

Thursday, 1 September 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Hearings Committee

Hearing Decision

Kainga Ora - Homes and Communities - Grove Rd/Sussex St

Te Rā Hui:
Meeting date: **Thursday, 1 September 2022**

Te Wā:
Time: **9.30am**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **Group Manager: Planning & Regulatory Services - John
O'Shaughnessy**

**Watch Council meetings
streamed live on our website
www.hastingsdc.govt.nz**

HASTINGS DISTRICT COUNCIL
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156
Phone **06 871 5000** | www.hastingsdc.govt.nz
TE KAUNIHERA Ā-ROHE O HERETAUNGA

**Limited Notified Resource Consent Application for Residential Development,
1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 -
Kāinga Ora - Homes and Communities (RMA20210495)**

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT

<u>Document 1</u>	The covering administrative report	Pg 1
Attachment A	Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached	Pg 3

Thursday, 1 September 2022

Item 2

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Hearings Committee Meeting

Te Rārangi Take

Report to Hearings Committee

Nā:
From: **Christine Hilton, Democracy and Governance Advisor**

Te Take:
Subject: **Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)**

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to have a means to put the Hearings Committee Decision regarding the Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495) held on 1 September 2022 onto the website following completion of the hearing and release of the decision.

2.0 Recommendations - *Ngā Tūtohunga*

That the Hearings Committee Decision from the hearing to address the Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495) held on 1 September 2022 be put onto the website so it can be viewed by members of the public.

Attachments:

- [!\[\]\(a724a4a68298d6dff85fe378e838a60a_img.jpg\)](#) Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached 12380#0114

HASTINGS DISTRICT COUNCIL

**Decision of the Hastings District Council
through its Hearings Committee**

Held in the Council Chambers Hastings District Council

On 1 September 2022

**And subsequently reconvened (in public excluded session) on a number of dates
To undertake deliberations and decision making.**

**Kāinga Ora – Homes and Communities – Limited Notified Resource Consent Application for
residential development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings
4122 (RMA20210495)**

PRESENT:

Hearings Committee: Chair: George Lyons (Commissioner Chair - External Appointee)
Councillor Wendy Schollum
Councillor Alwyn Corban

Consent Authority: Tom Hosford – Consultant Planner
Caleb Sutton - Environmental Consents Manager

Applicant: Legal - Natalie Summerfield (Buddle Findlay)
Planning – Kate Graham
Landscape and visual – Gemma Guilford
Engineering – Wayne Hodson
Corporate – Brendon Liggett

Submitters: Ian Wilkinson (representing himself and his wife, Emma Wilkinson)

In Attendance: Christine Hilton – Democracy and Governance Advisor
Michelle Waldron – Planning Technician

PROPOSAL:

Kāinga Ora Homes and Communities applied to the Hastings District Council for a resource consent for the construction of twenty-four (24) dwellings in the Hastings General Residential Zone, and to undertake associated earthworks, soil remediation, and subdivision.



1.0 Background and Submissions

The application was lodged by Kāinga Ora – Homes and Communities (the Applicant) which is undertaking a redevelopment across the Hasting District to provide additional social housing at the request of the Minister of Housing. The works that are proposed as part of this application are referred to as 'Tranche 6', which include two other redevelopment proposals in the suburb of Mayfair.

- 1.1 In summary the activities proposed include:
 - Demolition of all existing dwellings and accessory buildings.
 - Removal of selected vegetation as identified in the landscape plans.
 - Soil remediation of a contaminated lead hotspot identified at 1021 Sussex Street.
 - Approximately 1045m³ of site preparation earthworks for building platforms, underground services, and the jointly-owned-access-lot.
 - Construction of 16 two-bedroom dwellings, three three-bedroom dwellings, four four-bedroom dwellings and one five-bedroom dwelling.
 - Formation and sealing of additional vehicle crossings.
 - Landscaping of all 24 dwellings in accordance with the submitted plans.
 - Subdivision into separate titles following construction.
- 1.2 A notification assessment pursuant to sections 95A and 95B of the Resource Management Act 1991 ("the RMA") was undertaken.
- 1.3 Hastings District Council as the consent authority ('the Council') determined under section 95B (8) of the RMA that limited notification was required to the owners of the site, and any occupants of 1016 Grove Road – Lot 137 DP 9139 (RT HBE2/80).
- 1.4 The application was limited notified on the 29th March 2022.
- 1.5 Submissions closed on the 3rd May 2022. One late submission was received on the 11th May.
- 1.6 The late submission (in opposition) was received from Emma & Ian Wilkinson, 1016 Grove Road, Hastings.
- 1.7 Full details of the application and the Council planner's s42A hearing report were included in the Hearing Agenda (HDC reference 12380#0081).
- 1.8 The site is in the Hastings General Residential Zone of the Hastings District Plan (operative in part March 2020). The provisions for this application include:
 - Restricted Discretionary Activity under rule GR23
 - Restricted Discretionary Activity under rule TP2
 - Discretionary Activity under rule GR28
 - Non -Complying Activity under rule SLD 25



Item 2 Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)

Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached

Attachment 1

- 1.9 Under Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) regulations 2011 (NESCS):
 - Restricted Discretionary activity Regulation 10 of the NESCS
- 1.10 The Assessment of Status as a Non-Complying Activity.
- 1.11 The Section s42A report was prepared by the Consultant Planner who had fully assessed the application and who recommended that the application (both the Subdivision and NESCS and the Land Use components) be granted subject to conditions.
- 1.12 Prior to the start of the hearing, the Panel visited the site on the 1st September 2022, accompanied by a council officer, Junior Tuakana. The Panel viewed the subject sites, the submitter's site and the surrounding area (including another Kāinga Ora development under construction in nearby Jellicoe Street – to view the types and heights of fencing being used there).

Presentation of evidence

- 1.13 The Committee heard the presentation of written and oral evidence/submissions from the parties and these are referred to in the minutes of the hearing.

2.0 Addressing Late Submission from Ian and Emma Wilkinson

- 2.1 At the start of the hearing, the Panel formally accepted the Submission from Ian and Emma Wilkinson as a Late Submission.

3.0 Evidence and Submissions Heard on Behalf of Applicant

- 3.1 The Applicant's Legal Counsel (Natalie Summerfield) presented her Legal Submissions on behalf of the Applicant and responded to questions from the Panel.
- 3.2 The Applicant's expert Planning witness (Kate Graham); the expert Landscaping and visual witness (Gemma Guilford); the expert Engineering witness (Wayne Hodson); and the corporate witness (Brendon Liggett) had all pre-circulated their written evidence prior to the hearing and gave summaries of their respective evidence at the hearing. They each responded to questions from the Panel. A copy of the written summary notes that Ms Graham read out at the hearing was circulated to the Panel and the Submitter.
- 3.3 The Panel questioned Mr Hodson regarding the erosion and sediment controls during the construction of the Joint Access Lot (JOAL).



