



15 June 2022

Otane Developments Ltd  
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New Zealand

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Attention: Andrew Taylor

Dear Andrew,

**Re: 20 LOT Subdivision - Otane Developments Limited - RM220001**

The Customer and Consents Manager under delegated authority from the Central Hawke's Bay District Council on 15 June 2022 approved the application as follows:

It is recommended that pursuant to Sections 104, 104C, 106 and 220 of the Resource Management Act 1991, the Central Hawke's Bay District Council grants subdivision consent to Otane Developments Limited to subdivide 19 Russell Street, Otane, legally described as Lots 74-85 Deposited Plan 119, into 20 lots, subject to the conditions suggested within the recommended conditions attached to this document.

#### REASONS FOR RECOMMENDATION

- (1) The adverse effects of the activity on the environment will be no more than minor.
- (2) The adverse effects on any person are less than minor.
- (3) The proposal is consistent with the provisions of the Operative and Proposed District Plan and Part 2 of the Act.
- (4) The proposal meets the requirements set out in s106 of the RMA by ensuring that no hazards are created or exacerbated by this proposal and access from the road can be provided to each lot.

#### CONDITIONS:

#### ALL STAGES

##### General

1. The subdivision shall proceed in general accordance with the application submitted to the Central Hawke's Bay District Council on 23 December 2021. Where there are specific consent conditions below which conflict with the application documents, the specific conditions will prevail.

Plan	Author	Date	Reference
Subdivision Consent Plan – Otane Developments Ltd, Proposed Subdivision of Lots 74-85 DP 119 19-29 Russell Street, Otane	Surveying the Bay	December 2021	5781/6

##### Easements

2. Prior to the Council signing the Survey Plan pursuant to Section 223 all necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

*Note: For clarity, infrastructure to be vested in Council must be protected by easements in gross which are to be shown on the Survey Plan.*

## STAGE 1

### Amalgamation

3. The following amalgamation conditions must be endorsed in the cadastral survey dataset:

*"That Lots 5 and 21 hereon be held in the same record of title"; and*

*"That Lots 8 and 22 hereon be held in the same record of title"*

See LINZ reference: 1770180

4. The following amalgamation conditions must be endorsed in the cadastral survey dataset:

*"That Lots 1 to 6, 16 to 18 and 21 be held in the same record of title"*

LINZ reference to be confirmed

### Vehicle access

5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall form a vehicle crossing to Lot 15 to Council's specification TS-LT-2009-08.1.2, to the satisfaction of the Land Transport Contract Manager.
6. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall form a vehicle crossing to Lot 21 to Council's specification TS-LT-2009-08.14, to the satisfaction of the Land Transport Contract Manager.
7. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall form a vehicle crossing to Lot 22 to Council's specification TS-LT-2009-08.14, to the satisfaction of the Land Transport Contract Manager.
8. Prior to requesting approval under Section 224(c) of the Resource Management Act 1991 the Consent Holder shall submit certification from a suitably qualified person to the Central Hawke's Bay District Council's Customer and Consents Manager ('CCM') confirming that the Rights of Way 'A' and 'B' and associated turning areas have been designed, constructed and completed in accordance with the standards within the Central Hawkes Bay Operative District Plan and New Zealand Standard NZS4404 Land Development and Subdivision Infrastructure.

The following shall be addressed:

- a) The right of way shall be formed a minimum of 5 metres wide with a sealed surface;
- b) The legal width of the right of way shall be at least 8m wide; and
- c) A turning area shall be formed in accordance with NZS4404:2010.

Form Schedule 1C of NZS 4404:2010 shall be completed and submitted along with the written statement.

