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23 March 2009

File Ref: 63-05-026\09
Your Ref: 175781-R-P-C022

Doc No: RDC-35526
Enquiries to: Joanne Watts

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Attention: Bart Yetsenga

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Dear Bart,

**NOTICE OF DECISION REGARDING VARIATION TO APPROVED
SUBDIVISION CONSENT**

Consent No.: 63 05 026
Applicant: Pioneer Property Trust Ltd
Location of proposal: Western Road
Legal Description: Lot 17 DP 336769 and easement over Lot 16 DP 336769
Proposal: To amend Stage 3 of the approved subdivision consent to incorporate conditions into Stage 3 of the subdivision consent to address the now known presence of compressible silt & organic materials, seasonally high groundwater levels and land stability issues (in the vicinity of steep slopes along the northern boundary between Stages 3 & 4).

I wish to advise that the following decision has been made under authority delegated to staff in respect of the above application:

(a) Decision regarding non notification of the application

That pursuant to Section 93(1)(b) of the Resource Management Act 1991, the Rotorua District Council resolves that the adverse effects of the proposed change of conditions of consent will be minor and the application need not be notified. The Council is satisfied after taking into due consideration the requirements of Section 94, 94A, 94B and Section 127(4) that in the opinion of Council no persons are considered adversely affected by the change of conditions. Council is also satisfied that no special circumstances exist that require notification of the consent application in accordance with Section 94C(2) of the Resource Management Act 1991.

(b) Decision on the application

That pursuant to Sections 34A, 104, 108, 127, 220 and 221 of the Resource Management Act 1991, the Rotorua District Council resolves to grant consent to change the original subdivision consent granted on 13 February 2006, varied on 3 July 2007 and further varied on 22 August 2007. The applicant is Pioneer Property Trust Ltd and the consent allows for the subdivision of the property at Western Road legally described as Lot 17 DP 336769 into 86 residential lots, 2 local purpose reserves, 2 new roads to vest in RDC, two access lots and a balance lot.



For completeness, the original conditions of consent are reproduced below with changes to the original conditions resulting from this decision shown in *italics*. The consent is now subject to the following conditions:

Stage 1 comprises Lots 1-14, 17-23 and the balance lot.

Stage 2 comprises Lots 15, 16, 64-87, 91 & 93 and the balance lot.

Stage 3 – (*land contained in Lot 96 DP 389915*) comprises Lots 24 – 63, 88, 90, 92 & 94

GENERAL CONDITIONS THAT APPLY TO ALL STAGES

1. That all engineering works required to be undertaken to satisfy the conditions of this consent shall be carried out in accordance with the Rotorua Civil Engineering Industry Standard (RCEIS) and the District Plan, to the satisfaction of the District Engineer.
2. That all land to vest in Council, roads, street lighting, sewerage, stormwater, water supply, telecommunications, electricity facilities shall be provided to the standards required by Council as a service operator or other service operators in which the infrastructure will be vested. Certification from Council or other appropriate service operator that it is satisfied with the standard of the service provided, and that it will accept the particular service, shall be provided to Council as consent authority before it issues any Section 224 Certificates to enable a survey plan to be deposited. Those services certified for approval by Council as service operator shall vest in Council on deposit of the survey plan.
3. That engineering design plans shall be submitted to all relevant services operators for written approval before commencing construction work. Work undertaken without Council's written approval for those services to vest in Council, shall not be accepted.
4. That in carrying out the proposed works no run off, silt, sediment or other materials shall be permitted to discharge off-site that could damage or disturb neighbouring properties, public roads or drains by installing and maintaining appropriate erosion and sediment controls, prior to and during the works, and until the site is stabilised.
5. That all filling shall be certified by a Chartered Professional Engineer.

STAGE 1

6. That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by MTEC Consultants Ltd, numbered 175781-R-P-D002, Sheet number 01 Issue E and dated 22/11/05 in so far as it relates to Stage 1 - Lots 1-14, 17-23 and the balance lot.

