

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Tuesday, 7 and Wednesday, 8 June 2005
TIME: 9.30 am
VENUE: Club Waimea, 345 Queen Street, Richmond.

PRESENT: Cr R G Kempthorne (Chair), Crs P K O'Shea and R G Currie

IN ATTENDANCE: Manager, Consents (J S Hodson), Senior Consent Planner, Subdivision (M D Morris), Landscape Architect (F Boffa), Development Engineer (D Ley), Consent Planner, Natural Resources (D M Hills), Consent Planner, Water (N Tyson), Administration Officer (B D Moore).

1. COASTAL BROKEN HILL (CBH) LTD, BETWEEN MAISEY ROAD AND GREENACRES ROAD, REDWOOD VALLEY – APPLICATION No. RM030632, RM030656, RM030462, RM030463, RM040137

1.1 Proposal

The application seeks to subdivide the site in stages over a period of 10 years, to create 60 rural-residential titles (between 2,500 square metres and 1.4 hectares in area), eight rural titles (between 2.8 hectares and 9.2220 hectares in area), one title containing three allotments for open space purposes, and to create new allotments for the purpose of access and road to vest. Consent is also sought to undertake boundary adjustments with NL 116/69 (Oliver), NL 84439 (Stevenson), and to amalgamate land within NL 10A/1078 (Johnston). A 10 year consent period is sought.

To erect buildings (including a dwelling) on each of the proposed building location areas, and to allow the erection of farm buildings on the identified building location area within proposed Lot 60.

To undertake earthworks for the purpose of constructing the proposed subdivision.

To erect dwellings up to, but not closer than, 6.5 metres from road reserve boundaries.

To dam water within two proposed stormwater detention ponds.

To discharge stormwater from impervious surfaces and from the operation of the stormwater drainage system. A consent term of 35 years is sought.

To take up to 350 cubic metres of water per day from the Moutere Gravel Aquifer for irrigation and for private domestic use. A variation to approved water permit RM040137 is therefore sought. A consent term of 10 years is sought.

The site is zoned Rural 3 and Rural 1 under the Proposed Tasman Resource Management Plan.

1.2 Presentation of Application

The applicant, CBH Ltd, was represented at the hearing by Mr C Edmonds and by solicitor, Ms C Owen.

Ms Owen introduced the application for CBH Ltd. She said that the applicant had withdrawn the application for on-site treatment and disposal of domestic effluent but that the Tasman District Council had recently decided not to reticulate the Rural 3 Zone for sewerage. She said that the applicant volunteered that no engineering consent would be sought until Council approves a discharge consent application. The opening submission described the content of the amended subdivision plan, Revision 1C dated 14 April 2005. The total number of lots is 69, of which 62 are residential (including the productive lots). The proposed subdivision sought a 10 year lapsing period for the consent because the subdivision consent is proposed to be undertaken in nine stages. The application included subdivision and land use consent to erect dwellings on each of the proposed building location areas and farm buildings within Lot 60.

Consent was sought to discharge stormwater and construct stormwater detention dams. Further consents included a water tank for 350 cubic metres per day for irrigation and private domestic use and land use consent to undertake earthworks for the purpose of construction of the proposed subdivision. Further work involved the provision of an esplanade on each side of the Redwood Valley Stream, a public walking track, significant framework planting, construction of roading to vest in Council and significant covenants and consent notices. A residents' association would be formed to hold common property and share the obligations of maintenance for matters such as dams, vegetation maintenance and the community water supply scheme. Community ownership and a management process would be carried out for the community on-site wastewater disposal schemes.

The introductory submission summarised a series of agreements with neighbouring landowners. The opening submission described the subject application as a Rural 3 application, notwithstanding that part of the land is in Rural 1. CBH Ltd has made a submission on the boundary location, seeking that the Rural 3 boundary extend to the ridgeline. The proposed lots within the Rural 1 Zone are Lot 1 and Lot 2 which are to be held together in one title for a total of 14.26 hectares. A complying (controlled) activity subdivision in the Rural 1 Zone is 12 hectares.

Mr C Edmonds, a director and development manager for CBH Ltd, said that the subdivision design follows landscape features as envisaged by the Rural 3 Zone guidelines.

Mr D C Sissons, landscape architect, read a statement of evidence and described how the proposed subdivision design complies with the design guidelines for the Rural 3 Zone. The evidence addressed the subjects of proposed ridgeline housing and the shading of neighbours.

Mr Sissons tabled photographs to show an analysis of views from Redwood Valley for submitters Innes/McLeish, Mosley and Livingstone. The evidence referred to consultation with G Broderick and C Maisey to restrict the height of planting on the two western spurs without cutting off their winter sun. Planting to mitigate traffic effects was proposed on the earth bund adjacent to Puhipi Estate.

1.3 Presentation of Submission

The applicant's evidence was interrupted to allow presentation of a submission from the Public Health Service of Nelson-Marlborough District Health Board. Mr M J Molloy, Health Protection Officer, read a statement of evidence in support of the proposed community drinking water supply, with the centralised water treatment, to comply with the requirements of the Drinking Water Standards. He said that the treated bore water must be kept completely separate from any other rainwater. The submission listed recommended conditions that the Public Health Service made with regard to water supply from this subdivision. The submission supported the proposed sampling of seven lots within the proposed subdivision site for pesticide residue contamination.

1.4 Continuation of Presentation of Application

Evidence for the applicant was resumed with the presentation of evidence by Mr J D Bealing, engineering consultant of AgFirst Consultants Nelson Ltd. His evidence summarised the points covered in greater detail in his original report dated May 2004, annexed to the subject application. He addressed the concerns raised by submitters and spoke about the productivity values and potential uses of this land. Mr Bealing said that the applicant has retained the majority of the more flexible Class B land in larger lots. This will allow future planting of intensive cropping, although in limited sized parcels. House sites that have been located on Class B land have been kept to the edges of the blocks, so as to minimise any detrimental effects to intensive crop management. Also, the best part of the existing orchard has been kept as one lot. Mr Bealing said that the overall effect on productive land of granting consent to subdivide as proposed is no than minor.

Mr M M Flannery, a civil engineer of Connell Wagner, read evidence to address engineering issues relating to the proposed subdivision. The evidence included how the stormwater would be dealt with to reduce the peak run-off so that it is no more than existing. Mr Flannery referred to the proposed separate resource application for disposal on site. He said that the applicant accepted a condition where no construction on the subdivision proper is undertaken until the wastewater treatment and disposal option has been resolved with the Tasman District Council.

The evidence said that the applicant intended that each cluster of housing would be served by a cul-de-sac and that these be vested in Council as public road with a 10 kilometre per hour design speed. Street lighting would only be installed at the State Highway intersection.

The evidence described proposed earthworks including erosion and sediment control measures. Potable water supply for domestic demand and fire supply is proposed to be supplied from the 250 metre deep existing consented bore. Water will be chlorinated before being reticulated through the subdivision through water mains, with a booster pump station. The water reticulation treatment plant will be owned and operated by the proposed residents' association. A fire fighting water storage of 45 cubic metres will be located within each cluster of housing.

Resource management consultant, Mr M Lile, read a statement of evidence in support of CBH Ltd. Mr Lile spoke about the history of the comprehensive consultation process and amendments made to the application in response to further information requests. The evidence detailed the agreements made with adjacent landowners. A series of eight aerial photographs was attached to this evidence to explain and detail various locations within the site and environment. The evidence discussed the actual or potential environmental effects of the proposed subdivision and development and that the applicant volunteered the provision of an esplanade strip or reserve of 5 metres either side of the Redwood Valley Stream. Mr Lile provided a comprehensive set of proposed conditions of consent based on the staff report, with changes highlighted and explained. The annexures included those conditions volunteered by the applicant.

1.5 Presentation of Submissions

A submission from R and S Livingstone was addressed by Mr Livingstone, who spoke of his experience as a surveyor involved with the layout of vineyards. He said that this coastal land should not be developed in uneconomic lifestyle blocks. He said that the land can be drained and used as productive land suitable for grape growing, especially where the land lies to the north-west. He said that this Rural 1 land should not be developed as proposed and that all vehicles will be seen on the proposed ridgeline roads. Mr Livingstone then spoke for G C Mason and that submitter sought that the land be retained for productive use, including being available to run dry dairy cows and that the land was also suitable for vineyards and olive groves. The submission was concerned about the impact of the proposal on the proposed water bore source and the effects of stormwater going into the Redwood Valley Stream area.

