating activities that cannot practically comply with NZS6803:1999.

Earthworks – Cultural Requirements

60. THAT adequate prior notice shall be given to hapu prior to earthworks commencing (at least 4 weeks) and that evidence of this notice shall also be provided to Council's Compliance Officer.
61. . THAT the monitoring of earthworks and land disturbance by hapu shall be undertaken in accordance with the Earthworks Procedures, as outlined in Appendix 7 (Section 4.8) of the Operative District Plan 2012. An agreement to enable site access for monitoring shall be prepared and agreed with hapu. Evidence of this agreement shall also be provided to Council's Compliance Officer prior to commencement of works.
62. THAT the earthworks shall be undertaken in accordance with the Earthworks Procedures outlined in Appendix 7 (Section 4.8) of the Operative District Plan 2012.

SURVEY PLAN APPROVAL (s223) CONDITIONS – ALL STAGES

63. THAT before the Council will approve a survey plan pursuant to s223 of the RMA for the stages shown on Staging Plan the following conditions shall be satisfied:
- a) The consent holder shall obtain Council approval for the road name(s) (in accordance with the WBOPDC Road Naming Policy for the roads to vest in Council and the name is to be shown on the stage survey plan.
 - b) The stage survey plan shall be in general accordance with the respective stage shown on Staging Plan and any specific s223 conditions set out below and/ or in addition to any relevant general conditions for all stages that are required to be met for the s223 survey plan certification.
 - c) Lots 501, 502 & 504 shall be shown on the Survey Plans to vest in Western Bay of Plenty District Council as road at the relevant subdivision stage.

SECTION 224(c) COMPLIANCE CONDITIONS - Stages

64. THAT any staging of subdivision consent by way of s223/224 certificates issued on separate survey for this subdivision is appropriate subject to that staging complying with all relevant conditions as applicable for that stage within this consent and as agreed with the Environmental Consents Manager.

ENGINEERING REQUIREMENTS

Roading and Access:

65. THAT proposed lots 501, 502 and 504 shall be vested in Council as road with a minimum 20m wide road reserve in accordance with Council's District Plan and Development Code.

- **Advice Note:** The road reserve widths proposed under resource consent application are non-complying and have not been agreed to by Council. It is however noted that the cross-section drawings included in the application confirm the road reserve width is suitable. Council will not agree to loss of street trees if the road widths become unsuitable at the time of detailed engineering design

66. THAT additional land at the northern end of either lots 5 or 3 (or both) shall be vested in Council as road in order to provide a sufficient turning head for traffic arriving at the 'dead' end of Sentinel Avenue

- **Advice Note:** Council are opposed to vehicular access to and from Sentinel Avenue and recommend pedestrian access only. Currently Sentinel Avenue dead ends at the boundary with no provision nor legal space to provide a turning area. Vehicles currently park at the end and rely on reversing around a corner or into private entrances to perform this manoeuvre and exit in a north-bound direction. This situation was thought to be temporary at the time of completion of Sentinel Avenue (Kaimai Views) with a future turning head being provided with extension of residential housing into the Jace site. So, ideally Sentinel avenue should extend into the Jace development to provide for a turning space. The boundary between the turning space and the commercial development would then be blocked for vehicles. It would also be useful to perhaps provide at least two dedicated mobility parks within this area. It is recommended that this is resolved prior Resource Consent approval

67. THAT all roading shall be constructed to specific designs in accordance with Council's District Plan, Development Code and shall be approved prior to commencing any work on site.

68. THAT there shall be no vehicular access to or from the site from Sentinel Avenue, access shall be designed and constructed for pedestrian only

69. THAT:

- a) for the proposed northern access from Omokoroa Road, there shall be no right turn in or out.