Financial Contribution

7. That a financial contribution of \$ 47 400 (GST inclusive) for reserves and heritage purposes be paid to Council. This amount has been assessed at 5% of the land value of proposed Lots 1 -14 and Lots 17 – 23. Where lots have an area over 900m² the value of an 850m² house site on each of the lots has been assessed.

8. That a footpath and kerb and channel shall be constructed in accordance with RCEIS, along the Western Road frontage. Rotorua District Council will contribute the agreed sum of \$18,341.00 (excl. GST) on completion.
9. That overland flow paths shall be identified and shown as easements in favour of Council.
10. That for Lots 1 – 14 and 17 - 23 there shall be, 1 (one) only vehicle crossing per Lot, on-site parking and turning for each household unit shall be provided, and all egress from these Lots shall be in a forward movement.
- 10A That the owners and future owners of Lots 1 – 12 are advised that the areas inside the overland flow easement are low lying with the potential to act as secondary flow paths for short durations during extreme storm events. Earthworks, access formation and landscaping within the Lots shall not restrict the overland flows or divert water on to adjacent Lots.
11. The owners and future owners of the relevant Lots are advised of conditions 10 – 10A way of a Consent Notice registered on the relevant Certificates of Title.
12. Any proposed landscaping of the proposed reserve shall be undertaken in accordance with an approved landscaping plan. Approval must be obtained to the satisfaction of the Director, Community Services prior to any landscaping works commencing.

Stage 2

13. That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by MTEC Consultants Ltd, numbered 175781-R-P-D002, Sheet number 01 Issue F and dated 05/06/07 in so far as it relates to Stage 2 - Lots 15, 16, 64-87, 91 & 93 and the balance lot.

Financial Contribution

14. That a financial contribution of \$ 56,900 (GST inclusive) for reserves and heritage purposes be paid to Council. This amount has been assessed at 5% of the land value of proposed Lots 15, 16 64-86. Where lots have an area over 900m² the value of an 850m² house site on each of the lots has been used.
15. Deleted (see variation 3 July 2007)

Amalgamation condition

16. That Lot 91 hereon (Legal Access) be held as to two undivided one half shares by the owners of Lots 15 & 16 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.

Street naming

17. That proposed street names for both proposed roads be forwarded to Council for consideration, that consultation be undertaken with emergency services and that the street name receive approval by Council prior to requesting Section 223 certification.
18. That Lots 84, 85 and 86 shall have building platforms at or above the Environment Bay of Plenty 1% AEP flood level of 285.30 metres Moturiki Datum.
19. That the overland flow paths are identified and shown as easements in favour of Council.

20. That the owners and future owners of Lots 84, 85 and 86 are advised that the areas outside of the building platforms are low lying with the potential to act as secondary flowpaths for short durations during extreme storm events. Earthworks, access formation and landscaping within the lots should not restrict the natural overland flows or divert water onto adjacent lots.
21. That the owners and future owners of Lots 15, 16, 65 - 69 are advised that the areas inside the overland flow easement are low lying with the potential to act as secondary flow paths for short durations during extreme storm events. Earthworks, access formation and landscaping within the Lots shall not restrict the overland flows or divert water on to adjacent Lots.
22. That any proposed building on Lots requiring a Building Consent outside of the certified building platforms will require the construction of a building platform at or above the Environment BOP 1% AEP flood level. The building platform shall be certified as suitable for the building by a suitably experience and qualified Chartered Professional (Soils) Engineer.
23. The owners and future owners of the relevant Lots are advised of conditions 21 - 23 way of a Consent Notice registered on the relevant Certificates of Title.
24. That Lots 87 and 93 be vested in Council. That the type of reserve shown on the LT plan be to the satisfaction of the Director of Community Services.
25. That Lot 93 shall vest in Council as road.

STAGE 3

26. That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by MTEC Consultants Ltd, numbered 175781-R-P-D002, Sheet number 01 Issue G and dated 27/07/07 in so far as it relates to Stage 3 - Lots 24 – 63, 88, 90, 92 & 94 unless amended by conditions of this consent.