- 3.4 Ms Guilford and Mr Liggett both responded to questions regarding.
- The placement and the installation of louvres to the first-floor bedrooms on the elevations of the dwellings on proposed Lots 1, 3 and 5 facing 1016 Grove Road, to prevent overlooking onto the Submitter property.
 - The use of obscured glass in first floor bathroom windows to also address privacy concerns raised by the Submitter.
 - The landscaping and fencing requirements along the boundaries of 1016 Grove Road.
- 3.5 Ms Summerfield sought the removal of several consent notices - including the restrictions on the ability for future intensification of the proposed sites and maintenance requirements for landscaping and fencing. The Panel questioned Ms Summerfield seeking clarification on these matters.
- 3.6 Ms Summerfield tabled a "clean copy" which showed the proposed wording resulting from the incorporation of the tracked changes that had been set out in Ms Graham's pre-circulated planning evidence.

4.0 Evidence and Submissions heard for the Submitters

- 4.1 No formal statement was presented by the Submitter, but Mr Wilkinson responded to questions from the Panel regarding clarification of the points made in the submission from himself and his wife.
- 4.2 The Panel also sought to clarify with Mr Wilkinson, whether or not he was happy with the mitigation measures proposed by the Applicant to address privacy and other concerns he and his wife had raised. These mitigation measures related to the installation and placement of louvres; the proposed use of obscure glass as well as the issue of fencing between the subject site and the Submitters' property.
- 4.3 Informal mediation meetings had taken place between Kāinga Ora and the Submitter prior to the hearing.
- 4.4 At the hearing, the type of fencing that Mr and Mrs Wilkinson were seeking along the boundary of their property, was discussed in some detail.
- 4.5 On behalf of Kāinga Ora, Mr Liggett offered to liaise with Mr Wilkinson to discuss the range of fencing options and types that would be available for him to choose from, at the Applicant's cost, at the appropriate stage of the development, if consent was to be granted.



- 4.6 It was also offered, by Mr Liggett, that Mr and Mrs Wilkinson could meet to talk further with Kāinga Ora, outside this hearing process, to discuss the matter of fencing and landscaping. Kāinga Ora suggested that it could undertake off-line discussions with Mr and Mrs Wilkinson and would check the best way to contact them. Mr Wilkinson had indicated at the hearing that he did not recall receiving some of the information that had been forwarded by the Applicant prior to the hearing.

5.0 Summary of Response from Reporting Planner and Council officers to matters raised

- 5.1 The consent notices for future subdivision should remain to ensure no further subdivision could occur should any of the Kāinga Ora land be sold in future.
- 5.2 The consent notices for landscaping and fencing should also remain in order to maintain amenity value for the future.
- 5.3 The Council's Environmental Consents Manager, Mr Sutton, noted that following the receipt of the pre-circulated evidence from the Applicant, council officers had concerns regarding legal issues relating to the proposed deletion of consent notices and reliance on land use conditions.
- 5.4 Mr Sutton, offered to table the legal reasons prepared by Council's Legal Counsel, in the form of legal submissions, to address the conditions that should be imposed if the Panel chose to grant consent to the application. These legal submissions were circulated to the Panel and the hearing parties on 2 September 2022.

6.0 Applicant's Right of Reply

- 6.1 It was initially agreed that the written Closing Legal Submissions from the Applicant's Legal Counsel would be submitted by the end of the day on 5 September 2022. Upon receipt of the legal submissions from Council's Legal Counsel addressing consent notices and land use conditions, Ms Summerfield requested further time to produce her closing Legal Submissions. These were subsequently forwarded on 6 September.
- 6.2 The Closing Legal Submissions were circulated and she summarised the following key outstanding matters that had been discussed at the hearing.
- (a) Proposed erosion and sediment controls;
 - (b) Landscape and visual effects with the property at 1016 Grove Road;
 - (c) The justification for locating two storey dwellings on the road frontage with Grove Road; and



(d) The proposed conditions, in particular:

- (i) The use of consent notices or land use consent conditions; and
- (ii) Providing a response to the legal submissions provided by the Council on 2 September 2022.

- 6.3 The Applicant submitted the erosion and sediment controls will be implemented prior to any construction works commencing.
- 6.4 The Applicant offered to meet with the Submitter to agree a fencing plan for the boundary fence, between the proposed development and 1016 Grove Road, prior to the occupation of the adjacent completed dwellings.
- 6.5 The Applicant agreed to meet with the Submitter to discuss additional landscaping.
- 6.6 Justification of the location of two storied buildings fronting onto Grove Road was provided in the Closing Legal Submissions.
- 6.7 A summary of the proposed conditions for the consent including a further tracked changes version was provided in the Closing Legal Submissions.
- 6.8 In the Closing Legal Submissions, Ms Summerfield provided a response to the legal submissions which had been circulated by the Council on 2 September 2022.

7.0 Principal Issues in Contention

- 7.1 Whether the consent should be granted or declined under sections 104, 104B & 104D of the RMA.
- 7.2 The scale and significance of the potential adverse environmental effects (less than minor or more than minor).

8.0 Committee's Deliberation and Decision

- 8.1 Instead of repeating the material contained in the reporting officer's s42A hearings report, the expert evidence of the planning, engineering, landscaping and corporate experts, and the written submissions presented to the hearing, the Committee cross-references its decision to the assessments set out in those documents.
- 8.2 In this regard the Committee acknowledges the opinions of the submitter's evidence and the efforts the Applicant had made to accommodate the concerns of the Submitter.



Section 104D RMA

- 8.3 The Committee considered the non-complying status of the application and found that the adverse effects of the activity on the environment will be minor or less than minor and that the activity will not be contrary to the objectives and policies of the relevant plan.

Effects on visual amenity and Privacy

- 8.4 The additional mitigation measures particularly the addition of louvres on the first-floor bedroom windows, and the opaque glass fitted to the bathroom windows facing the submitter's property would address potential privacy effects arising from overlooking the site.
- 8.5 The boundary fencing being of an agreed type for both the Applicant and the property owner of 1016 Grove Road will create greater visual amenity.

Effects on Human Health from contaminated soil

- 8.6 The Committee agreed that with the implementation of the Site Remediation Action Plan any potential effects will be appropriately managed.

Effects on Property arising from flooding

- 8.7 Mitigation of runoff including the installation of stormwater detention tanks for each site and soil and sediment control plans being implemented during construction the effects on property flooding is deemed to be minor.

Effects on the safe and Efficient Use of the road arising from Vehicle Overflow

- 8.8 The provisions for onsite parking and allowing for access through the Joint Access Lot (JOAL) are suitable for the proposed development.

9.0 Relevant Statutory Provisions

- 9.1 In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act, and in particular the relevant provisions of the following planning documents.
- 9.2 NESCS (The National Environmental Standard for Assessing and managing Contaminants in Soil to Protect Human Health).



9.3 The Hastings District plan (Part operative as of the 11th March 2020).

10.0 Part II Matters

10.1 In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act as well as the overall purpose of the Act as contained in section 5. With the changes and conditions imposed, the Committee considers the proposal is consistent with Part II of the Resource Management Act.

11.0 DECISION:

The full decision, set out in two parts with the associated conditions and reasons, is set out below.