Mr G Broderick and Ms C Maisey were concerned about the potential effects which the proposed development may have on their adjoining property. They were concerned that tall trees could be planted which may block sun to their property. They suggested that the proposed effluent treatment area should be located on Lots 15, 7 and 26 and not Lot 2. The submitters said that when the esplanade reserve is created people will walk through their land and disrupt the birdlife. They said that cats and dogs could have an effect on the birdlife. The submitters said that the location is presently quiet and they would like it to stay that way.

Mr N Stevenson spoke in favour of the proposed subdivision and said that although this is productive land, it is only marginally so, as the underlying clay country can be either too dry or too wet. When it is wet it can kill productive trees, as seen on adjacent properties. He said that there is a shortage of orchard staff and that most prefer to work on flat country. He said he supported the proposed subdivision landscape plan as a condition of consent and that Council should accept the proposal and use it as a model.

The submission of Transit New Zealand was referred to in an e-mail of 1 June 2005 from K Wierenga. This referred to Connell Wagner Ltd drawings for project 7732.40, SK07 and SK06, which had been approved by the Wellington Regional Manager of Transit New Zealand. These drawings referred to the intersection of State Highway 60 and Greenacres Road/Research Orchard Road. Ms Owen confirmed that the applicant agreed to the Transit New Zealand requirements for the intersection with the State Highway and volunteered this in Condition 15 for subdivision consent RM030632. Cr Currie noted that those plans did not include a turning lane into Research Orchard Road. Ms Owen said that the applicant had originally suggested that a turning lane into Research Orchard Road in an original plan sent to Transit New Zealand but that it had been declined by Transit New Zealand.

The first day of the hearing concluded at 5.00 pm and the second day commenced at 9.30 am on Wednesday, 8 June 2005.

Mr B Moseley tabled and read a submission for B W and H C Moseley of Greenacres Road North. The submission said that 69 houses in a rural area will not improve the location, landscape or rural environment. The removal of 71 hectares of productive farm land and the lack of a cluster design does not protect that land. The submitter was concerned about the potential for well water in surrounding farms to be polluted by the proposed effluent disposal system. He expressed concern about sections and roading adjacent to the ridgeline. The submitter spoke with concern about the number of additional people and extra vehicle movements which would occur in this location. Reference was made to a concern for traffic safety at the intersection with the State Highway. The submitter asked that the water right application be declined because of the shortage of water in this area for irrigation. The submitter asked that if consent is approved, a number of conditions of consent be applied.

1.6 Applicant's Amended Landscaping/Site Plan

Mr Sissons advised that an on-site meeting had been held with the submitters, Mr Broderick and Ms Maisey regarding potential shading of their property. A plan was provided to detail the amended planting which would provide better sunlight penetration to the Broderick/Maisey property. Mr Sissons advised that this amended plan expressed the verbal agreement made on-site with Mr Broderick and Ms Maisey. Cr O'Shea asked for a signed agreement from the submitters, Mr Broderick and Ms Maisey.

1.7 Staff Reports

Senior Consent Planner, Subdivision, Mr M Morris, spoke to his staff report of 26 May 2005 contained within the agenda. He noted that a discharge consent had not yet been applied for. He said that in the Rural 3 Zone subdivisions should be designed so that productive land be provided for. Mr Morris noted that the larger lots are not going to be full-time economic units but that he did not think that they should be amalgamated into one lot. Mr Morris noted that Council cannot direct or enforce a particular land use in individual lots. Mr Morris recommended proposed conditions of consent. He said it was important that the esplanade strip is on both sides of the Redwood Valley Stream. Mr Morris agreed that a covenant regarding required landscaping would be suitable for Council.

Landscape Architect, Mr F Boffa, said that the effects of the maximum height of houses will be very minor and that some planting will mask aspects of the development. He said that earthworks will be relatively minor for the subdivision, with very little cut batters. Mr Boffa said that view shafts can be incorporated into the landscape plan, for Council approval and a greenbelt-type environment provided. Mr Boffa indicated agreement with the applicant's volunteered conditions regarding the use of recessive colours. Mr Boffa said that he considered the proposed development by the applicant to be in the spirit and intent of the design guidelines for the Rural 3 Zone.

Development Engineer, Mr D Ley, said that the applicant had not applied for on-site sewage disposal and that the applicant should pipe the effluent to Best Island. He suggested that Council should delay granting consent to the application until an engineering plan is approved. Mr Ley said that Lot 2 of the subdivision may not be suitable for effluent disposal because it could be too wet. Mr Ley suggested that the proposed cul-de-sacs should be changed to rights-of-way and be formed to Council's Engineering Standards. He said that the Council's ratepayers should not have to maintain these proposed access roads serving only six or seven users. He said that the applicant had deleted concrete nib walls adjacent to these access roads and reduced the design speeds. The applicant had not provided any footpaths within these proposed cul-de-sac designs. He said footpaths should either be concrete or asphaltic concrete.

Mr Ley said that the applicant should provide details for the road stopping of the portion of Greenacres Road North. He was not satisfied about details for the proposed formation of Greenacres Road near the State Highway intersection. He said that although the proposed work on the State Highway is on Transit New Zealand controlled road, the Council should have some input. Mr Ley spoke of the need for street lighting, especially for the use by pedestrians on footpaths. Mr Ley said that there should be access to the dams for fire fighting purposes, meeting the Fire Fighting Code.

Cr Kempthorne asked Mr Morris and Mr Ley to provide an amendment to the proposed conditions of consent.

Consent Planner, Natural Resources, Ms D Hills, spoke to her reports contained within the agenda regarding the application to discharge stormwater and consent for earthworks. The reports contained recommended conditions of consent.

Consent Planner, Water, Mr N Tyson, spoke to the report concerning detention dams, diversion and culverts. He recommended consent to the taking from one groundwater bore for a private community supply for domestic use only. Ms Owen advised that a booster pump would be installed in a concrete building and be adjacent to Lot 19, so would therefore be self-monitoring by the residents' association. Mr Tyson advised that water required for fire fighting is a permitted activity. Proposed conditions of consent were listed within the staff report.

Mr Morris responded on behalf of staff to the applicant's proposed conditions of consent and added amendments sought by staff.

1.8 Right of Reply

Ms Owen provided a response on behalf of the applicant. She provided the Subcommittee with a plan to assist with orientation during the site visit. She said that the Council engineering staff did not reflect the previous discussions and negotiations that had been carried out prior to the hearing. She said the matters raised by engineering staff should have been raised during previous consultation, including references to roading. She said that the Transit New Zealand letter was dated 2 February 2005 and that engineering staff had sufficient time and should have studied that letter. She said that in July 2003 there was a road stopping meeting and on 29 August 2003 Mr Lile met with Subdivision Officer, Mr R Shirley, and that Mr Lile responded on 8 September 2003 regarding the further information required.

Ms Owen said that the road stopping does not have to be addressed as part of this application. She said that Mr Ley is not a roading engineer and that Transit New Zealand is the State Highway controlling authority. She said that the applicant did not know that Council was not going to reticulate wastewater in the Rural 3 Zone but that this was only known through a press release and appearing in the newspaper on Saturday 4 June of the weekend prior to this hearing.

Ms Owen then addressed the proposed conditions of consent. She said that with the formation of a right-of-way Council would be the loser compared to the creation of a cul-de-sac but that the applicant would accept the right-of-way condition. She said that this is a Rural 3 Zone and that concrete footpaths are not expected but the applicant would accept the use of concrete or asphaltic concrete footpaths. The applicant suggested that provision of an esplanade strip 5 metres of either side of Redwood Valley Stream is probably best.

Ms Owen said that proposed Lot 3 would be held with the balance area. The applicant would agree to the formation of access places to 15 metres wide with a 30 kilometre design speed. However, the applicant did not agree with the proposed concrete edge of seal supports. Ms Owen said that the applicant did not want street lighting. She said that the applicant could volunteer an easement to the Redwood Valley water scheme. The applicant proposed to deal with wastewater on a case by case basis. She asked the word "*residential*" be deleted from proposed Condition 29 regarding building location restrictions and noted that Lot 2 needs a building for a booster pump and Lot 4 has an existing house with curtilage area.