Financial Contribution

27. That a financial contribution of \$ 57,050 (GST inclusive) for reserves and heritage purposes be paid to Council. This amount has been assessed at 5% of the land value of proposed Lots 24 – 30, 32 -35 and Lots 51 - 63. Where lots have an area over 900m² the value of an 850m² house site on each of the lots has been used.
28. In addition to the above financial contribution, a further financial contribution for reserve and heritage purposes shall be calculated at 5% of the land value of proposed Lots 36 – 50 (being those lots added or changed in area from the original scheme plan) and that this sum be paid to Council. Where lots have an area over 900m² the value of an 850m² house site on each of the lots will be used.
29. The contributions payable may be satisfied by transferring the title of Lot 88 to Council, provision of all agreed works (refer advice note), and the payment of any cash difference between the value of these two items and the calculated contribution.

Amalgamation condition

30. That Lot 90 hereon (Legal Access) be held as to six undivided one sixth shares by the owners of Lots 56, 57, 58, 58, 59 60 & 61 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.

31. All steep slopes unsuitable for building shall be shown on Land Transfer Plan as areas restricted from building prior to application for Section 223. A consent notice clause shall set out restrictions applicable within the area to the satisfaction of the District Engineer.
32. That stormwater over land flow paths for Lots on the northern slope shall be identified and protected by easements on the Land Transfer Plan prior to application for Section 223.
33. That the owners and future owners of Lot 58 and the affected Lots on the northern slope shall be advised that the areas inside the overland flow easement are low lying with the potential to act as secondary flow paths for short durations during extreme storm events. Earthworks, access formation and landscaping within the Lots shall not restrict the overland flows or divert water on to adjacent Lots.
34. Deleted (*see variation 22 August 2008*)
35. That a 100 mm ø watermain shall be installed between the proposed Road (Lot 92) and Kingsley Drive. The watermain be protected by either a Utility Reserve or easement whichever is agreed to by Council's water asset manager.
36. That Lot 89 & 92 be vested in Council as Road.
37. That the owners and future owners of the affected Lots are advised that the areas outside of the building platforms are low lying with the potential to act as secondary flowpaths for short durations during extreme storm events. Earthworks, access formation and landscaping within the lots should not restrict the natural overland flows or divert water onto adjacent lots.
38. Deleted (*see variation 22 August 2008*)
39. That the Lots 56 - 61 shall be restricted to one household unit and no subsidiary household unit.
- 39a. The owners and future owners of the relevant Lots are advised of conditions –37 & 39 by way of a Consent Notice registered on the relevant Certificates of Titles:
40. That the overland flow paths are identified and shown as easements in favour of Council.
41. That Lot 31 shall vest in Council as Drainage Reserve and shall be constructed to contain the flows from a 1% AEP storm event.
42. That drainage works set out in the MTEC Consultants letter of 24 May 2005 be undertaken to improve the drainage of the proposed reserve at the applicant cost. In addition that a building platform on or above EBOP's 1% AEP flood level of no less than 400m² be provided in an agreed location suitable for the purpose of construction of playground equipment.
43. That condition 2 be met in so far as it relates to Lot 88 & that Lot 88 be vested in Council within 12 months of the granting of the variation approved on 3 July 2007. That the type of reserve shown on the LT plan be to the satisfaction of the Director of Community Services.

Subsoil drainage

44. *That the proposed subsoil drainage system be installed as described in Section 8.1.1 of the 'Geotechnical Assessment Report – (volumes 1 - 2)' prepared by Tonkin & Taylor (ref: 851126/Version 1.0 dated March 2009) and outlined in Section 4 and in accordance with details contained in Figure 5 in Appendix B of the Tonkin & Taylor report titled 'Stage Three - Geotechnical Completion Report - March 2009' - T & T Ref: 851126/Version 2.2.*