Part 1 of Decision

(Land Use):

Pursuant to Rules GR23, GR28 & TP2 of the Hastings District Plan (Now made part Operative as of the 11th of March 2020), and Sections 104, 104B & 104C of the Resource Management Act 1991, and Clause 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 consent as a Discretionary Activity is **GRANTED** to Kāinga Ora - Homes and Communities to disturb soil associated with the construction of twenty-four (24) dwellings on land located at 1015-1023 Sussex Street and 1012-1014, 1018 Grove Road Hastings, 4122, being legally described as LOTS 125-129 DP 9139 (RT HBH2/636) – 640), LOTS 135-136 DP 9139 (RT HBH2/642-643), and LOT 138 DP 9139 (RT HBH2/644).

SUBJECT TO THE FOLLOWING CONDITIONS:

General

1. The development proceeds in accordance with the plans and information submitted in the application unless otherwise altered by the consent conditions. A copy of the approved plans are attached:
 - a. Assessment of Environmental Effects titled "Resource Consent Application Tranche 6 Application", dated 21 September 2021 prepared by WSP (HDC ref: 12380#0029)
 - b. Development and Landscape Plans – HDC reference: 12380#0028, #0055, #0056, #0057 & #0058.



Item 2 Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)

Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached

Attachment 1

- c. Geotechnical Investigation – Project: 1015–1023 Sussex Street 1012, 1014 & 1018 Grove Road, Hastings” dated 28 April 2021 prepared by Resource Development Consultants Limited (HDC Ref: 12380#0034).
 - d. Engineering Servicing Report, Kāinga Ora Tranche 6 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings, Prepared for Kāinga Ora dated September 2021 by Stantec (HDC ref: 12380#0033).
 - e. Detailed Site Investigation – Geosciences - 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings (HDC ref: 12380#0035).
 - f. Site Remediation Action Plan and Management Plan – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings (HDC ref: 12380#0036).
 - g. Urban Design Assessment – Creatus Group - Kāinga Ora Homes and Communities Hastings Tranche 6 1015-1023 Sussex Street and 1012-1014, 1018 Grove Road, Hastings. (HDC ref: 12380#0037).
2. That following effects mitigation measures proposed by the applicant and an assessment of environmental effects shall be implemented:
- a. Install and maintain fixed louvres to the first-floor bedrooms on the elevations of the dwellings on Lots 1, 3 and 5 facing 1016 Grove Road, Hastings.
 - b. Establish and maintain obscured glazing to the first floor bathroom windows on the elevations of the dwellings located on Lots 1, 3 and 5 on Lots 1, 3 and 5 facing 1016 Grove Road, Hastings.
 - c. Prior to the commencement of construction of the development, a final fencing scheme shall be submitted to and certified by the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee). The final fencing scheme shall be prepared following engagement with the owners of lot 137 DP 9139 to identify the fencing types to be constructed along the common boundaries with 1016 Grove Road. The outcome of the engagement with the owners of lot 137 DP 9139 shall be reported to the Council with the fencing scheme.

Note: Condition 2 c. was offered by the Consent Holder and is reliant on a third party being the owners of Lot 137 DP 9139, and is imposed on an Augier basis (derived from the case *Augier v Secretary of State for the Environment (1978) 38 P & CR 219*) which provides that, if an otherwise *ultra vires* condition is volunteered by a resource consent applicant and a consent is granted with that condition, then that condition is enforceable.



- d. Prior to the occupation of Lots 1, 3, 5, 10, 16 and 17 of the development, the fencing certified by Council under condition (c) above shall be constructed and maintained at the consent holder's expense.

Architecture and landscaping:

3. Prior to the lodgement of building consent for a dwelling, a finalised set of architectural detail drawings and materials specifications shall be submitted to Council for written certification by the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee). The information shall include the following:

- Details of the building's façade treatment / architectural features;
- Materials schedule and specification, sample palette of materials, surface finishes, and colour schemes (including colour swatches) referenced on the architectural elevations; and
- External / rooftop services / plant, and visual.

The finalised set of drawings shall ensure that the building's proposed architectural treatment and finished appearance is consistent with the schedule of finishes - Creatus Group – sheets 201-203, (HDC ref: 12380#0031 & #0055) and information referenced in condition. The cladding materials/colours shall be used in a way that provides for a sense of variation between adjacent units/or groups of units of the same typology.

The buildings shall be finished in accordance with the approved finalised set of drawings prior to occupation of each building, and maintained thereafter.

4. That prior to the occupation of the dwelling, all paving, garden edges and fencing for the development shall be provided as outlined in the Landscape Plan approved as part of this consent, except where otherwise certified by the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee).
5. That the consent holder shall ensure that all fencing and plantings approved under the landscape plans are maintained on an on-going basis to ensure that the overall landscaping of the site remains generally consistent with the approved Landscape Plan.

Soil remediation:

6. That a minimum of ten days prior to the commencement of remediation works on the site, the consent holder shall provide written notice to the owners and occupiers of 1016 Grove Road which advises the following:
- a. The anticipated start date.



- b. The likely duration of works.
 - c. Proposed dust and sedimentation management measures.
 - d. Contact details for the site manager responsible for the remediation works.
7. That prior to any works or disturbance of soil being undertaken on site, the identified area of contamination on site shall be remediated in accordance with the following documents:
- a. Detailed Site Investigation – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC reference: 12380#0035).
 - b. Site Remediation Action Plan and Management Plan – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC reference: 12380#0036).
8. That after the completion of works and prior to the approval of a Section 224c certificate, a Site Validation Report (SVR) by a SQEP shall be provided to Council confirming that:
- a. The remediation works have been undertaken with the recommendations of the DSI and Site Remediation Action Plan, and performance standards under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
 - b. Soils on site no longer poses a risk to human health for the proposed land use scenario (10% residential).

Earthworks

9. That all earthworks operations shall be so conducted as to comply with the provisions of New Zealand Standard NZS 6803: 1999 Acoustics – Construction Noise.
- Noise levels will be measured in accordance with the New Zealand Standards NZS6803: 1999 Acoustics – Construction Noise.
10. That earthworks shall be limited to the hours of 7.00 am - 5.00 pm Monday – Friday, and 8.00 am – 5.00 pm Saturday.
11. That all work within the boundaries of the public road shall require a Corridor Access Request (CAR) application to be submitted and certified prior to commencement of the specific work items.



12. That there shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus into any watercourse, storm water drain/system or road.
13. That as part of the earthworks' no filling shall take place that will obstruct overland flow from higher ground/upstream.
14. That while the earthworks are being undertaken and prior to re-vegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is deposited outside the property boundaries.
15. That all earthworks associated with the construction of the right of way and building platforms shall be stabilised prior to issue of a Section 224c certificate.
16. That all areas of earthworks shall be either permanently surfaced or re-grassed with a minimum cover of 90% for the development, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee).

Advice note: Please ensure that those managing works have due consideration of this condition and manage works so that there is sufficient time to allow grass to grow. This will include having regard to any seasonal limitations and water requirements.

On site stormwater attenuation

17. The individual on-site attenuation tanks shall installed on each site for the stormwater from impervious areas prior to discharge to the Stormwater infrastructure in accordance with 'Engineering Servicing Report, Kāinga Ora Tranche 6 1015-1023 Street and 1012-1018 Grove Road, Hastings, Prepared for Kāinga Ora dated September 2021 by Stantec - (HDC Ref: 12380#0033).

Monitoring.