The applicant volunteered a covenant for no further subdivision of any of the lots in the subdivision for a term of 21 years. The applicant proposed a financial contribution for reserves and community services based on the 1,000 square metre building site within each allotment. The applicant volunteered to provide landscaping, fully implemented, within two years of the dwelling being occupied. The applicant was happy to accept the proposed conditions regarding dwelling colours, wall colours/materials and roof colours to be replaced by the condition promoted by Landscape Architect, Mr F Boffa.

Ms Owen said that where engineering services would be private, a lease agreement would be required. She said that the applicant was not going to provide fire fighting access to the dams but would provide separate fire reservoirs for each cluster of houses. In regard to the proposed water permit, Ms Owen advised that the applicant applied to irrigate 13 hectares with 350 cubic metres. She said that the applicant did not need to wipe out Bore 2 as an option. Bore 2 has not yet been drilled and the applicant will not drill this if it is not needed. The applicant may need the water for crops. Ms Owen noted that year 2013 is where all the water rights expire. The applicant did not think that ridgeline development is an issue.

Cr Kempthorne thanked members, the applicant's representatives and staff for their attendance and the hearing closed at 6.05 pm.

**Moved Crs Currie / O'Shea
EP05/06/45**

THAT the public be excluded from the following part of the proceedings of this meeting namely:

CBH Ltd

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
CBH Ltd	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Kempthorne / Currie
EP05/06/46**

THAT for the purposes of discussing the application of CBH Ltd as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs O'Shea / Kempthorne
EP05/06/47**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. COASTAL BROKEN HILL (CBH) LTD, BETWEEN MAISEY ROAD AND GREENACRES ROAD, REDWOOD VALLEY – APPLICATION RM030632, RM030656, RM030462, RM030463, RM040137

DECISION (all consents):

**Moved Crs Kempthorne / O’Shea
EP05/06/48**

THAT pursuant to Part II and Sections 104, 104B, 104D and 220 and 221 of the Resource Management Act 1991, consent is GRANTED to the applications of CBH Limited to undertake the above proposals subject to the following conditions.

The reasons for the decision are given at the end of this document.

CONDITIONS - SUBDIVISION CONSENT (RM030632):

General

1. The subdivision and development shall be carried out generally in accordance with the application plan by David Sissons Job No. CBH 1 Revision 1c, Sheet 1, dated 14 April 2005, except that:
 - a) Lot 58 shall be deleted and merged with Lots 59 and 57 in equal parts.
(This change is a consequence of deleting Lot 58, which was a proposed reserve).
 - b) The road servicing Lots 48-51 shall be changed to a right-of-way access.
 - c) The Esplanade Strip shown on Redwood Valley Stream be 10 metres on the northern bank and 5 metres wide on the southern bank.
 - d) Lot 47 be amended to ensure Pt Lot 5 DP8252 (the Johnston property) has a 5 metre frontage to the proposed road.

Staging

2. The subdivision shall be completed in the stages as proposed within the application.

(The proposed stages are identified on the revised Scheme Plan referred to in condition 1 above).

Prior to the approval of Stage 3, an amalgamation plan shall be provided to Council showing Stage 6 held together in one certificate of title with the balance land.
3. Financial Contributions attributable to each stage shall be payable upon application for Section 224(c) certificate for each stage, unless as otherwise provided for in this consent.
4. Land covenants/consent notices in accordance with conditions of this consent are to be placed on the lots as they are created, not on balance areas yet to be developed.

5. The following Amalgamation conditions shall be imposed:
- i) Lot 1 hereon and Lot 2 shall be amalgamated and one certificate of title issue.
 - ii) Lots 74 be amalgamated with Lot 2 DP 4535 and one certificate of title issue, and Lot 75 be amalgamated with Pt Sec 1 SO 14337 and one certificate of title issue.
 - iii) Lot 73 hereon be amalgamated with Lot 3 DP321214 and one certificate of title be issued.
 - iv) Lots 45 and 66 hereon be held together and one certificate of title be issued for the two parcels.

DLR reference is 473045.

ADVICE NOTE- EARTHWORKS AND DAM CONSTRUCTION:

These matters are controlled under RM030462 and RM030463.

Roads, Footpaths and Walkways

6. The main access road to the subdivision as shown on the Application Plan (attached) shall have a minimum legal width of 20 metres but shall include all cuts and batters. The formation surface for the first 65 metres in from the State Highway intersection shall be a sealed width of 7 metres, 1 metre wide metalled shoulders with grassed swale drains, a maximum grade of 1 in 7 and a design speed of 60 kph and a 1.4metres sealed footpath. The remaining formation of the main access road shall be a sealed width of 6 metres, 600 millimetre wide metalled shoulders with grassed swale drains, a maximum grade of 1 in 7 and a design speed of 50kph and where there is no walkway within the road reserve, a 1.4 metre wide sealed footpath.

Footpaths and walkways shall be constructed to a minimum standard of chip seal.

7. The cul-de-sacs (Access Places) shall have a minimum legal width of 15 metres but shall include all cuts and batters, a sealed width of 5 metres, 600 millimetre grassed shoulders with concrete edge supports, with grass swale drains, a maximum grade of 1 in 7 and a design speed of 30 kph.

No footpaths are required to be constructed for the cul-de-sacs (Access Places).

Where a site has frontage to both an access road and an access place, the vehicle crossing shall be located on the access place, ensuring that the crossing is located as far from the intersection as possible.

8. All roads shall be constructed to meet the Tasman District Engineering Standards and Policies 2004, unless otherwise stated. Appropriate measures shall be incorporated in the road design to control scour of any swale drains.
9. Street names shall be submitted and approved by Council for the main access road and all the cul-de-sacs prior to the approval of the Section 223 certificate for Stage 2. Cost of name plates shall be met by the consent holder.

10. Walkways shall be constructed as shown on the David Sissons CBH Ltd Landscape Design Fig 4 Development Layout and Landscape concept dated 19 June 2003.

Walkways shall have a legal easement width of 4-metres (except where the walkway is part of road reserve) and be formed with a chip sealed (minimum) surface 1.4 metres wide prior to the application for the Section 224(c) certificate for each stage.

A walkway from the Lot 22 Reserve shall be formed down to the Redwood Valley Stream, then following the stream as shown on the David Sissons Plan and continuing up the paper road that adjoins Lot 2 to join up with the Access Road opposite Lot 5.

Walkway gradient shall not exceed 1 in 5.5 unless approved by Council's Community Services Manager.

Note:

The costs of formation will be credited against the reserve fund contributions (subject to a quote acceptable to Council).

A private walkway easement shall be granted over proposed Lot 45 in favour of Pt Sec 183 (the property owned by S and J Eden)).

Note: The purpose of this easement is to provide legal pedestrian access from the Eden property to the proposed walkway easement.

Rights-of-Way

11. Rights-of-way shall have a minimum 10 metre legal width, a minimum sealed width of 4.5 metres, metalled shoulders of 500 millimetres and grassed swales for drainage and a maximum grade of 1 in 6.

Note: The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.

12. All lots shall have crossing places formed from the edge of the seal to the lot boundary in accordance with Tasman Engineering Standards and Policies 2004. The legal width of all rights-of-way shall include all associated swales, water tables, grassed verges, cuts and batters.

Lighting

13. Street lighting shall be shielded and downward focused and shall be no more than 5 metres in height. The placement of lights shall be to enable safe pedestrian use of the footpaths and will as a result provide some road lighting benefit.

Intersection with the State Highway.

14. The intersection with the State Highway shall be upgraded and proposed earthworks in accordance with the Connell Wagner "Research Orchard Road Intersection Upgrade" Drawing 7732.40 (SK06.1 & SK07.1 - undated). A full engineering plan including geotechnical report from a geotechnical engineer covering the proposed earthworks shall be provided prior to the commencement of works, for approval by the Tasman District Engineering Manager. Full street lighting will be provided for the intersection in accordance with Transit New Zealand Standards.

Building Site Stability

15. The consent holder shall ensure that each building location area is subject to an investigation, evaluation and report by a chartered professional engineer to ensure the site is suitable for residential building, particularly in relation to any cuts, fills, or batters. If the engineer identifies any need for special design (especially foundation design) then that shall be recorded on the relevant title by way of consent notice.
- i) The certification of building platforms constructed for residential development shall be in accordance with NZS 4404:2004 Schedule 2A.
 - ii) Where fill material has been placed on any of the residential sites, a certificate shall be provided by a suitably qualified and experienced engineer certifying that the filling has been placed and compacted in accordance with NZS 4431: 1989.
 - iii) The engineering report shall also cover stormwater run-off from each building site, with any recommended conditions to ensure that the run-off does not adversely affect stability or cause adverse effects off-site.

Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 recording the soil condition and foundation recommendations on the certificates of title.

Water Supply

16. The subdivision shall be reticulated for potable water supply, in accordance with the Connell Wagner Water Supply Concept Plan SKO3 dated 09/12/04 and each stage of the development (except stages 1 and 2) shall be provided with a 45 m³ fire fighting storage tank, connected to the water supply system. The water supply system and fire fighting storage tanks shall be in accordance with Tasman District Engineering Standards 2004 or to the satisfaction of Tasman District Engineering Manager.

Wastewater

17. No engineering plans for this subdivision shall be approved or work commence (except for preliminary earthworks for the State Highway Intersection) until the applicant obtains an effluent disposal discharge consent for waste water for all the residential lots in the subdivision.
18. With the exception of Stage 1 and lots 22, 45 and 66, no Section 224(c) certificate will be issued until each allotment within the respective stage has a connection to a approved communal effluent disposal system constructed by the consent holder and authorised by a discharge consent.

Advice Note - Stormwater:

All stormwater management arising from the subdivision is controlled under RM030656.

CONSENT NOTICE REQUIRED FOR TRANSPOWER OVERHEAD LINES PROTECTION RELATING TO LOTS 7,15,26,45,69,51, 71 AND 72)

19. The following matters shall be covered by consent notices on the relevant allotments:
- A. All land use activities including earthworks on Lots 7,15,26,45,69,51, 71 and 72 must comply with the current New Zealand Code of Practice for Electrical Safety Distances (NZECP 34:2001). All trees planted on those lots shall be located to ensure that no part of any tree will be within or grow into the required 4 metre clearance from Transpower transmission line conductors.
 - B. No building or other structure shall be erected on lots 7,15,26,45,69,51, 71 and 72 within 6 metres of any support structure (pole) of the Stoke-Upper Takaka A and B transmission lines.
 - C. All machinery and mobile plant operated on lots 7,15,26,45,69,51, 71 and 72 must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times.
 - D. No person shall, in the case of any pole supporting any conductor, excavate or otherwise interfere with any land on Lots 7,15,26,45,69,51, 71 and 72:
 - a) At a depth greater than 300mm within 2.2 metres of the pole; or
 - b) At a depth greater than 750mm between 2.2 metres and 5 metres of the pole; or
 - c) In such a way as to create an unstable batter.
 - E. Excavated or other material shall not be deposited under or near the Stoke-Upper Takaka A and B transmission lines so as to reduce the vertical distance from the ground to the conductors to a distance less than:
 - a) 6.5 metres vertically, across or along roads or driveways;
 - b) 6.5 metres vertically, on any other land traversable by vehicles, but excluding across roads or driveways;
 - c) 5.5 metres vertically, on any land not traversable by vehicles due to inaccessibility; and
 - d) 3 metres in any distance other than vertical on all land.
 - F. No buildings or other structures shall be constructed on lots 7,15,26,45,69,51, 71 and 72 within an area of 10 metres vertically and 21 metres horizontally of any transmission line conductor. Where these lines are not complied with, compliance will instead be required with Table 3 of the NZECP 34:2001. This will necessitate specific investigations to be carried out by a competent engineer. A list of suitable persons to undertake such investigations can be obtained from Transpower New Zealand Limited (PO Box 21154, Edgware, Attn: Wayne Youngman, Telephone (03) 365-6948).

- G. All land use activities including earthworks on lots 7,15,26,45,69,51, 71 and 72 must comply with the current New Zealand Code of practice for Electrical Safety Distances (NZECP 34:2001). All trees planted on the specified lots shall be located to ensure that no part of any tree will be within or grow into the required 4 metre clearance from Transpower's transmission line conductors.

Power and Telephone

20. Each residential lot shall be serviced with underground power and telephone connections to the boundary of the lots. Written confirmation of servicing shall be provided to Council by the relevant utility provision prior to application for 224(c) certificate for each stage. All power and telephone reticulation in the subdivision shall be underground.
21. Electricity sub-stations shall be shown as road to vest on the land transfer survey plan if they are located adjacent to a road or road to vest.

Residents Association (Management Company) and Management Plan

22. The consent holder shall form a Residents Association to which the transferee or its successors shall be members. The purpose of the Residents Association is to manage and maintain communal assets and utilities (wastewater reticulation including any reserve disposal area, water supply, treatment and reticulation, and stormwater detention areas including dams) including the management of plant and animal pests on land under the control of the Residents Association to ensure all the relevant consent conditions are complied with. Prior to the issue of the Section 223 certificate a Management Plan setting out the purpose, responsibilities, accountabilities and procedural policies of the Residents Association shall be submitted for the approval of the Environment and Planning Manager.

Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 requiring compliance with the Residents Association Management Plan by lot owners on an ongoing basis.

This Management Plan shall also make provision for the Consent Authority to require work to be undertaken by or on behalf of the Resident's Association in the event that the Management Company/Residents Association fails to meet its obligations to the standards identified as appropriate for such purposes, such that a breach of the conditions has occurred or seems likely to occur, and should the work not be undertaken the Consent Authority has the power to undertake the work itself and recover the full cost of the work from the Resident's Association and its members.

Easements

23. Easements are required over any right-of-way, public or communal services including water for irrigation for Lots 1,2 ,7, 15,26,45 and 60 where these pass through the lots in the subdivision. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense.

An easement shall be granted over proposed Lot 2 to make provision for the wastewater treatment system and disposal field(s).

24. A rural emanations easement shall be registered against all residential allotments in favour of productive land use activities and their associated effects on those rural allotments (Lots 1 and 2, 7, 15, 26 and 60) within the subdivision.

Building Location Restrictions:

25. The building sites identified on the Application Plan (attached) shall be shown on the land transfer title plan and the corners of the sites fixed by coordinates.
26. All buildings on all lots shall be erected within the 1,000 square metre building curtilage area (or 1200m² as is the case with lots 2, 7, 15, 26 and 60) identified on the Application Plan (attached). All other farm buildings on Lot 60 shall be located within the identified area.

This condition does not apply to any buildings associated with utilities within the subdivision.

27. No building on any of the allotments shall be higher than 6 metres above natural ground level.
28. No dwelling or residential building shall be located on Lot 1.
29. No buildings shall be erected on Lots 45 and 66.
30. Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 noting the requirements of conditions 28 -32 on the subsequent certificates of title.

Landscaping

31. A landscape management plan shall be prepared by a qualified Landscape Architect at the cost of the consent holder for the approval of the Council's Environment and Planning Manager and shall be submitted prior to the issue of the section 223 certificate for stage 1. The landscape management plan shall detail the following information:
- i) Planting plan specifying the type, number, and size of the plants for all the plantings shown on the David Sissons CBH Development layout and landscape concept plan dated 13 June 2003.
 - ii) Establishment works required to implement the planting plan.
 - iii) Staging of planting in accordance with the subdivision staging.
 - iv) The plantings shall be in accordance with the Landscape Design Report dated 16 March 2004 and the species in accordance with the "Proposed species and spacing for vegetative framework planting" set out in the report.
 - v) Pest plant and animal controls and ongoing maintenance schedules.
 - vi) Replacement planting
 - vii) Ongoing maintenance of planted areas (developer and future owners)

- viii) Landscaping areas to be subject to land covenants to ensure their ongoing existence.
 - ix) The proposed earth bund and landscaping between the proposed road and the Busby property (Lot 8 DP 20521) and boundary fencing between the proposed road and the Van Workum dwelling (on Lot 7 DP12738).
 - x) the mechanism designed to ensure the morning sunlight to the Broderick / Maisey property is not adversely affected by the proposed woodlot plantings.
32. The framework planting and conservation amenity plantings for each stage shall be completed for each stage prior to the approval of the Section 224 (c) certificate. A written statement shall be provided from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the above landscaping plan.
33. The consent holder shall be responsible for maintenance, pest control, replacement and management of the planting within the development for a minimum of three years following the signing of the Section 224(c) certificate for each stage. The responsibilities thereafter devolving to the owners of the lots.
34. Land covenants shall be imposed on all lots detailing the ongoing preservation and management requirements of the Landscape Plan. The consent holder shall provide a written undertaking from a solicitor that land covenants will be imposed on each lot of each stage following the issue of the Section 224(c) certificate.
35. Council will issue a **consent notice** pursuant to Section 221 of the Resource Management Act 1991 recording the requirements of conditions 36 and 37 on each certificate of title.