- b) the proposed southern left turn slip lane is entry only and subject to traffic calming
70. THAT street signs shall be erected at approved locations naming all proposed new roads and privateway's serving more than six lots in accordance with Council's Development Code.
71. THAT the consent holder shall contribute to Councils additional costs of:
- a) designing and constructing a two lane circulating roundabout on Omokoroa Road as opposed to a single lane roundabout.
 - b) designing and constructing additional lanes between the Prole Road and Flounder Avenue roundabouts.

Advice Note:

Council's position as a result of traffic modelling is that due to the traffic impacts of the Jace development, the roundabout is required to be two way circulating which is a departure from the single lane roundabout Council have already designed as part of their current Omokoroa Road upgrading works.

In addition, the section of Omokoroa Road between Councils planned Prole Road and Flounder Avenue roundabouts should also logically be two lanes each way

72. THAT pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the titles of proposed Lots 1 to 6 such that there shall be no future access to vested Roads without Council's approval.
73. THAT either:
- a) street lighting shall be provided in accordance with AS/NZS 1158 2005 Road Lighting, as modified by NZTA specification M30 (LED luminaires) and in accordance with Auckland Transport's approved Streetlight List or to an alternative design to Councils satisfaction.
 - b) Street and other lighting shall be provided in accordance with a pre approved specific design
 - c) The designs shall be certified to comply with the above requirements and any other relevant New Zealand standards by a suitably qualified person to the satisfaction of the Chief Executive Officer or duly authorised officer prior to construction.
 - d) Confirmation is also required from the power supply authority that the street lights are operational.
74. THAT:
- a) any street or other lighting that is not serving a public road is deemed to be private and shall be metered independently of the public lighting
 - b) Prior to engineering design application, the consent holder shall submit details (subject to Council approval) of how this will managed in perpetuity
 - c) The consent holder is liable for all ongoing power and maintenance costs associated with private street and other lighting

Advice Note:

- It is not clear from the information provided with the application nor responses to subsequent information requests as to how the lighting arrangements will work.

75. THAT in accordance with a pre-approved design:

- a) a minimum of 701 on and off street permanent carparks, access (including private ways) and maneuvering areas shall be constructed.
- b) each park be specifically marked by an appropriate alternative in accordance with Council's Development Code.
- c) appropriate signage and other pavement markings in accordance with the requirements of the NZ Transport Agency's Manual of Traffic Signs and Marking (including for no parking) shall be installed

76. THAT due to a shortfall in parking spaces as reported within the Resource Consent application, parking additional to the proposed 701 spaces is deferred and subject to monitoring until such time that Council become aware that the internal carparks provided are in-adequate in regards quantity. At such time the developer shall liaise with Council and shall install temporary parks as may be required within the balance land to Council's satisfaction.

Water Supply:

77. THAT in accordance with a pre-approved design and subject to Council agreement in regards public or private metering, potable water reticulation shall be provided to serve the proposed Lots with firefighting capability in accordance with Council's Development Code.

78. THAT live 20mm internal diameter water supply connection/s to serve all proposed Lots shall be installed in accordance with Council's Development Code including a meter. That the lot connections shall be subject to a Council "Water Connection Application & Acceptance" which covers all connections. That a schedule of the water meters with serial numbers, lot numbers and initial factory readings shall be provided with the aforementioned application and also as part of the as-built drawing requirements.

Advice Note:

- a) It is not clear from the information provided with the application nor responses to subsequent information requests as to how the water supply will be metered to the various proposed buildings within each lot. Will some of the metering be public and managed by Council or some private?

79. THAT:

- a) easements granting a right to convey water in gross shall be created over any proposed public watermains crossing over private land by a transfer in accordance with the approved format, in favour of Council and that the schedule of easements be shown on the survey plan.
- b) easements shall be created over private water connections where they crosses over other private lots and that this be shown on the survey plan.

Wastewater:

80. THAT proposed lot 101 shall be vested in Council as local purpose reserve (wastewater) drainage.

Advice Note:

Lot 101 will incorporate a wastewater pumping station and be vested in Council. Council feel that as a public asset, the WWPS would be better located further to the north-west to later serve future development beyond the boundaries of the site. It would be desirable to resolve this prior to Resource Consent approval or as a condition of consent

In addition the proposed lot size (124m²) and shape of lot 101 does not comply with Councils development code which requires a square of 15m x 15m (225m²).