18. A monitoring deposit of \$200 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the consent conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring the consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.



Part 2 of Decision

(Subdivision and NESCS):

Pursuant to Rule SLD25 of the Hastings District Plan (Now made part Operative as of the 11th of March 2020) and Sections 104, 104B & 104D of the Resource Management Act 1991, and Clause 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 consent as a Non-Complying Activity is **GRANTED** to Kāinga Ora - Homes and Communities to undertake a residential development involving the construction of twenty-four (24) residential dwellings and a corresponding subdivision at 1015-1023 Sussex Street and 1012-1014, 1018 Grove Road Hastings, 4122, being legally described as LOTS 125-129 DP 9139 (RT HBH2/636) – 640), LOTS 135-136 DP 9139 (RT HBH2/642-643), and LOT 138 DP 9139 (RT HBH2/644).

SUBJECT TO THE FOLLOWING CONDITIONS:

General

1. That unless otherwise altered by the conditions of this consent, the development shall proceed in accordance with the plans and information submitted as part of the resource consent application RMA20200495 (PID 12380):
 - a) The Application and Assessment of Environmental Effects titled "Resource Consent Application Tranche 6 Application", dated 21 September 2021 prepared by WSP (HDC reference: 12380#0029)
 - b) The approved plans attached to this decision (HDC reference: 12380#0028, #0055, #0056, #0057 & #0058.
 - c) Any other information submitted as part of this application.

Land Transfer Plan

2. That the Land Transfer Plan to give effect to this subdivision consent shall be consistent with the approved scheme plan prepared by (WSP), dated: 9th September 2021 (HDC Ref: 12380#0028) Surveyors Reference: 2-T4332.01 submitted with application RMA20210495, unless otherwise altered by the consent conditions. A copy of the approved subdivision plan is attached.
3. Any dwellings that have been constructed or are under construction at the time of application for Section 223 and 224c certification shall be identified on an as-built plan showing complying (or granted) offsets to the new lot boundaries.



Easements

4. No reticulated service or right of way required herein shall extend beyond the boundary of the site served unless an appropriate easement is shown within a memorandum of easements on the face of the Land Transfer Plan. All such easements shall be to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services (or nominee) and cover the entire physical alignment of that service. Easements shall be supported with as-builts confirmation of the final location of underground services.

Amalgamation conditions

5. That Lot 25 (legal access) be held as to ten undivided one-tenth shares by the owners of Lots 9, 10, 11, 13, 14, 15, 16, 17, 18 as tenants in common in the said shares and that individual records of title be issued in accordance therewith. LINZ ref: 1769022.
6. That Lot 26 (legal access) be held as to ten undivided one-tenth shares by the owners of Lots 9, 10, 11, 13, 14, 15, 16, 17, 18 as tenants in common in the said shares and that individual records of title be issued in accordance therewith. LINZ ref: 1769022.
7. That Lot 27 (legal access) be held as to ten undivided one-tenth shares by the owners of Lots 9, 10, 11, 13, 14, 15, 16, 17, 18 as tenants in common in the said shares and that individual records of title be issued in accordance therewith. LINZ ref: 1769022.
8. That Lot 28 (legal access) be held as to two undivided one-half shares by the owners of Lots 3 & 4 as tenants in common in the said shares and that individual records of title be issued in accordance therewith. LINZ ref: 1769022.

Consent Notices

9. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for Lot 1-24 hereon. The notice shall be registered at the subdivider's expense and shall read as follows:

Landscaping and fencing maintenance

- a. This property forms part of a comprehensive residential development approved under resource consent RMA20210495. The approval was subject to the condition that the landscaping, fencing, louvres, and obscured glass mitigation shall be maintained at all times.

Accordingly, plants, trees, fencing and lighting forming part of the landscape plan approved under RMA20210495 (HDC Reference: 12380#0056) shall be maintained in accordance with the specifications as shown on the plan. Any dead plants/damaged fencing shall be promptly removed and replaced.



Advice note: Maintenance of plants/trees means the ongoing replacement of any dangerous, dead or dying matter, the replacement of any plants that are lost or otherwise defective and the general preservation of the landscaping to a healthy standard.

- b. Except where provided by the landscape plan as referred to in the condition above, no other fencing shall be established on site.

One Residential Building only.

- c. That regardless of provisions of the Hastings District Plan or any subsequent revisions, only one residential building/unit, and no supplementary residential building, whether contained within the existing building or in separate buildings, shall be established on site. This does not preclude the establishment of a complying residential accessory building (excluding garages, carports or vehicle storage) on the site.
- d. No garages, carports, or any other kind of building for the purpose of vehicle storage shall be established on site.

On-site stormwater attenuation

- e. An individual on-site attenuation tank has been installed on this site for the stormwater from impervious areas prior to discharge to the Stormwater infrastructure in accordance with 'Engineering Servicing Report, Kāinga Ora Tranche 6 1015-1023 Street and 1012-1018 Grove Road, Hastings, Prepared for Kāinga Ora dated September 2021 by Stantec - (HDC Ref: 12380#0033).

This Private Stormwater attenuation tank on each lot shall be maintained, at all times, by the owner(s) and all future owners, at the owner's expense.

Engineering design (Prior to the Commencement of Physical Works)

10. The consent holder shall submit an engineering design (and a signed 'Form 4' (Appendix 62; Hastings District Plan), including construction drawings, detailing; vehicle crossings, the proposed rights of ways/JOALS, earthworks (including sediment control), water, stormwater and sewer services required to service the development for approval, prior to construction. As part of this approval process, a memorandum of easements reflecting the storm water design calculations and required easements, shall be provided to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee).

The design of all proposed works associated with the subdivision and shall be undertaken by a Chartered Professional Engineer experienced in roading, water, stormwater and sewer services design and construction, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee).



11. That the entrance and exit of access lots 25-27 shall be clearly marked as one way only. Location and details of the signage shall be provided as part of the engineering design plans.

12. That the design of the water, sewer, and storm water, services (including separate connections to the individual lots) shall be in accordance with the Hastings District Council Engineering Code of Practice 2020 unless an alternative design has been certified by the Development Engineer, Planning and Regulatory Services, Hastings District Council (or nominee).

The applicant shall undertake engineering works in accordance with the Council certified engineering design and the Hastings District Council's Engineering Code of Practice 2020.

13. Notwithstanding any approved Building Consents, works shall not commence until the engineering design plan (condition 10) and sediment control plan (condition 27) has been certified by the Development Engineer Planning and Regulatory Services, Hastings District Council (or nominee)

Service Connections

14. Notwithstanding the required Engineering Design condition above, that all private services for water, storm water and sewer, shall obtain a building consent. Copies of the Certificate of Compliance for this building consent shall be provided prior to Section 224c being sought.
15. That each residential Lot shall be connected to the kerb and channel for stormwater disposal, to the satisfaction of the Development Engineer, Planning and Regulatory Services, Hastings District Council (or nominee).
16. That each residential Lot shall be provided with a sewer connection to the sewer main in either Sussex Street or Grove Road, to the satisfaction of the Development Engineer, Planning and Regulatory Services, Hastings District Council (or nominee).
17. That each Lot shall be provided with individual water supply connection from either a shared connection within Lots 25-27 or individual direct connection to the water mains in either Sussex Street or Grove Road, to the satisfaction of the Development Engineer, Planning and Regulatory Services, Hastings District Council (or nominee).
18. That the applicant shall construct the water, sewer and storm water services (including separate connections to the individual lots for water and sewer) using an appropriately skilled contractor, in accordance with the certified design.
19. That all water connections to individual lots shall include an Acuflo 900s toby and manifold complete with Hastings District Council service lids, to the satisfaction of the Water Services Manager, Hastings District Council (or nominee).