### Consent Notice

9. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lots 1 to 20 advising the registered proprietors of the following requirements:

- a) *Any future development and/or building(s) onsite shall not result in an increased flow of stormwater discharging from the boundaries of the site. A hydraulically neutral stormwater design must be completed and provided to Council for approval at the time of building consent identifying a method to attenuate*

*stormwater discharge to a predevelopment flowrate (based on a 10% Annual Exceedance Probability). This stormwater design is to include reference to the assessment provided as part of the resource consent application (RM220001).*

*b) The design and construction of all buildings, structures and services onsite must be consistent with the recommendations outlined in the preliminary geotechnical report prepared by LDE Ltd, Project Reference 20737, dated January 13, 2022, submitted with the resource consent application (RM220001). All related construction works must be supervised by a Registered/Chartered Engineer experienced in geotechnical matters.*

10. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 4 and Lot 8 advising the registered proprietors of the following requirements:

a) *An overland flow path extends along the northern boundary of this property, as denoted by the areas marked 'G' and 'E' in the Memorandum of Easements for LT [xx]. This area of the site must be kept clear of any building, structure or other obstruction that may prevent the drainage of stormwater along this overland flow path in large rainfall events.*

#### Servicing

11. Prior to construction commencing, the Consent Holder must submit a "Comprehensive Infrastructure Management Plan" (CIMP) to the Council's Customer and Consents Manager for written, technical certification.

The purpose of the CIMP is to demonstrate how the proposed infrastructure is to be implemented and maintained through to the vesting of services at time of s224. The subdivision shall be design and constructed in accordance with the New Zealand Standard NZS4404:2010, Land Development and Subdivision Infrastructure, unless otherwise agreed to by the Central Hawke's Bay District Council or altered by the conditions within this decision.

The CIMP must include, but be not limited to demonstrating the following:

- (a) **All proposed new or altered public assets including stormwater, wastewater and water services, roading, and access lot construction. The plans shall be prepared by a suitably qualified and registered chartered engineer or other suitably qualified persons as defined in Section 1.7 of New Zealand Standard NZS4404:2010.**
- (b) Servicing trenches for potable water supply, stormwater and wastewater services and other telecommunication and power services.
- (c) **Final site contours for the site.**

The submitted wastewater service drawings shall also include (but are not limited to):

- (i) Confirmation of the method of wastewater disposal.
- (ii) System designs, including any pump designs and their location.
- (iii) Supply and install wastewater supply laterals into all lots.
- (iv) Stormwater sump and swale location and design.
- (v) Any other details as required by the conditions within this decision.

The submitted water service drawings shall also include (but are not limited to):

- (i) All service pipes and their sizes, water manifolds, tobies and meters, and their meter boxes.
- (ii) Supply and install water supply laterals into all lots.

**These drawings shall be submitted for certification from the Council's Customer and Consents Manager at the Central Hawke's Bay District Council.**

Form Schedule 1A of NZS 4404:2010 shall be completed and submitted along with the drawings.

Note:

- *The information to be included in the CIMP should be consistent with the information provided in the resource consent application, s92 response and subsequent correspondence regarding servicing arrangements for the site.*
- *For the sake of clarity, the ongoing maintenance obligations of infrastructure vested with Council will remain the responsibility of the Council as asset owner.*

Restriction on works

12. No physical works associated with the installation of services can be carried out until Engineering Plans are certified by Council in accordance with **Condition 11**.

Water Services

13. Prior to any request for Section 224(c) certification under the Resource Management Act 1991 the consent holder shall install all water supply services and infrastructure in accordance with the design and specifications approved in **Condition 11**.

Water Supply for Fire-Fighting purposes

14. Prior to any request for Section 224(c) certification under the Resource Management Act 1991 the consent holder must demonstrate a suitable firefighting water supply is provided to all lots in accordance with SNZ PAS 4509:2008 (Publicly Available Specification New Zealand Fire Fighting Water Supplies Code of Practice) or alternative design approved by the New Zealand Fire Service.

Wastewater Services

15. Prior to any request for Section 224(c) certification under the Resource Management Act 1991 the consent holder shall install all wastewater services and associated infrastructure in accordance with the design and specifications approved in **Condition 12**.
16. Prior to requesting approval under Section 224 of the Act, the Consent Holder shall submit a written statement from a suitably qualified persons as defined in Section 1.7 of New Zealand Standard NZS4404:2010, that the physical works have been carried out in accordance with the engineering plans and the CIMP, unless certified in writing by Council.

In accordance with this condition, the construction of all and access lots; and, all stormwater, wastewater and water services, shall be constructed and connected to Council's public networks in accordance with New Zealand Standard NZS4404:2010, Land Development and Subdivision Infrastructure and to the satisfaction of the Central Hawke's Bay District Council's Three Waters Operations Manager.