45. *That the subsoil drainage system be protected by easements (right to drain water) in favour of Rotorua District Council where within the yards of the residential lots. For the avoidance of doubt subsoil drains running centrally through Lots 56 –to 61 will not require easements as it is intended that these remain private drains.*

Trial load area to be identified on survey plan – Lot 58

46. *That the trial loaded area within Lot 58 be shown on the Land Transfer Plan.*

Removal of temporary silt pond – Lots 35 & 36

47. *That the temporary silt pond across the boundary of Lots 35 & 36 be removed and the lots backfilled. Certification that the fill is suitable for buildings shall be provided prior to any construction taking place on the said lots.*

Erosion control – Lot 36

48. *No building shall be constructed on Lot 36 until the cause of erosion from Stage 4 has been effectively dealt with. Erosion control measures shall be satisfactorily undertaken and the required works supervised and certified by a geotechnical engineer to the satisfaction of the District Engineer.*

Planting of Building Restriction Areas

49. *That Consent Notice Areas RA – RD be planted in species suitable to provide the required slope stability and erosion control and also suitably low maintenance for their residential situation.*

50. *Bonds*

- a. *Prior to the release of the Section 224c) certification for Stage 3 of the subdivision the consent holder shall provide to the Council bonds satisfactory to the Council for monitoring, performance and maintenance set out in conditions 51, 52 & 53 of this consent.*
- b. *The bonds shall be reviewed by the solicitors to the Council at the cost of the consent holder and shall be supported by a cash surety for the full amount of the bond or at the option of the consent holder by guarantee from a New Zealand registered trading bank.*

51. *On-going Monitoring*

- a) *That on-going monitoring of groundwater and finished infrastructure levels within Stages 1, 2 & 3 shall be carried out for up to 5 years from the issue of Section 224c for Stage 3 to ensure that the works required to address the geotechnical and high seasonal ground water issues are performing as designed.*
- b) *Monitoring shall be undertaken in accordance with recommendations of the Geotechnical Assessment Report as summarised in Sections 9.4 & 9.5 of that report and in accordance with the monitoring schedule headed 'Western Road, Ngongotaha Bonding Requirements Cost Estimate'.*
- c) *That Pioneer Property Trust Ltd provide a bond for the on-going monitoring set out above. The bond shall be for a sum of \$85,000 (made up of items 7) & 8) in advice note c)).*
- d) *The monitoring bond and its surety may at the discretion of the Council be reduced periodically to take account of monitoring undertaken as monitoring progresses through the required schedule.*

- e) *The bond may be partially or fully released after at least 12 months of monitoring and upon certification by a suitably qualified geotechnical engineer confirming groundwater and geotechnical outcomes designed for have been achieved to the satisfaction of the District Engineer.*

52. Performance Bond

- a) *That Pioneer Property Trust Ltd provide a performance bond to ensure performance of the design of the infrastructure and geotechnical outcomes and to ensure any matters raised by the required monitoring is addressed. The performance bond shall be for \$85,000 (made up of items 1) & 4) in advice note c)). For the avoidance of doubt the performance bond may be used by Council to remedy adverse effects arising from geotechnical impacts if required.*
- b) *The performance bond may be partially or fully released after at least 12mths of monitoring and upon certification by a suitably qualified geotechnical engineer confirming groundwater and geotechnical outcomes designed for have been achieved to the satisfaction of the District Engineer. The performance bond and its surety may at the discretion of the Council be reduced upon application if reporting from the monitoring results confirm satisfactory geotechnical performance.*

Extension of maintenance bond

- 53. *That the standard maintenance bond for Stage 3 be extended from the 3 months required by the Rotorua Civil Engineering Industry Standard (RCEIS) to 5 years. The period of the maintenance bond may at the discretion of the Council be reduced upon certification by a suitably qualified geotechnical engineer confirming groundwater and geotechnical outcomes designed for have been achieved to the satisfaction of the District Engineer.*