Item 2 Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)

Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached

Attachment 1

20. That the water services shall be tested in accordance with the Hastings District Council Engineering Code of Practice 2020 in the presence of a Council Officer. Items covered by this include, but are not limited to, inspections of all pipework prior to backfill; pressure and leak testing of all pipes; pipe disinfection and perusal of Lab test results of the Chlorine residual; final inspection after all development works.
21. That the existing services (water, sewer and stormwater) which are not being reused shall be capped at the property boundary.

Vehicle crossings

22. That new vehicle crossings constructed in accordance with Drawing C19 of the Engineering Code of Practice 2020 shall be provided to Lots 1-2, 5-8, 19-25 and the JOALs. Note: the siting and width of these crossings is to be agreed with Council prior to any construction works.
23. That prior to commencement of works, a vehicle crossing application for the vehicle crossings for the Lots shall be submitted to Hastings District Council for approval.
24. That prior to final surfacing of the proposed vehicle crossing to the Lots and JOAL's the preparatory works shall be presented to Hastings District Council for approval.
25. That the consent holder shall meet all the costs associated with the provision of any road signage, road marking and lighting.
26. That any unused existing access crossings shall be removed and reinstated with a footpath, kerb and channel and berm, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee).

Sediment Control

27. That the consent holder shall submit a sediment control plan that has been prepared by an appropriately qualified person to Council, for certification by the Development Engineer, Planning and Regulatory Services, Hastings District Council (or nominee), prior to the commencement of any work on the site. The plan shall detail how sediment and erosion controls will be carried out at the site in accordance with the Hawke's Bay Waterway Guidelines- Erosion & Sediment Control 2009 and current engineering best practice. A statement shall be included with the plan stating the author's qualifications and experience in this area.
28. That the consent holder shall install sediment and erosion controls in accordance with the certified plan prior to the commencement of the earthworks and that these controls shall be maintained throughout the period of the works, to the satisfaction of the Development Engineer, Planning and Regulatory Services, Hastings District Council (or nominee).
29. That a suitably qualified and experienced professional shall certify that the sedimentation works have been constructed in accordance with the certified design.



Earthworks

30. That all earthworks operations shall be so conducted as to comply with the provisions of New Zealand Standard NZS 6803: 1999 Acoustics – Construction Noise.
- Noise levels will be measured in accordance with the New Zealand Standards NZS6803: 1999 Acoustics – Construction Noise.
31. That earthworks shall be limited to the hours of 7.00 am - 5.00 pm Monday – Friday, and 8.00 am – 5.00 pm Saturday.
32. That all work within the boundaries of the public road shall require a Corridor Access Request (CAR) application to be submitted and certified prior to commencement of the specific work items.
33. That there shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus into any watercourse, storm water drain/system or road.
34. That as part of the earthworks’ no filling shall take place that will obstruct overland flow from higher ground/upstream.
35. That while the earthworks are being undertaken and prior to re-vegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is deposited outside the property boundaries.
36. That all earthworks associated with the construction of the right of way and building platforms shall be stabilised prior to issue of a Section 224c certificate.
37. That all areas of earthworks shall be either permanently surfaced or re-grassed with a minimum cover of 90% for the development, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee).
- Advice note: Please ensure that those managing works have due consideration of this condition and manage works so that there is sufficient time to allow grass to grow. This will include having regard to any seasonal limitations and water requirements.*
38. That the consent holder’s contractor shall confirm in writing that only ‘clean fill’ shall be imported onsite (i.e. no rubbish, no stumps, no concrete, bricks any no other substance containing; combustible, putrescible, degradable or leachable components, hazardous substances, products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, medical and veterinary waste, asbestos or radioactive substances or liquid waste).



Advice note: Imported 'clean fill' will also need to comply with the relevant standards in the NES for Assessing and Managing Contaminants in Soils to Protect Human Health.

39. That all unsuitable soils and fill materials uncovered during the earthworks shall be removed off site to an appropriate land fill facility.

Completion of earthworks and engineering works

40. Unless all sites are developed at time of seeking a 224c, after earthworks to prepare site has been undertaken, the consent holder shall submit a completion report and Form 6 (Appendix 62 of the Hastings District Plan) from a Chartered Professional Engineer specialising in geotechnical matters confirming the stability and suitability of the land for residential building development. Any recommendations from this earthwork report shall be registered as a consent notice on the relevant lot and in accordance with Section 221 of the Act.
41. That the Chartered Professional Engineer overseeing the project shall confirm in writing and provide as-built evidence that the earthworks have been constructed in accordance with the certified Engineering Plans.
42. A completed Form 5 'Certification of Construction and Completion of Engineering Works for Subdivision' (Appendix 62 of the Hastings District Plan) prepared by a Chartered Professional Engineer, (See Section 1.3, PART 3 of the Engineering Code of Practice 2020) shall be submitted to the satisfaction of the Development Engineer, Planning and Regulatory Services, Hastings District Council (or nominee) on the completion of the engineering works.

Note 1, that person or persons will normally be expected to be professionally recognised in the area of competence claimed and to carry professional indemnity insurance to a level suitable for the purpose but in any case not less than \$1,000,000 per project.

Note 2, Council reserves the right to have any work peer reviewed regardless of any prior approval as to the acceptability of the suitably qualified person. The cost of all peer review work will be borne by the developer.

43. That the Consent Holder's Contractor shall issue a 'Contractors Certificate Upon Completion of land Development/Subdivision': Schedule 1B: NZ4404 certifying that all public and private three waters and roading infrastructure has been constructed in accordance with the Council certified Engineering Plan shall be provided in support of the section 224(c) application of each stage.
44. The Consent Holder's supervising engineer shall issue a "Certification Upon Completion of land Development/Subdivision": Schedule 1C: NZ4404 for the services and roading construction, and the completeness and accuracy of the as built data, and the consent holder shall supply this statement to Council.



45. A copy of any 'Code Compliance Certificate' (under the Building Act) for any private drainage shall be provided with any 224c application.
46. Any damage caused to Council assets as a result of the subdivision work shall be rectified at the Consent-holders sole expense and to the satisfaction of the Development Engineer, Planning and Regulatory Services, Hastings District Council (or nominee).
47. As-built plans and data detailing the roading, earthworks, water, wastewater and stormwater connections installed, shall be provided to the satisfaction of the Council's Development Engineer in accordance with the requirements of the Hastings District Council's Code of Engineering Practice 2020. The plans and data shall be provided once construction is completed and shall be certificated as a complete and correct record by the applicant's Chartered Professional Engineer.
48. Road Name signs (private or public) shall be installed for all; roads, access lots and/or rights of way servicing more than 5 sites and in accordance with C18 of the Hastings District Council's Engineering Code of Practice (2020).