Form Schedule 1C of NZS 4404:2010 shall be completed and submitted along with the written statement.

As-builts

17. Prior to any request for Section 224(c) certification under the Resource Management Act 1991 for each stage the Consent Holder shall submit to the Customer and Consents Manager at the Central Hawke's Bay District Council 'As Built' plans for all roads, rights of way, and infrastructure required by the conditions of this subdivision consent. The as-builts shall be in accordance with Schedule 1D of NZS4404:2010, where relevant.

Damage to Council Assets

18. The consent holder shall be responsible for any damage to Council's existing infrastructure and roads caused by the development during construction. The damage shall be repaired under the direction of Council at the consent holders' expense.

Earthworks

19. All earthworks shall be undertaken in accordance with:

- a) the “*Hawkes Bay Waterway guidelines - Erosion and Sediment Control*”, prepared by the Hawkes Bay Regional Council, ISBN No: 1-877405-35-3, dated April 2009 (*Reference: [1 \(hbrc.govt.nz\)](http://hbrc.govt.nz)*); and
- b) the Geotechnical Investigation Report for Proposed Subdivision, submitted with the application, prepared by LDE Ltd, project reference 20737, dated 13 January 2022.

#### Site Remediation

20. Prior to requesting approval under Section 224(c) of the Resource Management Act 1991, the consent holder is required to undertake remedial measures to address contaminants in soil, as identified in the Detailed Site Investigation (DSI) provided with the application (RM220001), prepared by EAM Environmental Consultants, titled *Detailed Site Investigation*, project number EAM2140, dated November 2021.
21. Prior to commencement of earthworks to remediate the site, the consent holder shall submit a Remediation Action Plan (RAP), prepared by a suitably qualified and experienced practitioner, for approval by Central Hawke’s Bay District Council’s Customer and Consents Manager. The RAP must be based on the findings of the Detailed Site Investigation (DSI) provided with the application provided with the application (RM220001), prepared by EAM Environmental Consultants, titled *Detailed Site Investigation*, project number EAM2140, dated November 2021.

*Note: Any Site Remediation Action Plan shall cover the matters outlined in the MfE Contaminated Land Management Guidelines No. 1 Reporting on Contaminated Sites in New Zealand (Revised 2011).*

22. Prior to requesting approval under Section 224(c) of the Resource Management Act 1991, all remediation shall be undertaken in accordance with the SRAP, approved in accordance with **condition 21** of this consent, to the satisfaction of Central Hawke’s Bay District Council’s Customer and Consents Manager.

*Note: It is the consent holder’s responsibility to determine if any additional resource consents under the NESCS are required depending on the method of disposal of any contaminated material. Any additional resource consents will be required prior to seeking approval under condition 21.*

23. Prior to requesting approval under Section 224(c) of the Resource Management Act 1991, a Site Validation Report (SVR) and Ongoing Site Management Plan (SMP) prepared by a suitably qualified and experienced practitioner shall be submitted for approval of Central Hawke’s Bay District Council’s Customer and Consents Manager.

*Note:*

- *The SVR and SMP shall be prepared by a suitably qualified contaminated land professional in accordance with the Ministry of Environment Contaminated Land Management Guidelines, No 1 Reporting and Contaminated Sites in New Zealand and No. 5 Site Investigation and Analysis of Soils.*
- *The person preparing the SVR and SMP shall also provide a statement certifying that all works have been carried out in accordance with the requirements of this consent.*
- *The Council reserves the right to peer review the findings of the RAP and SVR in certifying (or refusing to certify) these documents. All costs associated with these peer reviews will be on-charged by the Council to the consent holder.*

#### Conditions Met

24. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder must provide to Council a written statement confirming how the above consent conditions have been met.

## STAGE 2

#### Cancellation of Amalgamation

25. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder must cancel the amalgamation condition imposed under Condition 5 of this consent, pursuant to section 241 of the Act.

**ADVICE NOTES:**

**(1) Conditions of Consent**

Unless otherwise stated within the conditions of this subdivision consent, all conditions must be met at the consent holder's expense, prior to any application for a Section 224(c) certificate and the issue of any new record/s of title. If you have any questions, please feel free to contact the Duty Planner at the Central Hawke's Bay District Council to discuss this matter further. The contact details are: Phone: (06) 8578060, Email: [planner@chbdc.govt.nz](mailto:planner@chbdc.govt.nz)

**(2) Lapse of Consent**

Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

- a) A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
- b) An application under section 125 of the RMA is made to the Council before the consent lapses (five years) to extend the period after which the consent lapses and the Council grants an extension.

**(3) Archaeological Material**

If the owners of the property, or their contractor, discover any archaeological material (including human remains) during any works they are advised to cease work and contact Heritage New Zealand immediately.

**(4) Earthworks**

In regard to earthworks required to form any of the proposed works (e.g., building platforms and accessways), it is noted that compliance with the standards of the Regional Resource Management Plan Rule 7 'Vegetation Clearance and Soil Disturbance' is required. All earthworks shall be undertaken in accordance with the "*Hawkes Bay Waterway guidelines - Erosion and Sediment Control*", prepared by the Hawkes Bay Regional Council, ISBN No: 1-877405-35-3, dated April 2009, as per the conditions of the resource consent above.

**(5) Subdivision Expenses**

Unless otherwise stated the above conditions shall be met at the expense of the subdivider and prior to the release of a certificate in accordance with Section 224(c) of the Resource Management Act 1991.

**(6) Subdivision Certification Fees**

The fees payable for certification of this subdivision are as follows. These fees are correct at the time of writing and are subject to change in accordance with Council's Schedule of Fees and Charges:

223 and 224 certification (8+ lots)	\$1500
Consent Notice(s)	\$250
Property file creation (fee per new lot created)	\$75
Vehicle Crossing Approval	\$210

**(7) Development Contributions**

Development Contributions are required to be paid for each new lot on the plan of subdivision or for each new unit of demand constructed. Development Contributions must be paid prior to the issue of a certificate pursuant to section 224 of the Resource Management Act 1991 for Development Contributions charged as part of a resource consent.

Council has completed its assessment of development contributions payable for the above project. Based on this assessment the total Development Contributions payable are: \$513,401.40 (based on 18 new units of demand).

Activity	Levy
Reserves	\$21,078.00
Community Infrastructure	\$4,302.00
Water	\$176,724.00
Wastewater	\$195,084.00
Stormwater	\$49,248.00
GST	\$66,965.40
<b>Total Contribution</b>	<b>\$513,401.40</b>

Full Payment is required:

- before an application for certificate under s224(c) of the Resource Management Act 1991
- prior to the uplift of the building consent
- or upon a request for service connection

whichever occurs sooner.

Section 208 (9) of the Local Government Act 2002 states that when payment of a contribution is required and not received, Council may:

- On a subdivision consent withhold the s224(c) certificate RMA, 1991.
- Prevent the commencement of a resource consent under RMA, 1991.
- Where a contribution is required at building consent stage, Council may withhold the compliance certificate.
- Where a contribution is required at connection stage, withhold the service connection.

For information regarding development contributions please refer to the current Development Contributions Policy which can be found at [www.chbdc.govt.nz](http://www.chbdc.govt.nz) under Policies.

#### (8) Variations

Should the applicants wish to apply for a change or cancellation of any of the conditions of consent in accordance with Section 127 of the Resource Management Act 1991 such application must be made to Council in writing prior to issue of a certificate under Section 224(c) of the Resource Management Act 1991.

#### (9) Objections

Any objection to Council's decision on such application must be made in writing in accordance with Section 357 of the Resource Management Act 1991 within 15 working days of notification of this decision and be accompanied by the required Council fee.

#### (10) Three Waters Bylaws

All development shall be undertaken in accordance with Central Hawke's Bay District Council Bylaws for Water Supply, Stormwater and Wastewater. The Bylaws can be found on the Central Hawke's Bay District Council website at [www.chbdc.govt.nz](http://www.chbdc.govt.nz).

#### (11) Other Consents

The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015) relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

Should you have any queries with regard to this consent please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Robyn Burns', with a long horizontal flourish extending to the right.

Robyn Burns  
Customer and Consents Manager