Geotechnical constraints – Lots 24 to 30 and 32 to 63 DP 393131

- 54. *All owners and future owners of Lots 24 to 30 and 32 to 63 DP 393131 be advised that there are geotechnical constraints within these sites due to the presence of compressible soils, seasonally high groundwater levels and slope stability for some lots. Compressible soils vary in thickness up to 7.5m for some lots (Lots 24, 25, 26 & 63) to very limited or no soft compressible materials (Lots 35 to 42, 48 & 49). Land shown as Consent Notice Areas BA – BD on DP 393131 within Lots 35, 36 and 38 to 42 is identified as being vulnerable to shallow slipping and erosion if not appropriately managed.*

Unless not required by the Completion Report all foundations shall be subject to Specific Engineering Design by a suitably qualified Chartered Professional Engineer with qualifications MIPENZ CPEng (Geotechnical) familiar with the contents and recommendations detailed in the 'Stage Three - Geotechnical Completion Report' prepared by Tonkin & Taylor (ref:851126/Version 2.2 dated March 2009 and the 'Geotechnical Assessment Report – (volumes 1 - 2)' prepared by Tonkin & Taylor (ref: 851126/Version 1.0 dated March 2009). A summary of the requirements for each lot is provided below.

Building Foundations

- a) *Lots 24, 25, 26 and 63 DP 393131 are lots with a significant depth of placed fill over a thick layer of compressible soils. Refer Section 6.2.1 for specific requirements for building foundations which include the need for pre loading of the lots prior to building.*

- b) *Lots 27, 55, 56, 58 to 62 DP 393131 are lots in cut, or at grade, and over a thick layer of compressible soils. Refer Section 6.2.2 for specific requirements for building foundations.*
- c) *Lot 58 DP 393131 is a lot in cut, or at grade and over a thick layer of compressible soils. Land within Consent Notice Area UH on Lot 58 DP 393131 has been utilised for a trial load area. Refer to both Sections 6.2.2 and 6.2.6 for specific requirements for building foundations.*
- d) *Lots 28 to 30, 32 to 34, 43 to 47, 50 to 54 and 57 DP 393131 are lots with a limited depth of placed fill over a layer of compressible soils. Refer Section 6.2.3 for specific requirements for building foundations.*
- e) *Lots 35 to 42, 48 and 49 DP 393131 are lots with very limited or no soft compressible silt materials. Refer Section 6.2.5 for specific requirements for building foundations.*

Information shall be provided at the time of application for building consent demonstrating and certifying that all relevant requirements of the Geotechnical Completion Report have been met.

This condition shall be registered by way of Consent Notice on the Certificate of Titles for Lots 24-30 and 32-63.

Stockpiling

55. *All owners and future owners of Lots 24 to 30 and Lots 32 to 35, 37, 42 to 63 shall be advised that to avoid uncontrolled loading of the ground which may cause settlement could have a detrimental effect there shall be no stockpiling of materials over 1m high and / or covering an area greater than 4m² placed on or adjacent to any proposed building footprints or existing underground services (including subsoil drainage). Any stockpiles within the dimensions given above shall be at least 2m from any adjacent stockpiles. Any larger stockpiles shall be subject to assessment as part of the Specified Engineering Design of the foundations. The location, dimensions and duration of any stockpiles larger than the dimensions given above shall be provided to the Rotorua District Council to record on the property file for future reference. For further details refer Tonkin & Taylor Limited Stage 3 Geotechnical Completion Report (reference 851126/Version 2.2, dated March 2009) Section 6.7.*

This condition shall be registered by way of Consent Notice on the Certificate of Titles for the said lots.

Ground Water Control Measures - Lots 24 to 30, 32 to 63 DP 393131

56. *All owners and future owners of Lots 24 to 30, 32 to 63 DP 393131 are advised that additional ground water control measures which include providing an enhanced damp proof membrane (double layer) and capillary-break layer with perforated pipe connection into stormwater disposal system. These shall be installed at the time of building foundation construction. Refer to Tonkin & Taylor Limited Stage 3 Geotechnical Completion Report (reference 851126/Version 2.2, dated March 2009) Section 6.3 for details and recommendations.*

This condition shall be registered by way of Consent Notice on the Certificate of Titles for Lots 24 to 30 and 32 to 63.

Minimum Floor Levels and Design for Soft Ground– Lots 24 to 30 and 32 to 63 DP 393131

57. *All owners and future owners of Lots 24 to 30, 32 to 63 DP 393131 are advised that the design for all habitable buildings must take into account the existing ground elevations and potential magnitude of post-construction settlements to ensure the minimum required floor levels and minimum step between floor level and external ground are maintained in the long term. The minimum 1% AEP floor levels including a 50mm future settlement allowance have been set in column 2 of the table below. The geotechnical engineer shall determine if a greater settlement allowance is required. Refer to Tonkin & Taylor Limited Stage 3 Geotechnical Completion Report (reference 851126/Version 2.2, dated March 2009) Section 6.2.4 for details.*

This condition shall be registered by way of Consent Notice on the Certificate of Titles for Lots 24 to 30 and 32 to 63.

Building Restriction Lines and Construction on Sloping Sites – Lots 35, 36 and 38 to 42

58. *All owners and future owners of Lots 35, 36 and 38 to 42 are advised that the land within Consent Notice Areas RA, RB, RC, RD, AE and AF on DP 393131 contain sloping ground considered to be vulnerable to shallow slipping and erosion.*

Refer to Section 6.4 of the Stage 3 - Geotechnical Completion Report prepared by Tonkin & Taylor (reference 851126/Version 2.2, dated March 2009) for specific requirements for construction on the said lots, use of the land within the Consent Notice Areas, the need for debris interception fences or bunds, excavation, retaining wall design; and building platform construction.

This condition shall be registered by way of Consent Notice on the Certificate of Titles for Lots 35, 36 and 38 to 42.

Building Restriction Line and Erosion Control – Lot 94 DP 393131

59. *All owners and future owners of Lot 94 DP 393131 are advised that the land within Consent Notice areas AE and AF on DP 393131 contains sloping ground considered to be vulnerable to shallow slipping and erosion. A strong vegetative cover must be maintained at all times or an appropriate alternative method established to avoid surface erosion to the satisfaction of the District Engineer.*

This condition shall be registered by way of Consent Notice on the Certificate of Title for Lot 94.

60. *That the table in Appendix A - Schedule A Stage 3 - Geotechnical Completion Report prepared by Tonkin & Taylor (reference 851126/Version 2.2, dated March 2009 be attached within the consent notice.*

The reasons for the decision are:

1. **The proposed variation seeks to amend the subdivision consent for Stage 3 to incorporate the recommendations of the Tonkin & Taylor report titled 'Stage Three - Geotechnical Completion Report March 2009 T & T Ref: 851126/Version 2.2' . The report addresses the presence of compressible silt & organic materials, seasonally high groundwater levels and land stability issues (in the vicinity of steep slopes along the northern boundary between Stages 3 & 4) not known to Council at the time of the original subdivision consent approval.**

2. Information provided as part of the variation includes the '*Stage Three - Geotechnical Completion Report March 2009*' T & T Ref: 851126/Version 2.2 and the '*Geotechnical Assessment Report – (volumes 1 - 2)*' prepared by Tonkin & Taylor (ref: 851126/Version 1.0 dated March 2009). The Geotechnical Completion Report includes certification for Stage 3 as to the suitability of the land for building development. It confirms that the lots within Stage 3 are suitable for the erection thereon of residential buildings, provided that:
 - All foundations are specifically designed by a Chartered Professional Engineer with qualifications MIPENZ CPEng (Geotechnical) unless it is not required by Tonkin & Taylor's Geotechnical Report dated March 2009; and
 - The recommendations contained in the Tonkin & Taylor Geotechnical Completion Report dated March 2009 are implemented in full.
3. Council has reconsidered Stage 3 of the subdivision in light of the Section 106 issues now raised. Council is satisfied after geotechnical peer review of the geotechnical reports provided that the consent holder has undertaken an appropriate level of investigation, monitoring and assessment of the land within Stage 3 to establish a robust solution to the issues found.
4. With regard to the presence of compressible silt and organic materials, it is noted that investigations within Stage 3 have confirmed compressible materials ranging in depth up to 7.5m for some lots to very limited / no soft compressible material on others. Lots have been grouped according to the assessed level of settlement risk. Council is satisfied that the potential detrimental effect of future residential development on the lots due to excessive total and / or differential settlement caused by loading from the placed fill and future house construction can be avoided subject to meeting the conditions of this consent. Council is satisfied that consent notices required by this consent will alert future owners of the extent of compressible soils each lot has and provide advice regarding geotechnical requirements to be addressed at the time of application for building. These include the need in most cases for Specific Engineering Design for foundations and in the case of four lots the pre-loading of building sites, the taking into account post-construction settlement to ensure minimum floor levels and the step between floor levels and external ground levels are designed for and that any stockpiling of materials is carefully undertaken. In relation to potential effects of settlement on existing infrastructure Council is satisfied that subject to a ongoing monitoring and a performance bond being provided any issues raised by the monitoring can be remedied.
5. With regard to seasonally high groundwater levels it is noted that these have the potential to have a detrimental effect on the damp proofing of habitable buildings, the utility of garden areas and may reduce the strength of the road pavement sub-grade during prolonged wet periods if not adequately addressed. Council is satisfied that the construction of the proposed subsoil drainage system will limit the impact of high winter ground water levels. This in conjunction with providing additional damp proofing of habitable building is considered to adequately avoid ground water issues raised. Council is satisfied that consent notices required by this consent will alert future owners of additional building requirements and easements registered against the relevant certificates of title will ensure the location of the subsoil drainage system is known.
6. Identified areas within Lots 35, 36 and 38 to 42 and Lot 94 contain sloping ground considered to be vulnerable to shallow slipping and erosion. Conditions of this consent require the area to be identified on the land transfer plan and planted with suitable vegetation by the consent holder.

Council is satisfied that this along with consent notice clauses imposed advising future owners about the care needed will ensure not more than a minor adverse risk to residential development of the lots.

7. Council is therefore satisfied after due consideration of the matters outlined in Section 106 of the Resource Management Act 1991 that conditions of consent imposed are sufficient to avoid, remedy or mitigate the effects associated with the land that if not addressed have the potential to result in subsidence, inundation, and in the case of lots which contain the building restrictive areas slippage, erosion and / or debris. Conditions of consent required Specific Engineering Design for foundations on each of the lot unless not required by the Geotechnical Completion Report and that the recommendations of the Geotechnical Completion Report to be followed.
8. The change of conditions is considered to be consistent with the relevant objectives & policies of the District Plan and the purposes and principles of the Resource Management Act 1991.
9. No persons were considered affected by the original consent. Council has reconsidered whether there are any parties affected by this variation and confirm that in Council's opinion there remain no parties considered affected. In this regard it is noted geotechnical information provided confirms that the works proposed and future development of the lots within Stage 3 will not have any detrimental effect on land within Stages 1 & 2 of this consent or on other adjoining properties.

The applicants are advised of the following in relation to the variation:

Engineering advice

- (a) Lot 31 is to be shaped and provided with a concrete base (channel) and finished to a mowable standard.

Bonds

- (b) The standard maintenance bond proposed (5% of the value of the subdivisional works) is required to be extended as a performance bond to include the geotechnical issues. An additional performance bond of a further 5% is also required to ensure a sufficient sum is available to address any requirements for additional drainage or potential infrastructure settlement works that may be required can be met. These bonds are for a period of one to five years but are reviewable annually based on the monitoring results and may be reduced or refunded accordingly.

The Geotechnical Completion Report prepared by Tonkin and Taylor Ltd for the applicant, recommends that ongoing monitoring of ground water levels and the finished levels of infrastructure surface features such as manholes should be carried out for a period of up to five years to ensure that the works required to address the geotechnical and high seasonal groundwater issues are performing as designed.

Some of the ground water level monitoring points are located within building platform areas. A bond for the re-location of these bores and for the on-going monitoring referred to above is required.

(c) The following bonds have been agreed to allow the release of the Section 224c) certification.

- 1) \$50,000 Standard maintenance bond stage 3; 5% [yearly review to 5 years] [includes \$4,468 three month planting maintenance bond for stage 3] – required by RCEIS and extended because of geotechnical issues - Part of bond required by condition 50
- 2) \$50,000 Additional performance bond stage 3; 5% [yearly review to 5 years] – Part of bond required by condition 50
- 3) \$32,348 Existing standard maintenance bond stage 2, to be extended [yearly review to 5 years] – already paid as part of Stage 2
- 4) \$35,000 Additional performance bond stage 1 and 2; 5% [yearly review to 5 years] -Part of bond required by condition 51
- 5) \$12,500 Temporary stormwater pond removal and erosion mitigation - 1mth – to satisfy conditions 47 & 48
- 6) \$12,000 Degraded planting repair bond stage 3 - 18 months - to allow sign off of reserve before works are completed to the required standard – condition 2.
- 7) \$15,000 Relocation of piezos and monitoring of GWLs - Part of bond required by condition 50
- 8) \$70,000 Settlement monitoring [yearly review to 5 years] - Part of bond required by condition 50
- 9) \$5,000 Planting slopes within BLR areas for erosion control stage 3 – 6mths to satisfy condition 49
- 10) \$23,020 Watermain link – 6mths – to satisfy condition 35
- 11) \$16,660 Landscaping bond stage 3 – 6mths - to allow sign off of reserve specimen and street trees before planting – condition 2.
- 12) \$112,500 Subsoil drains stage 3 – 3mths
- 13) \$93,000 Stage 1 & 2 subsoil drain system – works expected to be provided by the developer as soon as possible and in any event within 6mths

\$527,028

-32,348 (paid in stage 2)

\$494,680

The bonds are based on an estimated value of work plus 25%, and are to be a cash or on demand bank bond in favour of RDC with no proviso as to the bank vetoing payment. The bond will cover maintenance, monitoring and performance responsibilities for infrastructure, subsoils and subsoil drainage.

(d) Right of objection to this decision

If you are dissatisfied with any aspect of the decision, you have a right of objection to Council under section 357 of the Resource Management Act 1991. In the case of a decision regarding an application to change consent conditions of the original consent, such as this, any objection is limited in scope to objecting against the conditions that were changed or cancelled rather than revisiting original consent conditions. Please advise Council in writing stating the reasons for the objection and the preferred outcome within 15 working days of receiving this decision. If no objection is received it will be assumed that the applicant accepts this decision.

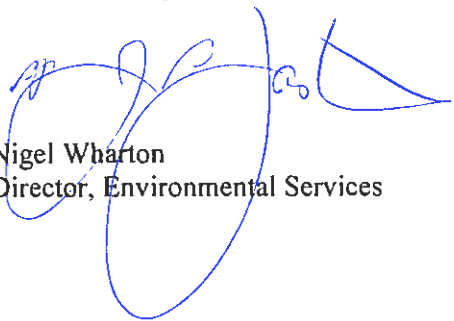
(e) Timeframe for giving effect to this consent

This subdivision consent lapses on the expiry of 5 years after the date of commencement of the consent unless the consent is 'given effect' to. The commencement date in the case of this non notified consent is the date of receiving the original decision letter NOT the date of receiving the

decision letter for this variation. (Sect 116). A subdivision is deemed to be 'given effect to' when the survey plan in respect of the subdivision has been submitted to Council under Section 223. Certification that all conditions of the subdivision consent have been complied pursuant to Section 224 must be obtained by the applicant within a period of less than 3 years from the date the survey plan was approved.

If you have any questions regarding this consent, please contact **Joanne Watts**, Best Practise Advisor or the Duty Planner.

Yours faithfully



Nigel Wharton
Director, Environmental Services