Soil remediation:

49. That prior to any works or disturbance of soil being undertaken on site, the identified area of contamination on site shall be remediated in accordance with the following documents:
 - a. Detailed Site Investigation – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC ref: 12380#0035).
 - b. Site Remediation Action Plan and Management Plan – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC ref: 12380#0036).
50. That after the completion of works and prior to the approval of a Section 224c certificate, a Site Validation Report (SVR) shall be provided to Council by a SQEP confirming that:
 - a. The remediation works have been undertaken with the recommendations of the DSI and Site Remediation Action Plan, and performance standards under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
 - b. Soils on site no longer poses a risk to human health for the proposed land use scenario (10% residential).

The SVR shall be prepared in accordance with the recommendations of the Remediation Action Plan submitted as part of the application.



Electricity:

51. Written confirmation shall be provided from a network utility operator for electricity confirming that connections and reticulations have been place to the boundary of Lots 1-24, prior to section 224c certification.

Advice Notes

1. At the time of applying for Certification under Sections 223 and 224(c) of the Resource Management Act 1991, fees shall be payable under Council's Schedule of Resource Management Fees and Charges: <http://www.hastingsdc.govt.nz/resource-management-fees>

In respect of any charges under the Resource Management Act 1991, charges shown above shall be applicable to any additional charge payable in terms of Section 36(3) of the Act, where the actual and reasonable costs incurred exceed the standard charge paid.

2. All engineering plans must be submitted to developmentengineer@hdc.govt.nz, with a cover letter clearly stating the resource consent number, address and which condition/s the plans relates to.
3. If it is intended to make any changes to the easements, staging or scheme plan approved by the Council as part of this resource consent, a new approval may be required. If you have any doubts as to whether or not a new application will be required, please contact one of Council's Environmental Consent Planners.
4. **Please note** that this consent only relates to District Plan requirements. Building Consent must be obtained before any building or drainage work commences. This work can include the construction of stormwater, sewer and/or water services. Please contact the duty Building Officer on 871 5000 who will be able to assist you in this regard.
5. In exceptional circumstances, Council will consider bonds for residential vehicle crossings only. Any other bonds or 'letters of undertaking' will not be accepted by Council. Those persons project managing a development will need to ensure all conditions (including any required re-grassing and sediment control plans) are met before Section 224c applications are submitted to Council.
6. Incomplete or incorrect 224c applications (including applications that need a variation) will be returned to agents and/or landowners.
7. Please ensure any 224c applications include the following form: <https://www.hastingsdc.govt.nz/assets/Document-Library/Forms/Resource-Consents/resource-consent-form-224c.pdf>
8. To avoid doubt, except as otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawke's Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.



Item 2 Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)

Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached

Attachment 1

9. All engineering plans must be submitted to developmentengineer@hdc.govt.nz, with a cover letter clearly stating the resource consent number, address and which condition/s the plans relates to.
10. The Engineering Code of Practice drawings can be viewed online at: <https://www.hastingsdc.govt.nz/assets/Uploads/Engineering-Code-of-Practice-ECOP-Final-2020.pdf>
11. All works on existing public wastewater, stormwater and water mains shall be carried out by approved contractors at the consent holder's expense. For new service connection application guidance refer to: <https://www.hastingsdc.govt.nz/services/water/water-service-connections/>
12. Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Transportation Department prior to installation. For vehicle crossing guidance refer to: <https://www.hastingsdc.govt.nz/services/roads-and-streets/vehicle-crossings/>
13. Satisfactory public vehicle and pedestrian access shall be maintained at all times when undertaking works within the road reserve, unless alternative arrangements are made to the satisfaction of the Council.
14. All necessary precautions shall be taken to protect the public from open trenches and all other hazards associated with the construction works.
15. Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated to the satisfaction of the Development Engineer and at the expense of the consent holder.
16. Please note that a development contribution may be required under the provisions of the HDC Development Contributions Policy applicable at the time of application. The Council requires Development Contributions to be paid prior to the issue of the Code Compliance Certificate for a building consent, the issue of a section 224 certificate for a subdivision consent, or authorisation of a service connection. Development contribution requirements are as defined in Council's Development Contributions Policy established under the Local Government Act 2002. Full details of the policy are available from the Council website. The relevant assessment for Development Contributions for this development will follow in due course.
17. Under Section 125 of the Resource Management Act 1991 each separate decision will lapse if it has not been given effect to within 5 years of the date the consent was granted, unless an extension is authorised under Section 125(1A)(b).
18. This approval does not override any existing; private easements, land covenants or other interests on the Record of Title. The owners should seek independent legal advice on such matters and how they might impact on the development.



19. Council reserves the right to have any work peer reviewed regardless of any prior approval as to the acceptability of the suitably qualified person. The cost of all peer review work will be borne by the developer.

With the reasons for this Decision being:

1. The adverse effects on the environment of this proposal are minor or less than minor.
2. This was a situation in which the means to mitigate the concerns of the Submitter, in regard to privacy in particular, had been offered by the Applicant by way of fixed louvres; obscure glazing; landscaping and fencing options that had been accepted by the Submitter.
3. The mitigation measures set out in these conditions have been put in place so that once subdivision consent is granted the resultant land use effects would not have further negative effects on the Submitter.
4. Consent is based on the evidence presented at the hearing and the conditions set out in this decision are applied in the form of a consent notice in order to give greater transparency, as opposed to the use of covenants.
5. The application is consistent with Part 2 of the Resource Management Act and provides for the social and cultural wellbeing of the community.



G Lyons
Chair of Hastings District Council Hearings Committee

Dated: Monday, 3 October 2022

Item 2 Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)

Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached

Attachment 1

Approved Plans:





Figure two: Revised Sussex Street Elevation (HDC ref: 12380#0055)

Handwritten signature



Figure three: Revised Sussex Street Elevation (HDC ref: 12380#0055)

[Handwritten signature]



Figure four: Details of first floor louvres and obscured glazing (HDC ref: 12380#0076)

Handwritten signature

Item 2 Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)

Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached

Attachment 1

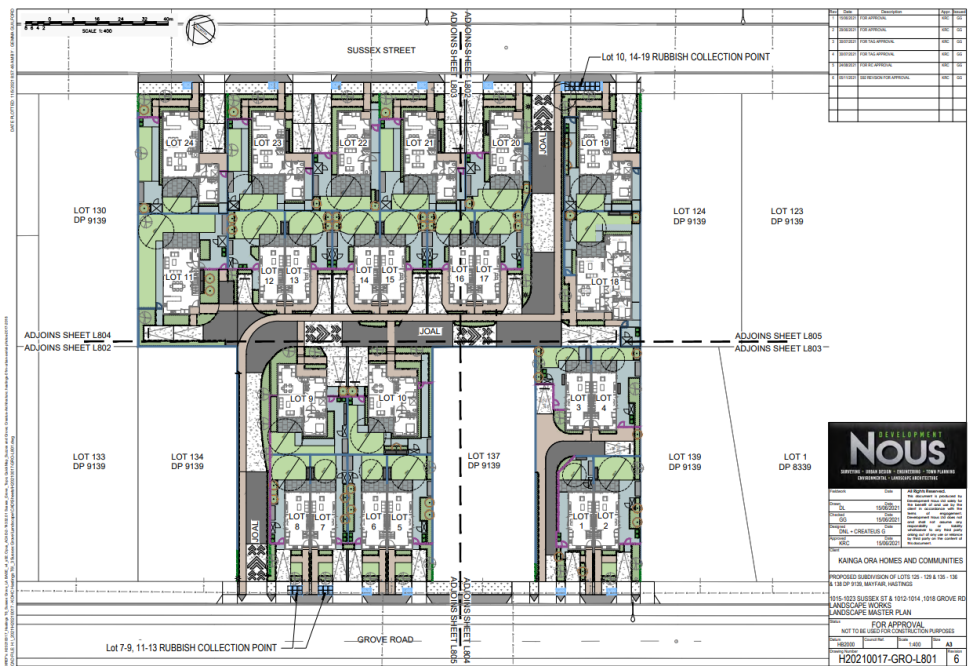


Figure five: Landscape Masterplan (HDC ref: 12380#0056)

Handwritten signature

Item 2

Attachment A

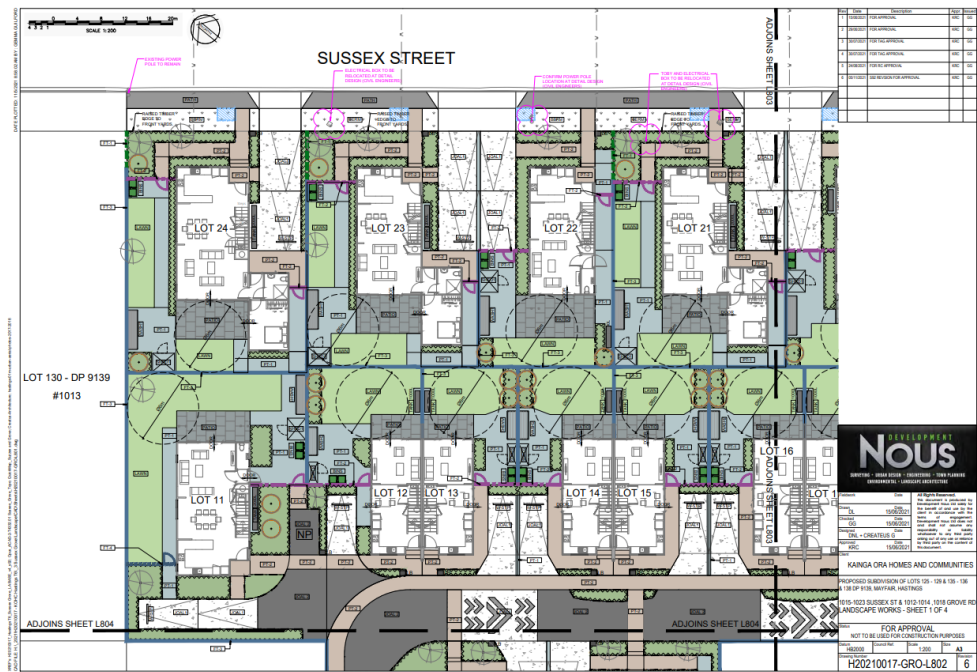


Figure six: Landscape plan (HDC ref: 12380#0056)

Handwritten signature

Item 2 Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)

Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached

Attachment 1

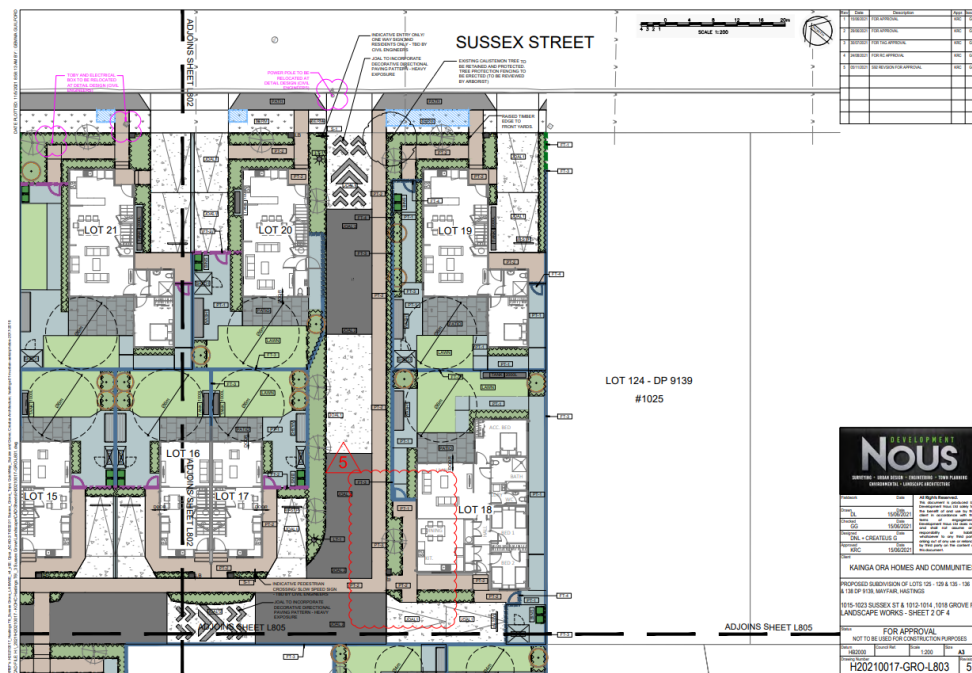


Figure seven: Landscape plan (HDC ref: 12380#0056)

Item 2

Attachment A

gal.