Future Subdivision - Consent Notice

36. No further subdivision of any of the lots in the subdivision will be permitted, unless such subdivision constitutes a boundary adjustment where it does not result in the creation of additional lots (for a dwelling) or is for the provision of a utility site. Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act recording the requirements of this condition on the certificates of title.

Engineering Works, Services, Supervision and Plans

37. Prior to undertaking any engineering works including earthworks, road works, water, wastewater, stormwater, other utilities and storage dams as outlined in this consent, engineering plans are to be prepared in accordance with Council's Engineering Standards and Policies 2004 and submitted to the Council's Engineering Manager for approval. All construction is to be in accordance with the approved plans. Private services laid in the road to vest shall be to a standard approved by Council's Engineering Manager. The Consent holder shall entered into a lease arrangement with Council regarding the provision of private services within road reserve.
38. "As-built" plans of services will be required at the completion of the works and approved by the Council's Engineering Manager prior to the issue of section 224(c) certificate for each Stage except Stage 1.

39. All works undertaken and services and engineering plans shall be in accordance with the Tasman District Council Engineering Standards and Policies 2004, unless otherwise described above, or to satisfaction of the Council's Engineering Manager. The consent holder shall advise the Council at least five working days prior to the commencement of any works on this subdivision.
40. The consent holder shall engage a chartered professional engineer to observe and test the construction of the works. The certificate pursuant to section 224(c) of the Act will not be released by Council until a "Certificate of Supervision" signed by the engineer is provided and all necessary fees and levies attributable to the stages of the development have been paid.

Maintenance Performance Bond

41. The consent holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,000 per residential lot to a maximum of \$20,000 or a lesser figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of the section 224(c) certificate of each stage.
42. The bond shall cover maintenance attributable to defects and the remedy of defects arising from defective workmanship or materials.

Financial Contributions

43. Payment of the financial contributions in accordance with 16.5.2AA and 16.5.5 of the Proposed Tasman Resource Management Plan, assessed as follows:

Reserves and Community Services

5.5% of the assessed market value of 56 residential allotments inclusive. The valuation shall be based on a 2,500 square metre building site within each allotment.

The costs of walkway formation and the formation of the public parking area within Lot 22 will be credited against the reserve fund contributions (subject to a quote acceptable to Council).

Duration of Subdivision Consent

44. The five year extension is given to stages 6-9 of the consent, meaning that the Section 223 certificate for each of these stages will need to be submitted for approval within 10 years of the issue of consent.

Stages 1-5 are subject to the normal 5 year time frame, meaning that the Section 223 certificate needs to be submitted for approval for Stages 1-5 within five years of the issue of this consent.

Esplanade Strips

45. An esplanade strip of 10 metres width shall be imposed along the northern bank of the Redwood Valley Stream that adjoins Lots 1 and 2 and a 5 metre wide strip shall be imposed along the southern bank.

The esplanade strip instrument shall be in accordance with the 10th Schedule of the Resource Management Act.

Pesticide Residues.

46. Prior to Section 223 approval for Stage 9 an assessment of pesticide contamination be carried out on the building sites for Lots 3, 59-61 and 63-65 by a suitably qualified professional, acceptable to Council. It would also be a requirement that any recommended mitigation measures be completed prior to the Section 224 approval of this stage.

Advice Notes

- i) Council will not issue the Section 224(c) certificate in relation to the stages in this subdivision until all development contributions payable for each stage have been paid in accordance with Council's Development Contribution Policy under the Local Government Act 2002.
- ii) The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid for each stage.
- iii) All consent notices shall be prepared by a solicitor and the cost met by the consent holder.

LAND USE CONSENT- DWELLINGS (RM030632):

CONDITIONS

General

1. All proposed new buildings shall be within the building site area set down in condition 28 of the subdivision consent.

Landscaping Plan

2. Prior to the issue of a building consent for any dwelling on each lot, the owner of that lot shall submit to and have approved by the Council's Environment and Planning Manager, a landscape plan for that particular lot and building curtilage area. The landscape plan shall be prepared by a qualified Landscape Architect and shall include:
 - i) How the proposed building will integrate with the site, natural landforms and riparian and landscape plantings on the site.
 - ii) Proposed planting to build on the planting established as part of the development and the management regime for it.
 - iii) The identification of views from adjacent properties and the features designed to preserve those views as part of the site development.
 - iv) The identification of the proposed building in relation to the centre and extent of the building curtilage area.
 - v) An earthworks plan showing the extent of earthworks required to implement the building on site, and mitigation measures proposed to avoid any adverse visual impacts.

- vi) A planting implementation plan, including establishment, maintenance and management proposal for the first 5 years following the construction of the dwelling. The plan shall specify regular monitoring and reporting responsibilities of the owner to Council's Environment and Planning Manager to ensure compliance.
- 3. The landscape plan required under condition 2 shall be fully implemented within two years of the building consent for the dwelling being issued. The completion of the work shall be confirmed in writing by a suitably qualified landscape architect.
- 4. The building consent for the dwelling shall be accompanied with a statement from a suitably qualified design professional showing compliance of the building design with the Building Design guidelines in Section 11 of the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District (December 2003)

Commencement of Consent

- 5. The commencement date for this consent is the issue of certificate of title for the respective allotment.

Height of Dwellings

- 6. The maximum height of the dwelling shall be 6 metres above original ground level.

Water Storage

- 7. A minimum of 23,000 litres of rain water storage shall be provided with each dwelling. The water storage tanks shall be either incorporated into the structure of each dwelling building or partially buried and screened within the site so as to be not visible from any other lot or road outside of the said allotment.

Colours

- 8. The exterior of all buildings shall be finished in colours that are recessive and which blend in with the immediate environment. The Consent Holder shall submit to the Council for approval the following details of the colours proposed to be used on the walls and roof of the building:
 - (i) The material to be used (e.g. paint, colour steel);
 - (ii) The name and manufacturer of the product or paint;
 - (iii) The reflectance value of the colour;
 - (iv) The proposed finish (e.g. matt, low-gloss, gloss); and
 - (v) Either the BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

Advice Note:

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value ≤50%	A09 to A14 and reflectance value ≤25%
Group B	B19 to B29 and reflectance value ≤50%	B23 to B29 and reflectance value ≤25%
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	C39 to C40, reflectance value ≤25%, and hue range 06-16
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Setbacks

9. The dwelling shall be setback at least 6.5 metres from any road reserve boundary.

Overhead Lines (Transpower Conditions Relating to Lots 7,15,26,45,69,51, 71 and 72)

10. All land use activities including earthworks on Lots 7,15,26,45,69,51, 71 and 72 must comply with the current New Zealand Code of Practice for Electrical Safety Distances (NZECP 34:2001). All trees planted on those lots shall be located to ensure that no part of any tree will be within or grow into the required 4 metre clearance from Transpower transmission line conductors.
11. No building or other structure shall be erected on lots 7,15,26,45,69,51, 71 and 72 within 6 metres of any support structure (pole) of the Stoke-Upper Takaka A and B transmission lines.
12. All machinery and mobile plant operated on lots 7,15,26,45,69,51, 71 and 72 must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times.
13. No person shall, in the case of any pole supporting any conductor, excavate or otherwise interfere with any land on Lots 7,15,26,45,69,51, 71 and 72:
- At a depth greater than 300 mm within 2.2 metres of the pole; or
 - At a depth greater than 750 mm between 2.2 metres and 5 metres of the pole; or
 - In such a way as to create an unstable batter.
14. Excavated or other material shall not be deposited under or near the Stoke-Upper Takaka A and B transmission lines so as to reduce the vertical distance from the ground to the conductors to a distance less than:
- 6.5 metres vertically, across or along roads or driveways;

- b) 6.5 metres vertically, on any other land traversable by vehicles, but excluding across roads or driveways;
- c) 5.5 metres vertically, on any land not traversable by vehicles due to inaccessibility;

and

- d) 3 metres in any distance other than vertical on all land.