81. THAT in accordance with a pre approved design, wastewater reticulation shall be provided to serve the subdivision with connections to serve all Lots in accordance with Council's Development Code.

82. THAT:

- a) wastewater easements shall be created over private wastewater connections where they crosses over other private lots Lots and that this be shown on the survey plan.
- b) wastewater easements shall be created over the proposed public wastewater mains in favour of Council as dominant tenement and that this be shown on the survey plan.

Stormwater:

83. THAT in accordance with a pre-approved design, proposed Lot 102:

- a) shall be vested in Council as Local Purpose Reserve (Drainage)
- b) shall be constructed to manage the discharge from the proposed stormwater system
- c) shall also be constructed in recognition of lot 102 as an interface between the commercial development and Councils existing gully/stormwater/walkway reserve.

Advice Note:

It was unclear from the application information as to the ultimate purpose for lot 102. Council feel that this quite large area is suited for dual use considering its proximity to the gully system that also serves as stormwater management and provides amenity to the community with vegetation plantings and a walkway/cycleway. The agreed form of a developed lot 102 is yet to be determined and needs to be resolved prior to Resource Consent approval.

84. THAT a consent notice pursuant to section 221 of the Resource Management Act 1991, shall be issued against the titles of Lots 5 and 7 such that all fencing along the common boundaries of the aforementioned Lots proposed Lot 102 and lot 10 DP 548773 (Council reserve) shall be erected at the expense of the respective landowners and/or occupiers of Lots 5 & 7

85. THAT:

- a) Stormwater reticulation shall be provided to serve the development with connections to serve all Lots in accordance with the Development Code.
- b) All catchpits serving paved areas, public or private shall be 'back entry' type.

86. THAT design and construction shall be carried out to ensure that stormwater overland flowpaths are provided clear of the buildable area of each Lot and to take into account the runoff from areas of road, including adjacent catchment where relevant.

87. THAT:

- a) stormwater easements shall be created over any proposed public stormwater mains that cross over private property in favour of Council as dominant tenement and that this be shown on the survey plan.
- b) stormwater easements shall be created over private stormwater connections where they cross over other Lots and that this be shown on the survey plan.
- c) stormwater easements shall be created over any overland flowpaths either private or public

Power and Telecom:

88. THAT:

- a) Written confirmations are required from the power authorities confirming that the existing power reticulation in the vicinity of the sites has the capacity to serve future development of the sites to a minimum of a residential or commercial (depending on intended use) level of service without upgrading.
- b) Where the power reticulation is confirmed not to have the capacity as described above, then the reticulation shall be upgraded by the consent holder at their expense.
- c) Confirmation from PowerCo confirming if a sub-station is required to service the development.

89. THAT power and telecommunications reticulation shall be installed to serve the development with the capacity and ability to later provide all proposed residential and commercial lots with individual connections (lead in's). Letters are required from power and telecom authorities confirming that this condition has been met to their satisfaction.

Advice Note:

Council were and are still concerned that in order to provide a sufficient level of service to this large commercial development that a sub-station may be required. There is no land set aside for this purpose either within this application or elsewhere. It was not clear from the information provided with the application nor responses to subsequent information requests that the existing reticulation has the capacity.

Streetscape/landscaping

90. THAT street trees and landscape plantings are required and shall be:
- a) Of a genus listed in the Development Code "Approved Street Trees Species List" and approved by the Chief Executive Officer, or duly authorised officer, in conjunction with the other engineering plans for this application or as otherwise may be approved by Council
 - b) Planted as per the aforementioned engineering design.
91. THAT any street furniture proposed to be vested shall be subject to a pre-approved design

Advice Note:

The information regarding street-trees, general landscaping and furniture was rather conceptual (including further information responses). Council are concerned that the proposed non-complying road reserve widths are inadequate to provide enough green space for the long term health of street trees. Street trees to remain and will not be allowed to be removed from the design under the engineering design approval.

Quality Assurance and Certification:

92. THAT the consent holder's representative shall submit to the Chief Executive Officer or duly Authorised Officer for approval, with the appropriate engineering inspection fee; construction drawings, specifications, calculations and project cost estimate; covering all sections of work which it is proposed to be built in accordance with Council's Development Code and vest in Council. Construction shall not commence until written approval of the plans and

specification has been provided by Council. Where watermains are to be vested in Council, the disinfection methodology to be used shall be incorporated in the engineering specifications. No pressure testing of watermains or sewer pipes, which are to be vested in Council, shall be observed by a Council official, unless prior written approval of the plans and specification have been provided by Council.

93. THAT the consent holder's representative shall submit to the Chief Executive Officer or duly Authorised Officer, all quality assurance and testing records that are required in accordance with Council's Development Code, including sealing records.

94. THAT as-built information and drawings shall be provided for all vested assets, service connections and earthworks in accordance with Council's Development Code.

95. THAT a 5 percent maintenance bond (or \$2,500.00, whichever is greater) calculated from the approved asset schedule (Cert 1c) shall be paid in respect to the additional Council assets created by this subdivision, in accordance with the requirements of Council's Development Code.

96. THAT at the end of the maintenance period, all maintenance items are required to be certified as complete including that the berms have been mown, carriageways and footpath swept and catchpits cleaned by the consent holder's representative.

97. THAT the work required by conditions [XXXXXX] shall be supervised and certified as complete in accordance with the conditions by the consent holder's representative (refer Section 12.3.10.1(f) of Council's District Plan) prior to 224 or the activity commencing

LAPSE PERIOD

98. THAT Stage 1 shall be given effect to within 5 years of granting this consent.

99. THAT this consent shall lapse after 10 years of being granted unless given effect to.

REVIEW

100. In accordance with the relevant provisions of sections 128 – 132 of the Resource Management Act 1991, the Council may review the conditions of this consent, subject to the following:
 - (a) If deemed necessary by the Council's Chief Executive Officer (or duly authorised representative) the review may be instigated at the following times:

- (i) 1 year after the date the activity commences; and
 - (ii) 3 years after the date the activity commences; and
 - (iii) 5 years after the date the activity commences; and
 - (iv) 8 years after the date the activity commences.
- (b) The purpose of such a review will be to determine the effectiveness of consent conditions in ensuring any adverse off-site environmental effects insofar as they relate to noise, construction, traffic and car parking are being appropriately managed so as to be less than minor;
- (c) Through the review process, new or amended conditions relating to any identified adverse environmental effects relating to the foregoing noise, construction, traffic and car parking may be proposed.

ADVICE NOTE:

101. The consent holder is advised that an approved "Corridor Access Request" is required to construct a vehicle crossing and utilities connections. The application can be made through Council's Roading Service Providers, Westlink, via their online service submitica.
102. The consent holder is advised that an approved "Working on Utilities Notice" is required to connect to Council's live utilities assets. The application form may be obtained from Council's Customer Service Department.
103. The applicant is advised that all engineering designs required by this consent are to be submitted to the Development Engineering team (via consents administration) for review and approval. Designs submitted under the building consent will not be acceptable in regards approved resource consents.
104. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact Heritage New Zealand Pouhere Taonga if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.
105. You may object to this decision, including any conditions of consent, by

notifying Council within 15 working days of receipt of this decision. However you are advised that you may not commence the activity as authorised by this consent until your Appeal is resolved as prescribed by section 116 of the Resource Management Act 1991.

106. This subdivision consent should not be implemented until the necessary regional consent for On-Site Effluent Treatment (OSET) and disposal has been applied for and approved by the Bay of Plenty Regional Council, if required.
107. Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by a Council representative and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring, Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or additional monitoring fees.