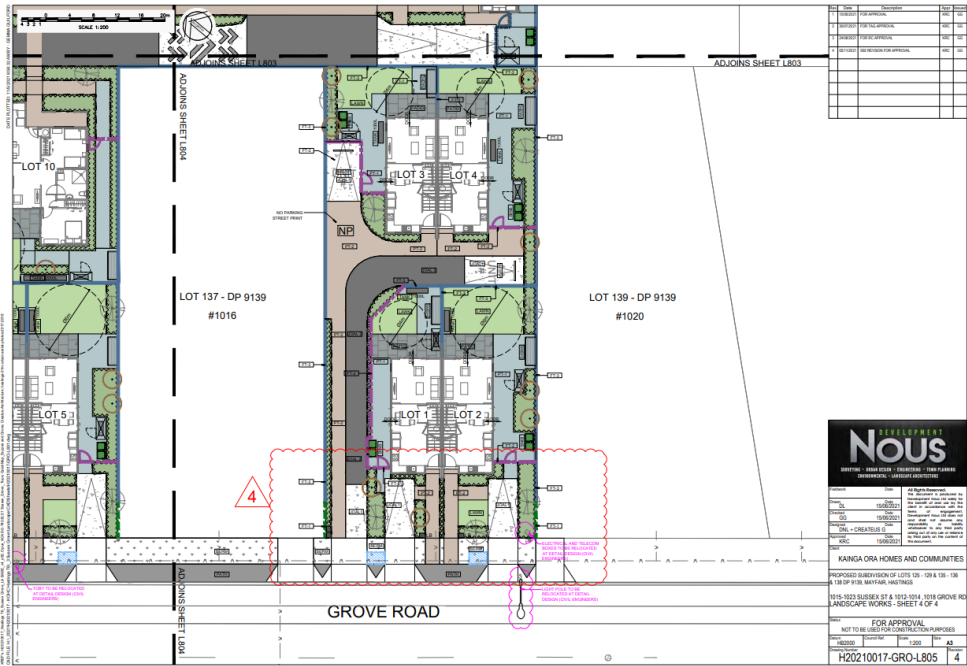


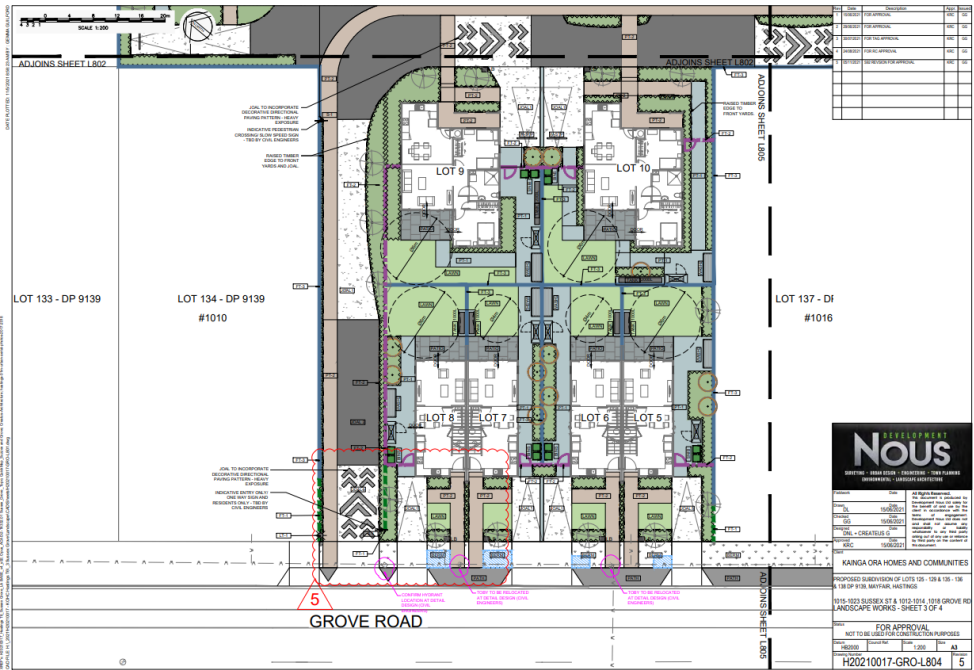
Figure eight: Landscape plan (HDC ref: 12380#0056)

Handwritten signature

Item 2 Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)

Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached

Attachment 1



Item 2

Attachment A

gal.



Figure ten: Area to be remediated (HDC ref: 12380#0036)

Gal.

Item 2 Limited Notified Resource Consent Application for Residential Development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings 4122 - Kāinga Ora - Homes and Communities (RMA20210495)

Signed Decision from Kāinga Ora hearing held on 1 September 2022 with plans attached

Attachment 1

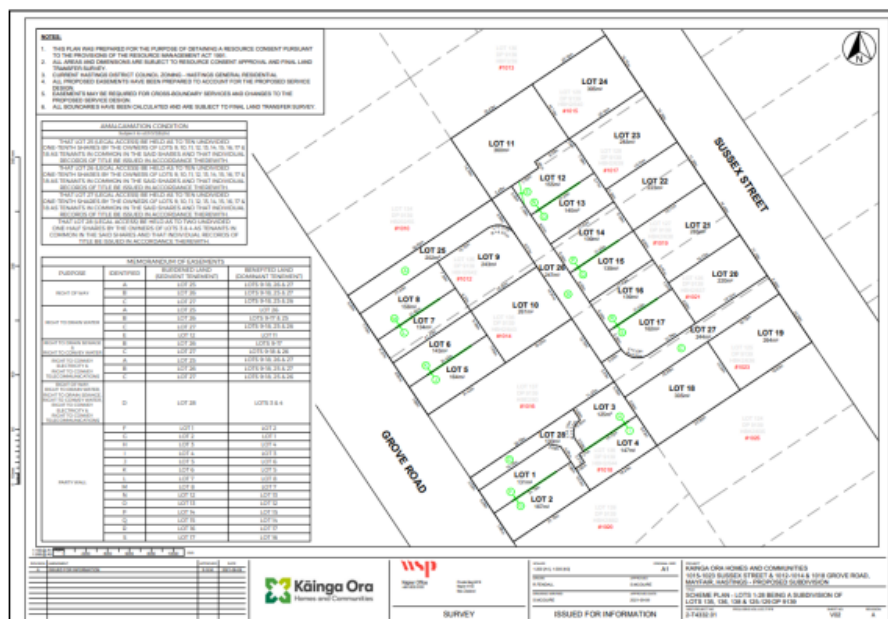


Figure eleven: Approved Scheme Plan (HDC ref: 12380#0028)

Item 2

Attachment A

gal

MEMORANDUM OF EASEMENTS			
PURPOSE	IDENTIFIER	BURDENED LAND (SERVIENT TENEMENT)	BENEFITED LAND (DOMINANT TENEMENT)
RIGHT OF WAY	A	LOT 25	LOTS 9-18, 26 & 27
	B	LOT 26	LOTS 9-18, 25 & 27
	C	LOT 27	LOTS 9-18, 25 & 26
RIGHT TO DRAIN WATER	A	LOT 25	LOT 26
	B	LOT 26	LOTS 9-17 & 25
	C	LOT 27	LOTS 9-18, 25 & 26
	E	LOT 12	LOT 11
RIGHT TO DRAIN SEWAGE & RIGHT TO CONVEY WATER	B	LOT 26	LOTS 9-17
	C	LOT 27	LOTS 9-18 & 26
RIGHT TO CONVEY ELECTRICITY & RIGHT TO CONVEY TELECOMMUNICATIONS	A	LOT 25	LOTS 9-18, 26 & 27
	B	LOT 26	LOTS 9-18, 25 & 27
	C	LOT 27	LOTS 9-18, 25 & 26
RIGHT OF WAY, RIGHT TO DRAIN WATER, RIGHT TO DRAIN SEWAGE, RIGHT TO CONVEY WATER, RIGHT TO CONVEY ELECTRICITY & RIGHT TO CONVEY TELECOMMUNICATIONS	D	LOT 28	LOTS 3 & 4
PARTY WALL	F	LOT 1	LOT 2
	G	LOT 2	LOT 1
	H	LOT 3	LOT 4
	I	LOT 4	LOT 3
	J	LOT 5	LOT 6
	K	LOT 6	LOT 5
	L	LOT 7	LOT 8
	M	LOT 8	LOT 7
	N	LOT 12	LOT 13
	O	LOT 13	LOT 12
	P	LOT 14	LOT 15
	Q	LOT 15	LOT 14
	R	LOT 16	LOT 17
	S	LOT 17	LOT 16

Figure twelve: memorandum of easements (HDC ref: 12380#0028)