15. No buildings or other structures shall be constructed on lots 7,15,26,45,69,51, 71 and 72 within an area of 10 metres vertically and 21 metres horizontally of any transmission line conductor. Where these lines are not complied with, compliance will instead be required with Table 3 of the NZECP 34:2001. This will necessitate specific investigations to be carried out by a competent engineer. A list of suitable persons to undertake such investigations can be obtained from Transpower New Zealand Limited (PO Box 21154, Edgware, Attn: Wayne Youngman, Telephone (03) 365-6948).
16. All land use activities including earthworks on lots 7,15,26,45,69,51, 71 and 72 must comply with the current New Zealand Code of practice for Electrical Safety Distances (NZECP 34:2001). All trees planted on the specified lots shall be located to ensure that no part of any tree will be within or grow into the required 4 metre clearance from Transpower's transmission line conductors.

LAND USE RELATING TO EARTHWORKS (RM030462):

CONDITIONS

1. The earthworks shall be completed in general accordance with the application, report by Connell Wagner, plans, and further information dated 18 April 2005 submitted by the applicant.
2. Earthworks shall only be undertaken between 7.00 am and 6.00 pm Monday to Saturday.
3. Earthworks shall be kept to a minimum to ensure the least disturbance to the existing landform.
4. No spoil shall be placed in any watercourse (whether intermittent or continuously flowing), or to land where it may move or wash into a watercourse.
5. The consent holder shall adopt all practicable measures to avoid the discharge of sediment from earthworks undertaken at this site. For the avoidance of doubt all practicable measures includes measures specified in Auckland Regional Council Technical Publication No. 90 Erosion and Sediment Control - Guidelines for Land Disturbance Activities.
6. No stormwater runoff shall have a suspended sediment concentration exceeding 100 grams per cubic metre of water as measured at the site boundary and the discharge shall also comply with all of the conditions of Rule 36.2.4 of the Proposed Tasman Resource Management Plan.
7. No earthworks shall commence until a comprehensive sediment and erosion control plan detailing how conditions 5 and 6 will be met has been forwarded to and approved by the Council's Engineering Manager and Compliance Monitoring Officer (Land Disturbance).

8. All sedimentation mitigation or control measures shall be maintained by the consent holder for as long as there is a potential for sediment movement (resulting from earthworks) to occur and until the site is adequately reinstated/vegetated.
9. The generation of dust shall be adequately controlled, such as by watering exposed areas and stockpiles as necessary, so that it does not create a nuisance to adjoining properties or the general public.
10. All exposed ground shall be reinstated, including the slopes of the dam, so that erosion is minimised by the following spring or autumn (whichever occurs first) and in no circumstances later than 12 months after the earthworks are completed. If a vegetative cover (such as standard rye grass/clover mix) is to be used to achieve this, compliance with this condition is considered to be when 100% vegetative cover has been established. If stormwater control measures are to be utilised they must be maintained and kept in operational order at all times.
11. All earthworks and stormwater control measures shall be planned and supervised under the direction of a person experienced in large-scale earthworks and soils engineering and Council shall be advised of who this person is, in writing, when lodging the Engineering Plans for the subdivision.
12. The consent holder shall advise in writing the Council's Coordinator Compliance Monitoring and provide a copy of the approved engineering plans (earthworks) at least 72 hours prior to the commencement of any earthworks on site. All costs of monitoring and any subsequent remedial works required as a result shall be paid by the consent holder.
13. Should waahi tapu or other cultural sites be unearthed during earthworks the operator and/or consent holder shall:-
 - a) cease operations;
 - b) inform local iwi;
 - c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
 - d) take appropriate action, after discussion with the NZHPT, Council and iwi to remedy damage and/or restore the site. Note: In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), an authority from the NZ Historic Places Trust is required if the site is to be modified in any way.
14. The suitably qualified person required under Condition 11 shall confirm in writing prior to the section 224(c) certification of the subdivision that all the earthworks conditions of this consent have been met.
15. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:
 - a) deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; or
 - b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor plan; or

- c) when relevant national environmental standards have been made under Section 43 of the RMA.

NOTATIONS

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
4. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Historic Places Act 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

LAND USE RELATING TO CONSTRUCTION OF DAMS AND ASSOCIATED WORKS (RM030463)

CONDITIONS

1. Site and Dam Details:

Location:	<i>Upper Moutere</i>	
Legal Description of Land:	<i>Subdivision of the titles within Valuations</i>	
River or Stream Being Dammed:	<i>Unnamed streams</i>	
Zone, Catchment:	<i>Moutere Surface Water Zone, Moutere Catchment</i>	
	<i>Dam 1</i>	<i>Dam 2</i>
Catchment Area (ha):	<i>15</i>	<i>6.6</i>
Maximum Dam Height (m):	<i>7</i>	<i>7</i>
Storage (m ³):	<i>5,000</i>	<i>5,000</i>
Location Dam 1:	<i>Easting: 2517539 Northing:5990073</i>	
Location Dam 2:	<i>Easting: 2517676 Northing:5989987</i>	
Dam ID Numbers:	<i>To be allocated</i>	

2. Prior to the commencement of dam construction or related earthworks, the consent holder shall supply for approval by Council's Consent Planner (Water) its dam design and specifications and a site management plan from a suitably experienced chartered professional engineer and the dam design shall comply with the NZSOLD Dam Safety Guidelines and shall provide for:

- a) an ability to retain permanent storage of water in each dam for the benefit of aquatic life.
 - b) side batters of approximately 3 horizontal to 1 vertical to ensure ease of egress.
 - c) an outflow system that will maintain the natural summer downstream flow and provide for fish passage while providing a stormwater detention capacity and a downstream stormwater mitigation effect.
 - d) all of the dam including the spillway outlet shall be sited well clear of the downstream property boundary in order to address any necessary erosion control within the applicant property.
 - e) all parts of the dam shall be sited a minimum of 5 metres from any property boundary and a minimum of 20 metres from any Council owned road.
3. The consent holder shall employ an appropriately qualified and experienced civil engineer to supervise dam construction and producer statements shall be provided by both the contractor for the dam and from the civil engineer supervising dam construction as soon as possible following completion of the dam. Written report(s) shall also be provided confirming all inspections specified in the engineering specifications have been completed.
 4. A copy of this consent and all relevant other consents shall remain on site at all times during construction of the dam and the consent holder shall provide a copy of this consent and any other relevant consents to the contractor and their supervising civil engineer.
 5. The owner or person undertaking the building work shall advise Council's Consent Planner (Water) of completion of work by returning the "Advice of Completion of Building Work" form.
 6. The consent holder shall advise the Council's Consent Planner (Water) when site works are about to commence.
 7. The consent holder shall not plant or allow to grow any trees or shrubs on the dam embankment or within 3 metres of the dam toe and shall ensure that the dam embankment and any unplanted land is grassed down as soon as practical after dam completion.
 8. The consent holder shall regularly inspect the dams and maintain the embankment, rock protection and spillway in good condition. Any damage to the dam, its spillway etc shall be repaired promptly.
 9. Should any slumping or significant seepage from the dam embankments be observed, the consent holder shall immediately inform the Tasman District Council's Environment and Planning Manager or his agent and shall employ a suitably experienced registered civil engineer to advise on appropriate remediation measures.
 10. Appropriate rock protection (or similar) shall be provided and thereafter maintained at the outlet of the discharge culvert, spillway and any low flow pipe and the rock protection (or similar) shall be sufficient to avoid or remedy any adverse erosion of the watercourse downstream of the dam that is a result of the dam.

11. Appropriate coffer dams, sediment traps and such other practical measures shall be undertaken so as to minimise introducing silt and other contaminants to the stream below the dam. The discharge of silt is authorised to the extent that it does not decrease the visual clarity of any stream by more than 40% as measured by the black disc method 50 metres downstream of the discharge point.
12. Council may within three months following the anniversary each year of the granting of consent review its conditions pursuant to Section 128 of the Resource Management Act, for any of the purposes stated in the Act, and for the purposes of implementing a dam safety monitoring programme or such other conditions required pursuant to any new statutory requirements that may come into effect or to require changes to the spillway if that is necessary to ensure that the dam is adequately protected during storm events.
13. Prior to undertaking any engineering works including earthworks, road works, water, wastewater, stormwater, other utilities and storage dams as outlined in this consent, engineering plans are to be prepared in accordance with Council's Engineering Standards and Policies 2004 and submitted to the Council's Engineering Manager for approval. All construction is to be in accordance with the approved plans.

Advice Notes:

- i) The consent holder shall meet the reasonable costs associated with the monitoring of this consent.
- ii) Unless appropriately authorised by Council, no part of the dam may be closer than 20 metres from a Council road boundary and no part of the dam or any dammed water shall be closer than 5 metres from any internal boundary.
- iii) Under the provisions of the Historic Places Act 1993 you are required in the event of discovering an archaeological find (e.g. shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
- iv) Reasonable care should be taken to ensure that any release or discharge from the dam is not contaminated to the extent that it falls within the definition of a contaminant in the Proposed Tasman Resource Management Plan.
- v) The lake margins including the lake head may be suitable for the establishment of wetland flaxes and other native vegetation and would benefit from being fenced off from stock access.

DISCHARGE PERMIT - STORMWATER (RM030656):

Duration of Consent

Consent is granted for a 35 year period ending on 1 July 2040.

CONDITIONS

1. The discharge of stormwater shall be undertaken in general accordance with the information supplied with the application and the further information submitted by CBH Limited and accompanying engineering report by Connell Wagner dated December 2004.
2. The discharge of stormwater shall not cause in the receiving water any of the following:
 - a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - b) any emission of objectionable odour;
 - c) the rendering of freshwater unsuitable for bathing;
 - d) the rendering of freshwater unsuitable for consumption by farm animals; and
 - e) any adverse effect on aquatic life.
3. The discharge of stormwater shall not result in adverse scouring or sedimentation of any watercourse, adjoining properties or the coastal environment. Rock detention dams or similar shall be constructed to remedy any erosion that is occurring.
4. Sediment controls shall be implemented and maintained in effective operational order at all times.
5. Any discharge of stormwater shall not aggravate flooding on adjoining properties not owned by the consent holder.
6. The consent holder shall advise Council's Co-ordinator Compliance Monitoring when construction of roading, access, and building platforms commences to enable monitoring of the effectiveness of stormwater, sediment and erosion controls to be carried out. The cost of monitoring and any subsequent remedial actions shall be borne by the consent holder.
7. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:
 - a) deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; or
 - b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor plan; or
 - c) when relevant national environmental standards have been made under Section 43 of the RMA.

Notations

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent is required under Sections 35 and 36 of the Resource Management Act 1991. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
4. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Historic Places Act 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

VARIATION TO RESOURCE CONSENT (RM040137)

CONDITIONS

1. Site, Take and Use Details:

Location:	Greenacres Road
Legal Description:	Lot 2 DP 6766
Category of Water Source:	Groundwater
Aquifer:	Moutere Gravel Aquifer
Catchment:	Waimea Catchment
Bore Number:	WWD 1501
Bore location:	Easting: 2517824 Northing: 5989488
Maximum rates of take:	6 cubic metres per hour 145 cubic metres per day 1015 cubic metres per week
Purpose of take:	Domestic supply for subdivision approved under RM00632 or for irrigation
Bore Number:	WWD 1503
Bore Location:	Easting:2517253 Northing: 5989684
Maximum rate of take:	See Condition 4
Purpose of take:	Irrigation
Area to be irrigated:	To be advised

Note: Conditions relate to the take from Bores WWD 1501 and WWD 1503 unless stated otherwise.

2. The consent holder or its agent shall, at its own expense, install and maintain a water meter on both bores that complies with the Council's *Water Meter Specifications* as stated in the Proposed Tasman Resource Management Plan and the meter's installation shall be in accordance with the meter manufacturer's specifications and shall be located such that it provides a complete record of the taking of groundwater under this consent.

3. The consent holder shall keep a record of the weekly volume of groundwater taken from each bore and these records shall be made available to Council on request. These records shall be based on readings taken from the meter(s) required to be installed in accordance with condition 2.

Where water is used for irrigation, the consent holder shall supply the weekly meter readings to the Council on a fortnightly basis (or such other period that Council considers is appropriate) during every November to April inclusive.

4. **WWD 1503 only - Rate of Take**

Prior to any water being taken from Bore WWD 1503 for irrigation, the consent holder shall engage the services of a suitably qualified and experienced person to undertake a step-discharge and drawdown pump test of not more than 12 hours duration on the bore. Following the pump test, the consent holder shall engage the services of a suitably qualified and experienced person to interpret the results of the pump test undertaken and a report shall be provided to the Council's Resource Scientist (Water) which includes calculations of the future well performance (including sustainable pumping rates) possible interference effects, and a summary of the aquifer characteristics. The Council will, based on the results of the pump test, set the maximum rates (hourly, daily, and weekly) of water that may be taken from Bore WWD 1503, and in any case these rates shall not exceed 8.5 cubic metres per hour, or 205 cubic metres per day, or 1,435 cubic metres per week.

Advice Note:

Bore WWD 1503 has not yet been drilled and as such its sustainable yield is unknown. This condition requires a pump test to be undertaken on the new bore to establish its sustainable yield. In the event that the sustainable yield is less than 8.5 cubic metres per hour (equivalent to 205 cubic metres per day and 1,435 cubic metres per week), then this condition restricts the consent holder to any such lesser rate of taking which the Council will set following receipt of the pump test report. The consent holder is also reminded that the construction of Bore WWD 1503 is the subject of separate land use consent (RM041169) and as such all the conditions on that consent must also be met.

5. The consent holder shall pay the reasonable costs associated with the monitoring of this permit including, if and when requested by Council, the full costs associated with calibration of its water meter to confirm its accuracy provided that calibration is not more frequent than five yearly.
6. The consent holder shall keep such other records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. If it is necessary to install additional measuring devices to enable satisfactory records to be kept, the consent holder shall, at its own expense, install, operate and maintain suitable devices.
7. The Council may, in the period 31 May to 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:

- a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent including matters which it is appropriate to deal with at a later stage; and/or
 - b) to comply with requirements of an operative regional plan including any allocation limit, rationing or rostering restriction; and/or
 - c) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
 - d) to require the adoption of the best practicable option to remove or reduce any adverse effects on the environment; and/or
 - e) to reduce the quantities of water authorised to be taken if the permit is not fully exercised; and/or
 - f) To reduce the quantities of water authorised to be taken from Bore 1501 if a Council reticulated water supply becomes available to the property.
8. This consent may be cancelled upon not less than three months' notice in writing by the Council to the consent holder, if the consent remains unexercised without good reason for any continuous period exceeding:
- five years for the take associated with WWD 1501 or
 - two years for the take associated with WWD 1503.

9. Suitable backflow prevention devices shall be installed to protect groundwater quality.

10. WWD 1501 only

All water taken for household use shall be treated to meet the NZ Drinking Water Standards and this treated groundwater shall be separately piped to each household and shall not be mixed with any other water supply including rainwater and all other supplies shall be clearly labelled as suitable for non-potable uses only.

11. WWD 1501 only

The Residents Association (as required to be created under the subdivision consent RM 030632) shall be responsible for registering and maintaining the potable water supply as a "Community Drinking Water Supply".

The application of water to land for irrigation pursuant to this water permit shall not exceed the rate of 190 cubic metres (19 mm) per hectare.

Advice Notice Access:

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

Advice Notice Monitoring:

Pursuant to Section 36 of the Resource Management Act 1991, the permit holder shall meet the reasonable costs associated with the monitoring of this permit.

Advice Notice- Noise Mitigation of Pump Facility:

Any water pumping facility should be designed and constructed sensitively to ensure noise mitigation and to take into account concerns of submitters in accordance with the stated intent of the applicant.

REASONS FOR THE DECISION:

1. These reasons cover all the consents granted:

- Subdivision
- Land Use (Dwellings)
- Land use (Earthworks and Dam Construction)
- Discharge of stormwater
- Variation of water permit

Not dealt with is the road stopping proposal (as that will be dealt with as a separate process under the Local Government Act 1974) and the discharge of domestic wastewater. At the time the application was notified, the Council had stated that the area would be serviced by a reticulated waste water system and thus the applicant proposed to connect to that system when it was available.

Shortly before the hearing the Council made an interim decision to not provide a reticulated waste water system to the Coastal Tasman Area.

In addition it is noted that no consent was sought to “take and dam water” which is required for the dam construction, therefore this consent will need to be sought before dam construction is commenced.

2. The land is mostly within the Rural 3 Zone but a portion is within Rural 1 under the Proposed Tasman Resource Management Plan. The minimum lot size for a controlled activity subdivision is 50 hectares according to Rule 16.3.9C(b) for Rural 3, thus the application is deemed to be a restricted discretionary activity, as it does not comply with this rule. All submissions on these provisions have yet to be heard and final decisions yet to be made.

Under the Transitional Plan (Waimea Section) the land is zoned Rural B and the minimum lot size for subdivision is 15 hectares, thus the application falls (technically) to be considered as a non-complying activity. However the Committee considered that it was appropriate to place greater weight on the Proposed Plan provisions compared to those of the Transitional Plan, given the extent of community consultation undertaken by the Council prior to the notification of Variation 32, which introduced Rural 3 and that the work was done within the framework of the Resource Management Act 1991. The Committee was clear that reference could not be made to the previous zoning provisions of the land under the Proposed Plan.

3. The application has been considered subject to Part 2 of the Act i.e. the purpose and principles of sustainable management of natural and physical resources, and Section 104 which requires the Committee to have regard to:

- a) any actual and potential effects on the environment of allowing the activity
 - b) the relevant provisions of:
 - Regional Policy Statement
 - Plan or Proposed Plan
 - Any other matter considered relevant and reasonably necessary to determine the application.
4. The Committee noted that the application had received twenty four submissions. Fourteen were in opposition (although Transit NZ eventually gave conditional support), and nine were in support, (including the Nelson Marlborough Public Health Service who were conditionally in support in relation to a reticulated potable water supply and connection to TDC sewer reticulation. The TDC sewer connection is now no longer expected to be achieved.)

The concerns raised by submitters in opposition were:

- Fragmentation and loss of productive rural land and new “productive” lots are too small to be viable
- Application is premature as Rural 3 submission and decision making process has not finished
- The water subject to the variation of water permit should be used for irrigation, not domestic use
- Adverse effects of increased stormwater run-off into Redwood Valley Stream and other streams
- Bores and water take may adversely effect other water users
- Septic tanks not suitable for these soils therefore no subdivision should be allowed until connection to a reticulated system is available
- New intersection will create an unsafe traffic situation, additional traffic and loss of amenity
- Approval of this subdivision will set a precedent for other subdivisions
- Loss of rural character and amenity
- Ridgeline development will spoil landscape
- Design will not promote good social cohesion
- The subdivision will create public access along Redwood Stream and possible loss of security and privacy to existing landowners
- Trees on Lot 2 could create unacceptable shading and loss of sun to submitters
- Adverse impact of more people on stock and bird life
- Application extends outside of the proposed Rural 3 boundary

- Need for community water supply to be potable and safe
 - Need for connection to reticulated waste water disposal system
5. The Committee noted that the applicant has volunteered a condition which limits giving effect to the proposed subdivision and development until such time as an on-site waste water discharge consent has been granted. Although it is accepted that granting a consent which then becomes dependent on the approval of another consent is not the preferred process under the Resource Management Act 1991, the Committee is aware of the very particular circumstances in this case, with the application being considered during the hearing of submissions and deliberation process of Variation 32. The Committee is willing to accept the volunteered condition. The applicant has accepted that this pathway has an inherent risk.
6. The Committee considered the application in terms of the 11 discretionary matters which are listed below:
- Rural land productivity
 - Effluent disposal
 - Water supply
 - Stormwater disposal
 - Traffic effects
 - Rural character and amenity values
 - Ecosystem values
 - Natural hazards
 - Pesticide residues
 - Actual and cumulative effects
 - Financial contributions
 - Other matters eg esplanade reserves, walkways.
7. As a general comment, the Committee considered that the proposed subdivision had been thoughtfully and thoroughly put together and that the design was consistent with the spirit and intent of the Design Guide for the Rural 3 area. The Committee noted the extent of co-operation undertaken by the applicant to comply with the intent of Rural 3.
8. In terms of the effect on productive land values, the Committee was satisfied that the majority of the productive land on the property would be able to be protected and made available for on-going productive use as it was contained within the larger lots. The Committee was clear that ensuring land was available for productive use was not the same as having to ensure the land use was necessarily viable in economic terms.
9. While the matter of waste water disposal was not before the Committee, the Committee was satisfied that the applicant could adequately provide for domestic waste water disposal on site. It was explained that the application had originally been designed to deal with on-site waste water disposal within lot 2 and the Committee had a degree of comfort that the granting of this consent would mean that it could not be taken up until that matter was finalised.
10. In terms of the need to supply the subdivision with a potable water supply, the Committee was satisfied with the proposed treatment and reticulation scheme. The additional water storage tanks specifically for fire fighting purposes was acknowledged as being an appropriate adjunct.

The Committee considered that it was reasonable to allow the applicants to vary the existing water take consent to allow the use of the water for domestic supply of the subdivision, but also noted the limitation associated with Bore WWD1501 in terms of a sustainable take. It was also considered that if there was a need for the additional Bore WWD 1503, that should be available as a source of water for irrigation of productive land. As this second bore is yet to be drilled the amount of water able to be taken is not clear and therefore a condition of the consent will require a step pump test to better understand the sustainable yield and the take will be tailored to that limit if necessary.

In terms of stormwater disposal, the Committee was satisfied that the proposed storage dams would mitigate the effects of additional storm water and would lead to an enhancement of the amenity of the area.

11. In terms of traffic effects, the Committee noted the written agreement of Transit New Zealand in relation to the proposed State Highway 60 intersection upgrade. The Committee was disappointed that no representative of Transit NZ was available at the hearing to explain the details of the proposed upgrade, but they accepted that the matter was one which was within the jurisdiction of Transit New Zealand and that as Transit had a signed agreement with the applicant, this could not be considered by the Committee.

In relation to the issue about the status of the minor roads within the proposed subdivision (cul-de-sacs or rights-of-way), the Committee considered that the standard for cul-de-sacs in the Proposed Plan was the appropriate guide and therefore any minor road servicing 7 or more users should vest as road and any serving less than 7 should be rights-of-way.

The Committee considered that low impact lighting to ensure pedestrian safety at night should be provided. Additional street lighting at the intersection with the State Highway would also be required in accordance with the normal standard.

It is clear that the Rural 3 character and amenity is expected to be different to that of normal urban subdivision and therefore the street lighting does not need to be up to urban standards. It was considered that the speed of traffic within an area such as this does not call for a high level of street lighting. The Committee acknowledged that a high level of street lighting could result in unwanted light spill/sky lighting which could adversely affect the rural amenity of the surrounding area and this point was raised by both the applicant and submitters.

The Committee considered the proposed walkway system would enhance the amenity and recreation value of the area for future residents and it was reasonable to allow a credit for the cost of the construction of the walkways. The Committee considered that chip seal rather than concrete would be acceptable for both the walkways and the footpath. However, the Committee was not persuaded that a reserve contribution valuation should be calculated on the basis of a 1000 m² building platform rather than a 2500 m² platform as required by the rule.

The Committee considered that the roading pattern was generally well planned and that the level of earthworks and visual impact as a result of the road would not unreasonably impact on the amenity of surrounding land. Much of the proposed roading would be "hidden" by the contour of the land.

12. In terms of the effect of the proposed subdivision on the character and amenity of the surrounding area, the Committee noted the suite of conditions offered by the applicant which would assist in mitigating the visual effect of the development. These conditions were accepted and include controls on buildings such as height, location, colour, reflectivity and landscaping. The voluntary removal of several lots to the south of the proposed road is considered to be an appropriate response to concerns from submitters. The Committee agreed with the advice from Mr Boffa Landscape Architectural Consultant for the Council, "that the development had been designed so that its appearance will not be obtrusive or visually dominant and the landscape will not appear to be over-developed or cluttered with development and also meets the concept of clustering."
13. There do not appear to be any significant issues in relation to ecosystem values or natural hazards affecting the areas which will be used for dwellings. The applicant has volunteered to do the appropriate testing on the soils in the areas which may have been affected by pesticide contamination prior to 1975 and also carry out appropriate remediation.
14. With regard to the issue of esplanade strips adjacent to the Redwood Valley Stream, the Committee agreed with making provisions and considered the conditions satisfied this issue.
15. In summary, the Committee was satisfied that this proposal was consistent with the policies and objectives relating to the Rural 3 zone and was also consistent with the purpose and principles of the Resource Management Act 1991.

CARRIED

Confirmed:

Chair: