

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Friday, 15 December 2006
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Cr E M O'Regan (Chair), Crs R G Kempthorne and E E Henry

IN ATTENDANCE: Manager Consents (J Hodson), Development Engineer (D Ley), Consent Planner Subdivision (D A Hewitt), Resource Scientist (A Burton), Planner Community Services (R Squire), Administration Officer (B D Moore)

1. APPLICATION NO. RM050447, RM050448, RM060794, RM060795 - RESEARCH ORCHARD ROAD PROPERTY HOLDINGS LIMITED & CBH LIMITED, RESEARCH ORCHARD ROAD, APPLEBY

RM050447 The application seeks to subdivide an existing 19.4359 hectare title (CT NL12B/937) into the following:

- Lot 1 being a rural allotment of 10.2 hectares;
- Lots 2-12 being 11 rural-residential allotments of between 0.2446 and 1.2434 hectares;
- Lot 14 being a commonly owned access allotment of 0.15 hectares;
- Lot 15 being a commonly owned allotment containing an existing dam and water reservoir of 1.1939 hectares. This allotment would include an amenity/walkway area;
- Lot 13 of 0.6475 hectares to be amalgamated with Lot 1 DP18764, being a boundary relocation; and
- Lot 16 of 0.1561 hectares to be amalgamated with Lot 1 DP4794, being a boundary relocation;
- Lot 17 of 1,300 m² reserve;
- Lot 18 of 1.2 hectare reserve.

A land use consent is also sought to allow seven users on a proposed right-of-way (proposed Lot 14).

RM050448 To construct dwellings and buildings on proposed Lots 2-12 of the subdivision outlined above (Application RM050447) within nominated building location areas. In addition, the application seeks to construct a farm utility building within a nominated location on proposed Lot 1. The application also identifies a second building development area on proposed Lot 1, however this application does not include the construction or use of any buildings on this second area (this would be subject to a possible future land use consent application).

RM050452 To install and use three culverts on the beds of watercourses associated with the subdivision outlined above (Application RM050447). This application also seeks to alter an existing dam structure and to construct a new spillway from an existing dam structure.

RM060794 To undertake earthworks associated with the construction of the subdivision outlined above (Application RM050447).

RM060795 To divert and discharge stormwater to land and to water from the subdivision proposal outlined above (Application RM050447).

The application site is located at Research Orchard Road, Appleby, being legally described as Lot 1 DP 18598 and Lot 1 DP 18765 (CT NL12B/937), Lot 1 DP 4794 (CT NL119/73), and Lot 1 DP 18764 (CT NL12B/938). The property is zoned Rural 3 under the Proposed Tasman Resource Management Plan.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision at 6.30 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Kempthorne / Henry
EP06/12/22

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

Research Orchard Road Property Holdings Limited & CBH Limited

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 passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Research Orchard Road Property Holdings Limited & CBH Limited	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

Moved Crs Henry / Kempthorne
EP06/12/23

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.
CARRIED

Moved Crs O'Regan / Henry
EP06/12/24

THAT pursuant to Section 104D of the Resource Management Act, the Committee Grants consent to Research Orchard Road Property Holdings Limited & CBH Limited as detailed in the following report and decision.
CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond

on 15 December 2006, commencing at 9.30 am

A Hearings Committee ("the Committee") of the Tasman District Council was convened to hear the applications lodged by **RESEARCH ORCHARD ROAD PROPERTY HOLDINGS LIMITED & CBH LIMITED**, relating to subdivision and development of land at Research Orchard Road, Appleby. The applications, made in accordance with the Resource Management Act 1991 ("the Act"), were lodged with the Tasman District Council and listed below.

RM050447	Subdivision and land Use (Access) – create 16 allotments and right-of-way Access seven users
RM050448	Land Use – construct buildings
RM060794	Land Use – install culverts and spillway
RM060795	Water Permit and Discharge Permit – Water and Stormwater

The application site is located at Research Orchard Road, Appleby, being legally described as Lot 1 DP 18598 and Lot 1 DP 18765 (CT NL12B/937), Lot 1 DP 4794 (CT NL119/73), and Lot 1 DP 18764 (CT NL12B/938). The property is zoned Rural 3 under the Proposed Tasman Resource Management Plan.

PRESENT:

Hearings Committee
Cr O'Regan Chairperson
Cr Kempthorne
Cr Henry

APPLICANT: **Research Orchard Road Property Holdings Ltd and CBH Ltd**
Ms C Owen, Counsel
Mr M Lile, Planning Consultant
Mr C Edmonds, Company Representative
Mr J Bealing, Engineering Consultant (Agricultural)
Mr R Langbridge, Landscape Architect

CONSENT AUTHORITY: **Tasman District Council**
Ms D Hewitt, Consent Planner, Subdivision
Mr D Ley, Development Engineer
Ms R Squire, Community Services Planner
Mr A Burton, Resource Scientist, Land

SUBMITTERS: Ms J Fraser, on behalf of J and F Fraser and C De Ganneh,
Ms H Campbell, on behalf of Rural Forest and Bird Protection Society
Mrs J Walters on behalf of Mrs H R Mitchell

IN ATTENDANCE: Ms J Hodson , Manager Consents- Assisting the Committee
Mr B Moore- Committee Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

RM050447 To subdivide an existing 19.4359 hectare title (CT NL12B/937) into the following:

- Lot 1 being a rural allotment of 10.2 hectares;
- Lots 2-12 being 11 rural-residential allotments of between 0.2446 and 1.2434 hectares;
- Lot 14 being a commonly owned access allotment of 0.15 hectares;
- Lot 15 being a commonly owned allotment containing an existing dam and water reservoir of 1.1939 hectares. This allotment would include an amenity/walkway area;
- Lot 13 of 0.6475 hectares to be amalgamated with Lot 1 DP18764, being a boundary relocation; and
- Lot 16 of 0.1561 hectares to be amalgamated with Lot 1 DP4794, being a boundary relocation;
- Lot 17 of 1,300 m² reserve;
- Lot 18 of 1.2 hectare reserve.

A land use consent is also sought to allow seven users on a proposed right-of-way (proposed Lot 14).

RM050448 To construct dwellings and buildings on proposed Lots 2-12 of the proposed subdivision within nominated building location areas. Also, to construct a

farm utility building within a nominated location on proposed Lot 1. The application also identifies a second building development area on proposed Lot 1, however this application does not include the construction or use of any buildings on this second area (this would be subject to a possible future land use consent application).

RM050452 To install and use three culverts on the beds of watercourses associated with the proposed subdivision and to alter an existing dam structure and to construct a new spillway from an existing dam structure.

RM060794 To undertake earthworks associated with the construction of the proposed subdivision. (This application was subsequently withdrawn.)

RM060795 To divert and discharge stormwater to land and to water from the proposed subdivision.

The application site is located at Research Orchard Road, Appleby, being legally described as Lot 1 DP 18598 and Lot 1 DP 18765 (CT NL12B/937), Lot 1 DP 4794 (CT NL119/73), and Lot 1 DP 18764 (CT NL12B/938). The property is zoned Rural 3 under the Proposed Tasman Resource Management Plan.

2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (“PTRMP”) ZONING, AREAS AND RULE(S) AFFECTED

According to the PTRMP the following apply to the subject property:

Zoning: Rural 3

Area(s): Coastal Environment Area and Surface Water Protection Yield Area

The proposed subdivision does not comply with Controlled Activity Rule 16.3.9C of the proposed Tasman Resource Management Plan and is deemed to be a Restricted Discretionary activity in accordance with Rule 16.3.9D of the Plan.

The proposed construction of dwellings is a controlled activity under Rule 17.5A.5 of the proposed Tasman Resource Management Plan.

The culverts and dam spillway alterations are deemed to be a discretionary activity under the provisions of the Nelson-Marlborough Regional Council Transitional Regional Plan.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 23 September 2006 pursuant to Section 93 of the Act. A total of eight submissions were received. The following is a summary of the written submissions received and the main issues raised:

Summary of Submitters and Issues			
Submitter	Issues	Support/Oppose	Wish to be Heard
Robert J Schmure	Esplanade provision Walkway location	Oppose (Part 3.2.2)	No
Department of Conservation	Supports parts of the application that relate to protection of estuary habitats, protection of natural character, providing access, matters that deal with statutory requirements: These are: Enhancement planting coastal and streams Landscape controls Esplanade reserves Culvert design for fish passage Prohibition of keeping pets	Neutral overall development; supports specific parts of the application	No
Charles T Brown	House location Lot 3 Privacy Views Tree planting	Conditional support	No
Judy Fraser, Freda Fraser and Clare D'e Ganneh	Reverse sensitivity Reduction of future options for access and development	Oppose	Yes
Arthur David Burn and Sarah Gillian Brown	Density of Housing Size of sections Increased traffic Traffic noise Construction noise Damage on the coast from runoff	Oppose	No
Transit	Approval of State Highway intersection design required	No comment	No
Forest and Bird	Esplanade Reserve rather than strip - 20 metre width Building setbacks Cat and Dog free subdivision Vegetation, stream and estuarine restoration; no un natural modification of wet or wetland area Fish passage Stormwater runoff and design	Neither supports nor opposes	Yes
Herbert Russell Mitchell	Retain unformed road reserve on north west side of Research Orchard Road Increased traffic noise and urbanisation		Yes

4. PROCEDURAL MATTERS

No procedural matters were raised as part of the hearing.

5. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence and Right of reply

Counsel for the Applicant, Ms C C M Owen, tabled and read the opening submission and explained that the layout of the subdivision had been amended to take into account the submissions received and mediation undertaken with submitters. She explained that all the higher productive value land will be retained in proposed Lot 1 which comprises 10.2 hectare. The smaller allotments have limited potential, due to limitations of slope, wetness and aspect.

Ms Owen referred to the proposed provision of reserves and esplanade strips especially those in immediate proximity to the Waimea Estuary. The applicant has waived the right to compensation payable by the Council for the esplanade strip and this together with the provision of two reserves, represents a double public benefit. The applicant had withdrawn the application for land disturbance because it was considered the land disturbance would come within the permitted activity rules.

Planning Consultant, M Lile, read a statement of evidence. He explained the background consultation process over a number of years with Council staff. Mr Lile referred to a subdivision plan which showed the proposed building location areas which have been identified. Mr Lile provided an amended set of volunteered conditions of consent on behalf of the applicant.

Mr C Edmonds read a statement of evidence in his role as developer for the applicant and spoke about the consultation that had occurred with Council staff and neighbouring property owners. He spoke about the proposed water and wastewater services, waterfront reserves and amenity plantings. He said that the applicant is prepared to volunteer the construction costs of about \$30,000.00 for a footpath/walkway to improve pedestrian safety on Research Orchard Road. He said that a building site has been identified on proposed Lot 1 however no consent is sought by this application for the construction of a building.

Mr J D Bealing, a Farm Management Consultant read a statement of evidence about the land quality and productivity of the subject site. He acknowledged that this was Class B land and that the most northern portion which will comprise Lot 1 contains the most useful productive land. It was intended that additional houses be kept off this better land to allow it to be retained for productive rural purposes.

Landscape Architect, Mr R M Langbridge, presented a landscape report for the subject site and provided a series of photographs to show the potential visual effect and impact on amenity values which the proposed subdivision development and buildings may have. Mr Langbridge said in his conclusion that the proposal respects and protects the productive capacity of those parts of the site considered worthy of protection. The proposal also respects the value of open space in this area, especially in proximity to the coastal zone and the Waimea Inlet. He said that the proposed subdivision makes good use of and protects the positive values of this site. Mr Langbridge said that the proposed subdivision is of a type envisaged by the recent development of the Rural 3 zone.

Planning Consultant, Mr M Lile, then read the remaining portion of his statement of planning evidence. This included a statement of the actual or potential effects of the activity on the environment including traffic and roading impacts and public access and recreation. Mr Lile said that in his professional opinion, the application has achieved exactly what is intended for the Rural 3 zone, that is to provide an innovative residential subdivision development, while retaining the overall rural amenity and character of the area, including natural character and to provide for the opportunities to protect land of high productive value.

Mr Lile explained the proposed conditions of consent volunteered by the applicants. He expressed some concern about the engineering condition requiring a \$20,000.00 bond. This completed the applicant's presentation of the application.

The Committee asked questions about the proposed water and wastewater services. The applicant said these were to be provided by the adjacent Appleby Hills subdivision. A requirement for consent notices relating to these services was canvassed by the Committee and the applicant undertook to state a clear position in the right of reply.

The applicant's Counsel, Ms C Owen, tabled and read a written right of reply. She also made a verbal response in addition, especially to address the concerns raised by submitters. She said that a bond should not be required to include private infrastructure and that a two year maintenance term is excessive. Ms Owen said that the applicant did not want a sealed footpath and that the footpath should not go level with the road.

Ms Owen said that she noted that the Community Services Planner, Ms Squire, did not think that a 20 metre esplanade strip would achieve a great deal more than the 10 metre strip proposed. She said the reserves and walkway strip are a package arrangement and if any changes are required, then it is not a volunteered condition, it would compromise the previously discussed offer.

Ms Owen reminded the hearing panel that this application is not a non-complying activity. She said that there was not a requirement for the applicant to comply with all policies and objectives. Ms Owen said that the Rural 3 concept is a best practice concept. She said that with any subdivision of this nature there will be some loss of productive land and the question is where and how much. Ms Owen said that the matter to be considered is how: is it going to look; how is it going to feel and what amenity will it have? She said it is a question of appropriateness. She said that the proposal for consent notices requiring connection to the Appleby Hills subdivision water and wastewater is a good idea and a helpful suggestion.

5.2 Submitters Evidence

J Fraser, read a submission for J and F Fraser and C De Ganneh, representing owners of Lot 2 DP 8227 on the eastern side of the subject subdivision. The submitters opposed the subdivision and sought the imposition of a rural emanations easement, a condition requiring a 30 metre separation distance from any shared boundary for residential dwellings and the requirement for a right of way or public road through the subject site.

Royal Forest and Bird Protection Society Representative, Ms H Campbell, said the proposed subdivision does not meet Rural 3 design guide requirements especially regarding clustering of dwellings. Ms Campbell said that a covenant should be applied to the titles requiring that no cats and dogs be allowed on the subject sites. She said that an esplanade reserve, not a strip is needed and that this should be at least 20 metres wide. She said that proposed Lot 1 should have a requirement to prohibit future subdivisions.

A submission on behalf of H R Mitchell was read by Mrs J Walters. The submission sought that the road reserve on the north west side of Research Orchard Road be retained in its present landscaped form which neighbouring landowners had planted and improved.

5.3 Council's Reporting Officer's Report and Evidence

Development Engineer, D Ley, spoke to his report contained within the agenda. He said a 3.5 metre wide right of way was adequate for the use by Lots 6 and 7. He said a cul-de-sac at the northern end of Research Orchard Road would be required to be formed to the standard agreed to between Council staff and the applicant's representative. The minimum size for the turning head would be a 16 metre diameter.

Mr Ley sought that a bond of \$20,000.00 be applied to the requirements to construct the footpath and cul-de-sac and that a two year maintenance period be required. He said that footpaths would need to be to Council engineering standards and this will require the removal of some foliage.

Mr Ley tabled a proposed plan for the footpath construction and indicated work required on the Brown property frontage. He stated the footpath should be contained within road reserve but could meander a little with the contour. Any private services within the road reserve would require a "licence to occupy".

Community Services Planner, R Squire, spoke about the formation of the esplanade strip saying that a walkway would be formed as a coastal track. She expressed the view that a 10 metre width would be adequate for the esplanade strip on the margin of the estuary. She said that Lot 17 has value as a reserve and acknowledged that it is presently boggy and has some gorse cover. She said agreement had been achieved with the applicant on the width of the esplanade strip and its significance as a wildlife habitat would depend on the standard of partnership between Council and the landowner.

Resource Scientist Land, Mr A Burton, said that the Class B land on the subject site is the best within this location although it does not meet the plan definition of high productive value.

Consent Planner Subdivision, D Hewitt, spoke to her report of 6 December 2006 contained within the agenda in which she recommended that Council decline subdivision consent application RM050447 and land use consent application RM050448. Ms Hewitt said that the applicant proposed to overdevelop the subject site and that some of the design elements do not go far enough to avoid or remedy adverse effects. She said that the proposal is a ribbon development in this locality and not a cluster. She said the proposed development is not a sensitive layout of the subject site and that the headland is not part of the cluster or low impact development. Ms Hewitt said that the subject site has high natural character and some of the development is in an area of high visibility. Ms Hewitt referred to the proposed conditions of consent provided in the evidence presented by Mr M Lile and discussed these matters. She suggested that water and wastewater requirements should be tied by consent notices for each allotment. She said that the development area on Lot 1 shouldn't be in this proposed location or area and it is excessively large.

Ms Hewitt said that a subdivision development of this nature should be designed to be accommodated within the site in terms of the environment. She said that density is a problem in the coastal environment in terms of the effect on natural character and amenity. She acknowledged that some mitigation can be provided through the provision of landscaping and the style, location and scale and form of buildings. Ms Hewitt said that in the Rural 3 zone, an effort should be made to maintain the values of the coastal character area. She acknowledged that the applicant offered to provide an esplanade reserve without compensation and other measures that could be considered a positive effect.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Is the proposed subdivision and development consistent with the Rural 3 Design Guide in terms of protecting land of higher productive value and versatility, maintaining and enhancing rural and coastal landscape and amenity values and managing potential cross-boundary effects?
- b) Does the proposed subdivision and development adequately provide for esplanade reserves, public access and the protection of the coastal environment?
- c) Is the proposed Development Area on Lot 1 consistent with the Design Guide?

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

- a) The Committee was satisfied that the proposed subdivision is generally consistent with the Rural 3 Design Guide. In terms of rural amenity values, the Committee gave consideration of approved developments within the adjacent Rural Residential Zone and considered that the proposed development would be appropriate within the existing landscape context. They were satisfied that the proposed setbacks for buildings adjacent to Research Orchard Road were adequate. Although the layout may not be considered to be a “clustering” of buildings, it had been designed for the shape and topography of the site. Except for some issues with the Development Area on Lot 1, all the Building Location Areas were considered to be acceptable in terms of the effect on landscape and amenity values when viewed from the adjacent land and from further away eg from Rough Island. However the Committee considered a limit on the height of buildings of 5.5 metres would ensure the buildings were seen as not being dominant in the landscape.

The Committee considered the development would be enhanced by the proposed landscaping and that this should be maintained on an on-going basis and would no doubt be enhanced and extended by the land owners over time. In terms of the issue regarding the need to ensure protection of land of higher productive value, the Committee considered that proposed Lot 1, being the large lot on the gentler “headland” area, this would ensure protection of the land of the highest and most versatile qualities for productive use.

In terms of potential cross boundary effects, the Committee was satisfied that the proposed rural emanation easement between the new lots and the adjoining rural land would deal adequately with that potential effect in this case.

- b) The Committee acknowledged the generous offer of additional reserve land to vest in Council without compensation (Proposed Lot 17 and 18). It was considered that the proposed esplanade strip (10 metre width) would adequately provide for public access given the difficulty with access around the cliff area and also ensure the protection of estuarine habitat.
- c) The application indicated a “Development Area” for Lot 1 of 4977m² near to the Estuary and also a small building location area higher up Lot 1 intended for a farm utility building. The Committee had concerns about the size of the larger Development Area and considered that its proximity to the Estuary and its size needed to be limited in order for the subsequent development to be appropriate within this sensitive location.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- (i) the New Zealand Coastal Policy Statement
- (ii) Tasman Regional Policy Statement (TRPS);
- (iii) the Nelson-Marlborough Regional Council Transitional Regional Plan
- (iv) the proposed Tasman Resource Management Plan (TRMP);

The proposed discharge of stormwater contravenes Section 15 of the Act, and therefore the Council has also had regard to the matters outlined in Sections 105 and 107 of the Act.

8.2 Part II Matters

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 the purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104C of the Act, the Committee **GRANTS** consent subject to conditions. The consents and conditions are found in the following documents.

10. REASONS FOR THE DECISION

The land is zoned Rural 3 in the Proposed Tasman Resource Management Plan and the application was considered as a restricted discretionary activity. Careful site analysis has been undertaken and it is considered that the design recognises the limitations and values inherent to this particular site in general. The important values to be protected and enhanced in this location are rural character and amenity, productive land values and coastal/estuarine values. The intention of the Rural 3 zoning is to create an area for residential development opportunities while ensuring that the development protects the existing character and values.

The Committee is satisfied that this has been achieved in this case and that the overall impact of the subdivision will contribute to appropriate development within the Rural 3 context.

In particular, the Committee considered that the creation of Lot 1 containing the most versatile land within the title is a positive feature. While it is acknowledged that the whole site is Class B land and has relatively high productive values, the Committee is satisfied that the clustering of building sites around the existing pond on the steeper areas, has mitigated the loss of productive land and that it has not created a significant effect which should be considered a fatal feature for the application.

The Committee wished to limit the height of buildings within the building location areas to ensure that the developments were "low impact" visually. This will also be achieved through the conditions requiring consistency with the Rural 3 Design Guide to be confirmed at the time of building consent application.

The Committee considered that the limitation placed on the Development Area on Lot 1 near the Estuary was reasonable given this sensitive location. Consideration had been given in relation to the New Zealand Coastal Policy Statement in terms of limiting inappropriate development.

The Committee clearly recognised the community and environmental benefits of the proposal in relation to the vesting of land for reserves and the creation of an esplanade strip.

The Committee was satisfied that the servicing of the new lots can be adequately provided for and it is advantageous to this development that wastewater will not need

to be treated and disposed on site, but rather pumped to the nearby Appleby Hills subdivision. An equally advantageous arrangement for potable water supply is available and the collection of roof water for non-potable uses is seen as an excellent use of resources.

The Committee was satisfied that issues associated with traffic safety had been adequately mitigated through intersection upgrade which is under the control of Transit NZ. On-site vehicle accesses and right of way formation will be controlled by conditions of consent. Pedestrian safety will be enhanced by the provision of a footpath along the frontage of the subdivision and the extension of Research Orchard Road to create a turning head will enhance public access and traffic safety.

The Committee was satisfied that effects associated with the construction of culverts, the new dam spillway and stormwater discharge could be adequately managed through conditions as proposed. Further investigation is required to ensure the building site on Lot 2 is not compromised by the presence of the dam. The water take consent has been amended as a consequence of the approvals.

11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee acknowledges the offer made by the applicant to limit the keeping of domestic cats and dogs on the new lots, but they were reluctant to have this as a matter to be enforced by Council. This restriction will therefore become one to be managed by the Residents Association and will become part of the Management Plan of that Association. The Committee would like to signal that such restrictions on pets are best managed in this way or by private covenants.

RESOURCE CONSENT NUMBER: RM050447

Pursuant to Section 104C of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

RESEARCH ORCHARD ROAD PROPERTY HOLDINGS LIMITED & CBH LIMITED
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT: To subdivide land to create 16 new allotments and ROW access for 7 users.

LOCATION DETAILS:

Address of property: Research Orchard Road, Appleby.
Legal description: Lot 1 DP 18598 and Lot 1 DP 18765
Certificate of title: CT NL12B/937

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

1. Subdivision Plan

The subdivision shall conform with application Plan RM050447 Job No. R630 Sheet A and Sheet B dated December 2006, prepared by Aubrey Survey and Land Consultancy Ltd, and attached to this consent. Where specific conditions of this consent conflict with these plans, the conditions shall prevail.

2. Building Location Plan

A building location plan for Lots 1 to 12 inclusive shall be prepared by a registered professional surveyor and shall be submitted to the Environment & Planning Manager for approval as part of the section 223 title plan.

The building location area (BLA) and building platforms on Lots 1-12 inclusive shall be in accordance with amended Sheet B dated December 2006 (attached to this consent)

The building location areas "A" and "B" on Lot 1 shall be set back 20 m from Lot 2 DP 8227.

The building location area "A" (near the Estuary) shall be below the 10 metre contour line and shall be no larger than 3000 m² in area. The building location area "B" shall be no larger than 400 m² in area.

Building Location Areas on Lots 6 and 7 shall be set back from the boundary of Lot 1 DP 18764 and Lot 2 DP 8227 in accordance with the building line restriction shown on Plan RM050447 Job No. R630 Sheet B dated December 2006, prepared by Aubrey Survey and Land Consultancy Ltd, and attached to this consent.

3. Amalgamation Conditions

That Lot 13 hereon be amalgamated with Lot 1 DP 18764 (NL 12B/938) and one certificate of title issue

That Lot 16 hereon be amalgamated with Lot 1 DP 4794 (NL 119/73) and one certificate of title issue

That Lot 14 hereon (legal access) be held as to six undivided one-sixth shares by the owners of Lots 3,6,7,9,10 and 11 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.

LINZ reference number is 628618.

The amalgamation conditions shall be shown on the survey plan prior to section 223 approvals.

Advice Note:

The District Land Registrar has advised that the condition is practicable provided all the normal requirements apply to the issuing of amalgamated titles. These include requirements that the land is in the same ownership and that any existing joint family settlements are cancelled or extended to include all the land being amalgamated.

4. Landscape Planting

Prior to the issue of the Section 224(c) certificate for the subdivision, planting shall be undertaken in accordance with the plan prepared by Rory Langbridge Landscape Architects Appendix C (attached). A written statement shall be provided from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the landscaping plan. Note that this condition does not limit additional planting.

5. Residents Association (Management Company) and Management Plan

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, water reticulation, and stormwater detention areas including dams),
- manage plant and animal pests on land under the control of the Residents Association,
- manage and maintain all plantings shown on the Planting Proposal as per Condition 4,
- prohibit the keeping of domestic cats and dogs on Lots 1 to 12,
- ensure all the relevant consent conditions and the Management Plan are complied with,
- ensure a copy of the Management Plan is provided with every sale and purchase agreement for lots 1-12.

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 & Planning Manager.

The Management Plan shall include provision for permanent and binding agreements for water supply and wastewater management and disposal between the Appleby Hills subdivision and the subject land.

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.

6. Existing Building on Lot 1

The existing accessory building on Lot 1 shall be removed from the site prior to the issue of the Section 224 (c) certificate.

7. Consent Notice

The following consent notice shall be registered on the certificate of title for the relevant allotments pursuant to Section 221 of the Resource Management Act

The consent notice shall be prepared by the applicant's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the consent holder.

A. Building Location Restrictions

That the construction of buildings on Lots 1 to 12 inclusive shall be restricted to the building location area shown on Title Plan DPand the buildings shall be fully contained within the area identified.

B. Building Restrictions (Land use consent RM050448)

That all buildings on Lots 1-12 inclusive shall comply with the conditions of the land use consent granted under RM 050448. This includes restrictions as to height, colour, building form and landscaping.

C. Building Site Stability

The consent holder shall ensure that each building location area for Lots 1 to 12 is subject to an investigation, evaluation and report by a chartered professional engineer to ensure the sites is suitable for residential building, particularly in relation to any cuts, fills or batters. If the engineer identifies the need for any special design (especially foundation design) then that shall be recorded on the relevant title by way of a consent notice.

The engineering report shall also cover stormwater runoff from each building site, with any recommended conditions to ensure that run-off does not adversely affect stability or cause adverse effects off-site.

The consent holder shall provide a geotechnical report, undertaken by a geotechnical engineer, on the suitability of the building location area on Lot 2. The report shall identify if the site is affected by elevated groundwater levels, including levels generated by the dam. In addition the report shall identify any other limitations on the proposed use of Lot 2 for residential purposes. If the geotechnical engineer identifies the need for any special design (especially foundation design) or other limitations on the use of the site then that shall be recorded on the relevant title by way of a consent notice.

D. Future Subdivision

No further subdivision of any of the residential allotments and the rural allotment shall be permitted.

E. Residents Association (Management Company) and Management Plan

All owners of Lots 1-12 shall be members of the Residents Association and shall comply with the Management Plan on an on-going basis.

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.

8. Easements to be Created

Easements are to be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council for Council reticulated services or appurtenant to the appropriate allotment.

Any private services within road reserve shall be covered by a licence to occupy and an application shall be made to the Council's Engineering Department for such an instrument.

Easements are required over any right-of-way, public and communal services (including the water reticulation network, the wastewater reticulation network, and all associated devices such as pump stations, electricity and power cables and substations) 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 a Solicitor at the consent holder's expense.

Reference to easements is to be included in the Council resolution on the title plan at the section 223 stage and shall be shown as a memorandum of easements on the plan.

Right-of-Way Easement

A right-of-way easement shall be created over Lot 14 in favour of Lot 1 DP 18764 and Lot 13 to provide access to Research Orchard Road.

A memorandum of easements showing the right of ways in Table 1 and the servient and dominant tenements shall be provided on the title plan at the section 223 stage.

Table 1 Right-of-Way

Right of Way	Access to be created in favour of the following Lots
Right-of-Way A	Lots 1,2, 4, and 5
Right-of-Way B	Lots 9, 10 and 11
Right-of-Way C	Lots 6 and 7
Lot 14	Lot 1 DP 18764 and Lot 13; Lots 3, 6,7,9, 10, 11 and Lot 1 DP 18764

Rural Emanations Easement

A rural emanations easement shall be recorded on the title of Lots 2 to 12 inclusive in favour of Lot 1 DPXX and Lots 1-12 DP XX in favour of Lot 2 DP 8227.

Advice Note:

It is most likely that a separate agreement will also be required from Transit New Zealand for services within Transit road reserve.

Similarly, a “licence to occupy” will be required to be entered into with Council for any private services contained within road reserve.

8. Easements to be Extinguished

The existing right of way easement registered under 373485.1 and shown as easement area A DP 18598 and B DP 18598 on Lot 1 DP 18598 (NL12B/937) and Lot 2 DP 18674 (NL12B/938) shall be extinguished.

The consent holder shall supply from a solicitor the documentation and confirmation that the easement will be extinguished. This shall include written agreement from all users of the existing right of way that they surrender the benefit of the right of way and an undertaking that the right of way will be extinguished simultaneously with the registration of the title for Lot 14.

The existing right-of-way shall be shown in the memorandum of easements to be extinguished at the section 223 stage.

Advice Note:

The existing easement is considered to be redundant because Lot 14 is to be created to provide shared access which is to include access rights for Lot 1 DP 18764 and Lot 13.

9. Services

9.1 Power and Telephone

- a) Full servicing for live underground power and telephone cables shall be provided to the boundary of Lots 1 to 12 inclusive. The existing overhead lines on the site shall be removed and placed underground. The relevant utility provider shall be required to provide written confirmation to the Tasman District Council Engineering Manager that live power and telephone connections have been made to the boundaries of the allotments.

- b) Confirmation that these requirements have been met shall be provided in a written statement from the supply authority. A copy of the supplier's certificate of compliance shall be provided to the Tasman District Council Engineering Manager prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.
- c) All servicing shall be accordance with Tasman District Engineering Standards and Policies 2004.
- d) Electricity sub-stations, where required, 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. These shall be shown on the survey plan prior to section 223 approval.

9.2 Water Supply and Reticulation

The subdivision shall be reticulated for water supply for domestic use in general accordance with the Aubrey Survey and Land Consultancy Water Reticulation Concept Plan Job Number 630 Sheet 3 of 3, Revision 9 dated May 2006.

As built plans and a producer statement from a Chartered Professional Engineer identifying the location of the reticulated network and certifying the reliability and potability of the supply, the adequacy of the reticulation network for the intended purpose, and confirming all allotments have been provided with a working connection shall be provided to the Council's Environment & Planning Manager prior to the section 224 stage.

9.3 Wastewater Reticulation

The subdivision shall be reticulated for wastewater treatment and disposal, in general accordance with the Wastewater Drainage Concept Plan Aubrey Survey and Land Consultancy Water Reticulation Concept Plan Job Number 630, Sheet 1 of 3, Revision 9 dated May 2006 and Resource Consent RM050286.

As built plans and a producer statement from a Chartered Professional Engineer identifying the location of the reticulated network and certifying the reliability and the adequacy of the sewer reticulation network for the intended purpose, and confirming all allotments have been provided with a working connection shall be provided to the Council's Environment & Planning Manager prior to the section 224 stage.

Advice Note:

All wastewater treatment and disposal is controlled under RM050727V.

9.4 Stormwater

The management of stormwater shall be carried out in accordance with the Aubrey Survey and Land Consultancy Stormwater Reticulation Concept Plan Job Number 630 Sheet 2 of 3, Revision 9 dated May 2006.

The stormwater system on Right of Ways A to D inclusive shall be designed and installed in accordance with Tasman District Engineering Standards 2004 or to the satisfaction of Tasman District Engineering Manager.

Advice Note:

All stormwater treatment and disposal is controlled under RM060795

10. Esplanade Reserve to Vest in Tasman District Council

10.1 Esplanade Reserve

- a) That Lots 17 and 18 vest in the Tasman District Council as Local Purpose Reserve (Esplanade).
- b) The survey plan submitted under Section 223 shall show the area of esplanade reserve land to be set aside.

10.2 Esplanade Strip

- c) That an esplanade strip 10 metres wide (from MHWS) be created over Lot 1 adjoining the Waimea Estuary for the purpose of contributing to the protection of conservation values, to enable public access to the estuary and to enable public recreational use of the strip and the estuary. All the provisions of Clause 2 of the Tenth Schedule shall apply to the strip. The provisions of Clause 3 (Fencing) and Clause 7 (Closure) shall not apply.
- d) That an instrument shall be prepared and registered on the Title of Lot 1 in favour of the Tasman District Council that sets out the provisions to be included in the instrument creating the esplanade strip.

11. Research Orchard Road and State Highway 60 Formation and Upgrade

Engineering Plans shall be provided to the Council's Engineering Manager, once approved and signed by Transit New Zealand.

Advice Note:

Transit will need to approve and sign of the plans Connell Wagner "Research Orchard Road Intersection Upgrade" Drawing 7732.40 (SK26 – Revision 2, Preliminary Concept, undated) for the intersection of Research Orchard Road with State Highway 60.

Intersection street lighting is likely to be a requirement in accordance with Transit New Zealand Standards.

12. Rights-of-Way and Lot 14

- a) Rights-of-Way A-C and Lot 14 shall be formed to the specifications in Table 1 provided that the legal width includes all cuts and batters.

Table 1 Right of Way and Lot 14 Specifications and Formation Standards					
Right-of-Way	Allotments	Seal width metres	Shoulders	Side Drains	Legal Width
Right-of-Way A	Lots 1,2, 4, and 5	4.5	2 x 500	2 x 1.0	7.50
Right-of-Way B	Lots 9, 10 and 11	4.5	2 x 500	2 x 1.0	7.50
Right-of-Way C	Lots 6 and 7	3.5	2 x 500	2 x 1.0	7.50
Lot 14	Lots 3, 6,7,9, 10, 11 and Lot 1 DP 18764 and Lot 13.	5.0	2 x 500	2 x 1.0	8.00

- b) Rights-of-Way A-C and Lot 14 inclusive shall be permanently surfaced with a minimum requirement of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.
- c) The seal formation shall extend to the edge of the road seal.

13. Vehicle Crossing and On- Site Access

- a) The vehicle access crossings for Lots 8 and 12 shall be a minimum carriageway width of 3.5 metres and shall be designed and constructed in accordance with Figure 1 with:
 - i) a formed and sealed surface between the edge of the seal of the carriageway of the road to the property boundary for Lots 8 and 12
 - ii) an extension of the road surface standard of seal, as a minimum standard, into Lots 8 and 12 and for a distance of 5.0 metres.
 - iii) the first 6 metres in from the road carriageway formation shall be more or less level with the road carriageway formation;
- b) Each allotment with legal access rights over Right of Way A-C and Lot 14 shall be provided with:
 - i) a 3.5 metre sealed turnout extending from the property boundary to the sealed right-of-way formation
 - ii) an extension of the right-of-way surface standard of seal into the site for a minimum distance of 5 metres
 - iii) Vehicle crossings and on site seal (5 metres) shall be permanently surfaced with a minimum requirement of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.

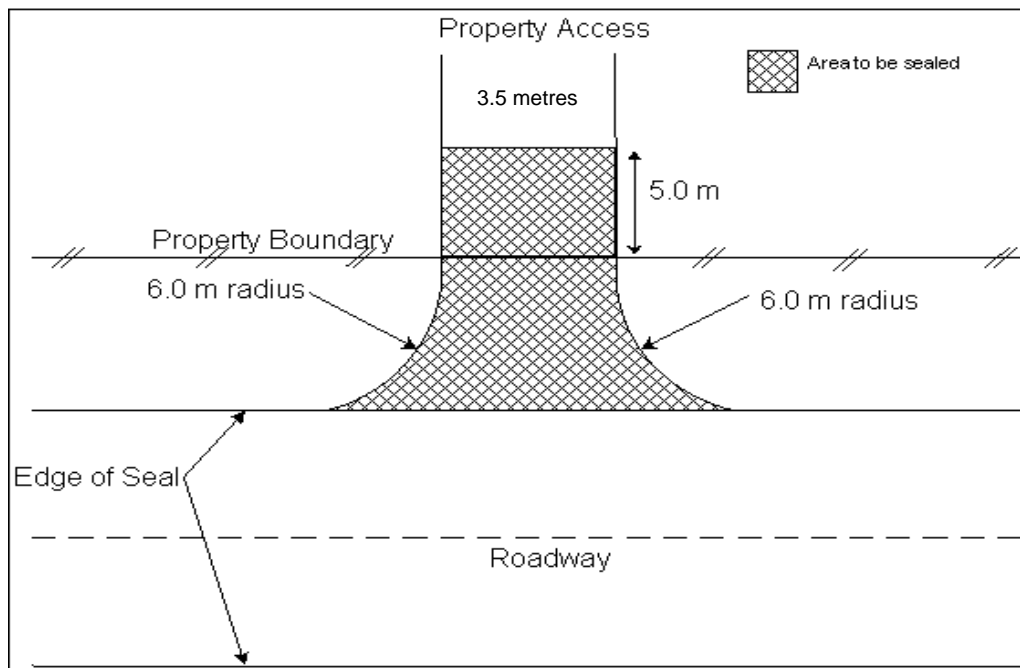


Figure 1 – Vehicle Crossing Design and On-Site Seal for Lots 8 and 12

- c) The vehicle access and on-site access to Lot 8 shall be upgraded to meet the standards in (a) i) to iii) and Figure 1
- d) The vehicle access crossing to Lot 12 shall be located at the south-west corner of Lot 12, adjoining Lot 11.

Footpath

The consent holder shall at its own cost provide a footpath with a general width of 1.4 metres along the frontage of the subdivision. The footpath shall link with the formed end of Research Orchard Road and the cluster of letterboxes adjacent to the State Highway.

A plan of the proposed footpath design and formation, including the location and levels of the footpath shall be provided to the Council's Engineering Manager for approval prior to undertaking the works.

The footpath shall be constructed to a minimum standard of chip seal.

Research Orchard Road Extension

Any works to extend the unformed part of Research Orchard Road shall be formed up to a 5.5 metre width carriageway together with shoulders and side drains in accordance with the Tasman District Council Engineering Standards. A turning head shall be provided at the end of the extended road with a minimum 16 metre diameter.

14. Street Numbers

- a) The street numbers shall be shown on the engineering plans, where they are allocated.

Advice Note:

The street numbers allocated are based on the rural numbering system and are yet to be allocated to this area.

15. Engineering Plans

Engineering plans detailing the Rights-of-Ways A to D design and formation, the footpath design and formation, the vehicle access crossing design for Lots 2, 8, and 12 DP XXX and all public services are required to be submitted to the Tasman District Council Engineering Manager for approval prior to the commencement of any works. All engineering details are to be in accordance with the Tasman District Council Engineering Standards and Policies 2004. All necessary fees for engineering plan approval shall be payable.

As-built plans detailing Right-of-Ways A to D, and vehicle crossing accesses for Lots 2, 8 and 12 out to the existing road carriageway, and public services, power and telephone shall be provided to the Tasman District Council Engineering Manager.

The Section 223 title plan shall not be submitted until the engineering plans have been approved by the Tasman District Council Engineering Manager, so that easement areas can be accurately determined.

16. Commencement of Works and Inspection

The Tasman District Council Engineering Department shall be contacted five working days prior to the commencement of any engineering works. In addition, five working days' notice shall be given to the Engineering Department Inspectors when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

No works shall commence on-site until the engineering plans as required to be submitted for approval have been approved by the Tasman District Council Engineering Manager.

17. Engineering Works

All public works, private services within Council road reserve, and rights-of-way shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 or to the Tasman District Council Engineering Manager's satisfaction.

Advice Note:

Works within the Council's road reserve associated with the extension and upgrade of Research Orchard Road will require a road opening permit from the Council's Engineering Department.

18. Engineering Certification

- a) At the completion of works, a suitably experienced chartered professional engineer or registered surveyor shall provide the Tasman District Council Engineering Manager with written certification that the works have been constructed in accordance with the approved engineering plans, drawings and specifications and any Council approved amendments.
- b) Certification that the nominated building sites on Lots 1 to 12 inclusive are suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on Lots 1 to 12 within the building location area, the area suitable for the erection of residential buildings and shall be in accordance with Appendix B Section 11 of the Tasman District Engineering Standards 2004.
- c) Where fill material has been placed on any part of Lots 1 to 12, a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification statement of suitability of earth fill for residential development shall be made in accordance with Appendix A Section 11 of the Tasman District Engineering Standards and Policies 2004 and shall be provided to the Tasman District Council Engineering Manager.

19. Maintenance Performance Bond

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 \$12,000 or a lesser figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of 224C certification for the subdivision.

20. Financial Contributions

Payment of financial contributions assessed as follows:

Reserves and Community Services

5.5% of the assessed market value of the area of the allotment or a notional 2,500 square metre building site, whichever is the lesser within Lots 2 to 12.

If payment is not made within two years of the granting of this resource consent, a revised valuation must be provided and the contribution recalculated. The cost of any valuation shall be paid by the consent holder.

Advice Note

Council will not issue the Section 224(c) certificate in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

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 in full.

This consent will attract a development contribution on eleven allotments in respect of roading and water

RESOURCE CONSENT NUMBER: RM050448

Pursuant to Section 104C of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

RESEARCH ORCHARD ROAD PROPERTY HOLDINGS LIMITED & CBH LIMITED
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To Construct Dwellings and buildings on Lots 2-12 inclusive and a farm building on Lot 1 (on Building Location Area “B”), created by the subdivision RM 050447.

LOCATION DETAILS:

Address of property:	Research Orchard Road, Appleby.
Legal description:	Lot 2-12 being new lots created from Lot 1 DP 18598 and Lot 1 DP 18765
Certificate of title:	CT NL12B/937
Valuation number	1938086800

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

1. Commencement Date and Lapsing of Consent

The commencement date for the land use consent shall be the issue date of the certificate of titles for the respective allotments.

The consent will lapse ten years after the issue of the certificate of titles for the respective allotments

2. Building Location

Construction of a dwelling and buildings for Lots 2 to 12 inclusive shall be restricted to the building location area shown on the Title Plan DPand all buildings shall be fully contained within the building location area identified.

Construction of a farm building on Lot 1 shall be restricted to the building location area “B” on the Title Plan DP.....

(Note that no land use consent for any building on Building Location Area “A” is granted by this consent.)

3. Building Height

The maximum height of buildings shall be 5.5 metres above original natural ground level

4. Building Colour

The exterior of all buildings on Lots 2 to 12 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 prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:

- a) the material to be used (e.g. paint, colour steel);
- b) the name and manufacturer of the product or paint;
- c) the reflectance value of the colour;
- d) the proposed finish (e.g. matt, low-gloss, gloss); and
- e) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination 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 $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 15 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$, and hue range 06-12.	
Group E	Excluded	
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination 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.

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

- a) Exterior surfaces of all buildings shall be non-reflective
- b) Water tanks are to be incorporated into the structure of the buildings or partially buried and/or screened sufficiently within the lots so as not to be visible from beyond the site

5. Building Plan

That prior to the issue of a building consent for the dwelling on Lots 2 to 12 DPXXXX

The building consent for the dwelling shall be accompanied with a statement from a qualified landscape architect or architect 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)

The statement shall include an assessment of the “fit of the dwelling and buildings in the environment” that demonstrates to the satisfaction of the Council’s Environment & Planning Manager it meets the following matters:

- the architectural style and form is appropriate to the area
- the building relates to existing buildings on adjacent sites in terms of height scale and general appearance
- the height of buildings is no more than 5.5 metres above natural ground level.
- building materials are suitable to the area
- roof penetrations (satellite dishes, antennae) are mounted so they are visually unobtrusive
- building roofs are hipped or an arrangement of low mono-pitched roofs
- Walls of buildings are less than 3.5 metres high viewed in elevation, and in plan view there must be a step in the wall line of at least one metre at intervals not greater than 12 metres along any wall. Any wall facing down slope shall be topped by a soffit or a verandah overhang at least 0.6 metres out from the line of the wall
- The house is not a pole house with foundations poles in excess of 1 metre in height
- Buildings are clustered on a site, and are of a complementary architectural style and colour
- All structures and hard surfaces are restricted to an area not exceeding 1,000 square metres and all buildings shall not exceed 300 square metres which shall be contained within the building location area.
- Water tanks are incorporated into the structure of the buildings or partially buried and/or screened sufficiently so they are not visible from beyond the site

- Outdoor lighting is minimal, low level and focused downwards to minimise light spill that affects night sky

6. Landscaping Plan

Prior to the issue of a building consent for any dwelling or building on each lot, the owner of that lot shall submit to and have approved by the Council's Environment & 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, and an indication of the extent of the long term development on the site.
- 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. The plan shall show all cuts and fills required and the type of batters and retaining walls to be constructed and the measures to avoid any visual and sediment effects.
- vi) A comprehensive planting and implementation plan. The planting plan shall include the species, location and height at maturity. The implementation plan shall include establishment, maintenance and management proposal for the first five years following the construction of the dwelling. The plan shall specify regular monitoring and reporting responsibilities of the owner to Council's Environment & Planning Manager to ensure compliance.

The landscape plan 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 qualified landscape architect.

7. Power and Telephone

Full servicing for underground power and telephone shall be provided to the dwelling on Lots 2 to 12 inclusive. The relevant utility provider shall be required to provide written confirmation to the Tasman District Council Engineering Manager that live power and telephone connections have been made to the dwelling.

Confirmation that these requirements have been met shall be provided in a written statement from the supply authority. A copy of the supplier's certificate of compliance shall be provided to the Consent Planner, Subdivision.

All servicing shall be accordance with Tasman District Engineering Standards and Policies 2004.

8. Water Storage

Each dwelling on Lots 2 to 12 inclusive shall be provided with an on-site non-potable water storage tank with a capacity of not less than 23,000 litres and fitted with an accessible 50mm Camlock coupling.

Water tank(s) are to be incorporated into the structure of the buildings or partially buried and/or screened sufficiently within the lots so as not to be visible from beyond the site (from any other lot, the road and the coast). Water tanks shall be fully contained within the building location area.

Domestic Water

The dwellings shall be connected to a communal reticulated water system.

Domestic Wastewater

The dwellings shall be connected to a communal reticulated wastewater treatment and disposal system.

9. Engineering Certification

- a) Where fill material has been placed on any part of the site, a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification statement of suitability of earth fill for residential development shall be made in accordance with Appendix A Section 11 of the Tasman District Engineering Standards and Policies 2004 and shall be provided to the Tasman District Council Engineering Manager.

Advice Note- Archaeological Values

The 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.

Advice Note- Development Contributions

The Council will require payment of a development contribution in accordance with the Council's Development Contributions Policy under the Local Government Act 2002 for the development.

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 which are the amount to be paid and will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full. A 5% discount is available if the payment is made prior to uplifting the building consent.

This consent will attract a development contribution on each dwelling (HUD) in respect of roading and water.

RESOURCE CONSENT NUMBER: RM060794

Pursuant to Section 104C of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

RESEARCH ORCHARD ROAD PROPERTY HOLDINGS LIMITED & CBH LIMITED
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To install three culverts and alter existing dam structure and construct new spillway

LOCATION DETAILS:

Address of property:	Research Orchard Road, Appleby.
Legal description:	Lot 1 DP 18598
Certificate of title:	NL 12B/937
Valuation number	1938086800

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS:

Culverts and Spillway

1. The Consent Holder shall ensure that all works are carried out in accordance with the application and plans submitted by Research Orchard Road Ltd dated 9 October 2006 or as amended to a higher standard as a result of further information. In particular these details include:
 - a) culvert sizes to be determined at the time of engineering design;
 - b) design and installation to provide for fish passage;
 - c) rock armouring to be installed as necessary to prevent scour and erosion of bed and watercourse banks.
 - d) that the engineer’s design of the spillway and flow capacity calculations be based on a 1000 years flood event and shall be forwarded to the Council’s Scientist – Rivers and Coast for approval prior to any construction.
 - e) That the engineer’s dam alteration design include specifications for the infilling of the existing spillway and the removal of the low flow pipe.
 - f) That all engineered works be supervised and certified upon completion by a suitably experienced, chartered civil engineer.
2. The Consent Holder shall advise Council’s Co-ordinator Compliance Monitoring at least 24 hours prior to commencing any works.
3. The culverts shall be maintained such that:
 - a) they remain free of debris;

- b) fish passage is provided (baffles in the form of rocks or timber may be fixed (cemented) inside the culverts to slow down the flow of water, and provide resting places for fish and eels travelling upstream against the current. The culverts should be at least the width of the existing watercourse and the culvert inverts shall be set below the bed level;
 - c) scour prevention measures, such as rock armouring at the inlets and outlets, are provided and maintained at all times;
 - d) stream banks around the culverts are planted, where necessary, to prevent erosion, and provide shelter for fish and eels.
4. The Consent Holder shall take all practicable measures during the construction phase to limit the mobilisation and discharge of sediment and other contaminants to the stream. Any works in the watercourse shall be undertaken during fine weather periods and during natural low flows.
5. The Consent Holder shall ensure that all excess construction material is removed from the stream bed, and that the site is left in a neat and tidy condition following the completion of construction works.
6. Council may, during the month of December each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:
- a) deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the RMA.
7. This Consent shall expire on 31 January 2042.

ADVICE NOTES

- 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.

RESOURCE CONSENT NUMBER: RM060795

Pursuant to Section 104C of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

RESEARCH ORCHARD ROAD PROPERTY HOLDINGS LIMITED & CBH LIMITED
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To divert and discharge stormwater to land and to water from proposed subdivision RM050447.

LOCATION DETAILS:

Address of property:	Research Orchard Road, Appleby.
Legal description:	Lot 1 DP 18598 and Lot 1 DP 18765
Certificate of title:	NL 12B/937
Valuation number	1938086800

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS:

1. The Consent Holder shall ensure that all works are carried out in accordance with the application and plans submitted by Research Orchard Road Ltd dated 9 October 2006 and revised report by Aubrey Survey and Land Development Consultancy dated May 2006.
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.

The discharge of stormwater shall not result in adverse scouring or sedimentation of any watercourse, adjoining properties or the coastal environment.

3. Sediment controls shall be implemented and maintained in effective operational order at all times.
4. The discharge shall not result in or contribute to flooding on adjoining properties.
5. The Consent Holder shall contact 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.
6. Council may, during the month of December each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:
 - a) deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the RMA.
7. This Consent shall expire on 31 January 2042

ADVICE NOTES

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.

RESOURCE CONSENT NUMBER: RM020403V

Pursuant to Section 104C of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants a change of conditions ::

RESEARCH ORCHARD ROAD PROPERTY HOLDINGS LIMITED & CBH LIMITED
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To take water from storage for irrigation and use of the river bed.

LOCATION DETAILS:

Address of property: Research Orchard Road, Appleby.
Valuation number 1938086800

This change of conditions of consent **NN020403V** is granted, subject to the following conditions and for an unchanged expiry date of **31 May 2021**:

CONDITIONS

1. Site, Dam and Take Details:

Legal Description:	Proposed Lot 15 of subdivision of Lot 1 DP18765 Lot 1 DP18598 Blk I Waimea SD
River or Stream Being Dammed:	Unnamed
Catchment:	Moutere
Dam ID Number:	171
Catchment Area (ha):	10
Dam Height (m):	4
Storage (m ³):	9000
Area Irrigated:	10 hectares
Maximum Rates of Take Authorised:	10 cubic metres per hour 71 cubic metres per day 500 cubic metres per week
Dam Location:	Easting:2518529 Northing:5990360

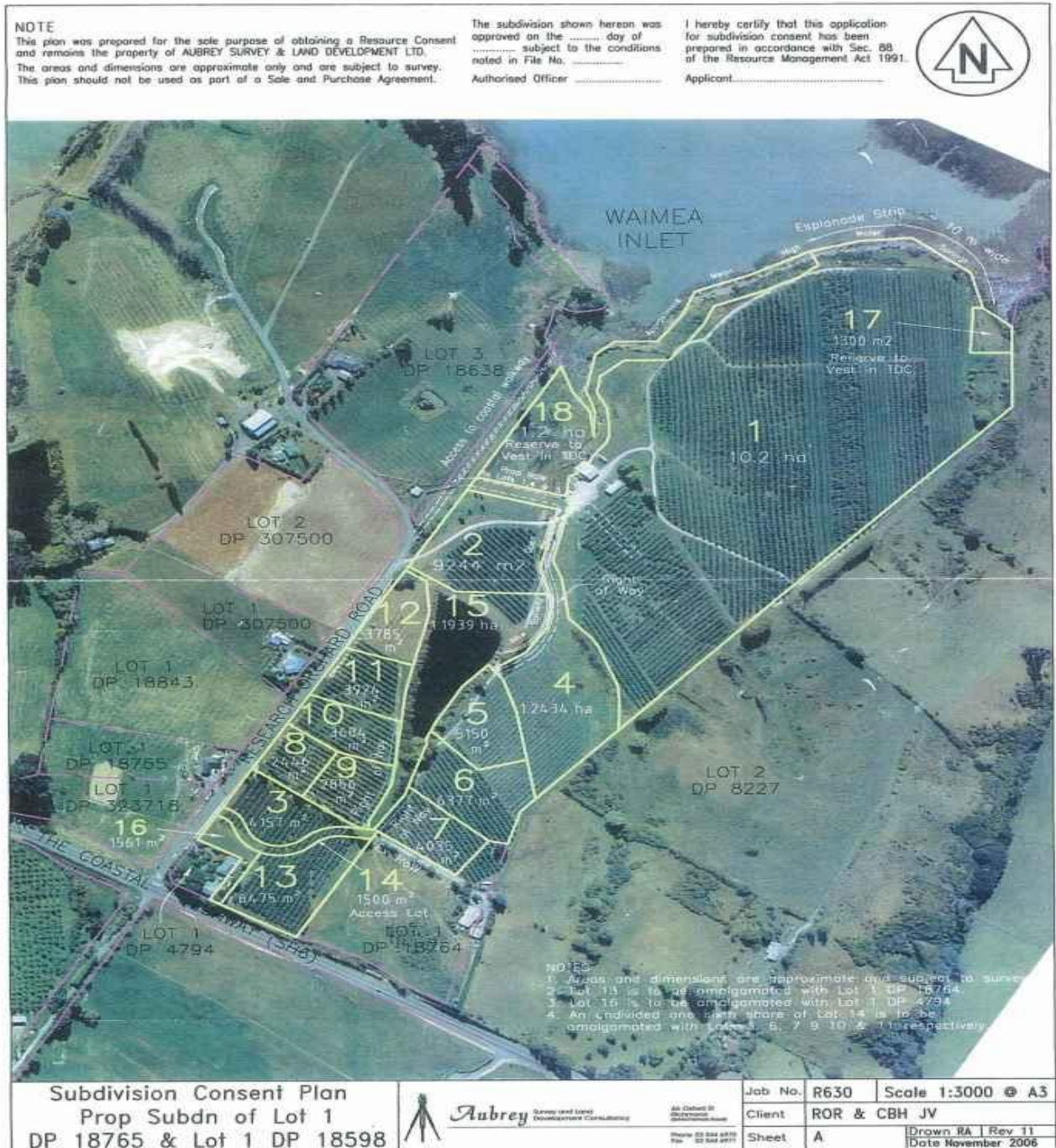
- The Consent Holder shall regularly inspect their dam and maintain the embankment, rock protection, low flow system and spillway in good condition.
- Appropriate rock protection (or similar) shall be provided and thereafter maintained at the outlet of the spillway and the rock protection shall be sufficient to avoid or remedy any adverse erosion of the watercourse downstream of the dam that is a result of the dam.
- The Council may, during the month of 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 that arises from the exercise of the consent, including adverse effects on adjacent or downstream landowners, on downstream water use and on instream values; or
 - b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan, including requirements and rules relating to the operation and maintenance of dams and rules relating to minimum standards of water quality, maximum or minimum water levels of water retention; or
 - c) to make provision for fish passage if there is shown to be an adverse effect on fish or eel passage; or
 - d) to require changes to the spillway to ensure that the dam is adequately protected during storm events.
5. The Consent Holder shall not plant on the dam embankment any trees or shrubs greater in height than 1.5 metres and any trees or shrubs that become established shall be removed.
 6. Should any slumping or significant seepage from the dam embankment be observed, the Consent Holder shall immediately inform the Tasman District Council's Environment & Planning Manager, or his agent and shall employ a suitably experienced, chartered civil engineer to advise on appropriate remediation measures.
 7. This consent may not be exercised to the extent that there is any significant adverse effect on resident eels within the dam and a minimum of 200 cubic metres of storage shall be retained within the dam at all times to provide for their survival.
 8. Within one year of the issuing of this change of conditions decision, any intake pipe and any discharge pipe into the dam shall be screened to avoid the entrainment of fish and eels such that, as a guide, screens shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second.

ADVICE NOTES

1. The Consent Holder shall meet the reasonable costs associated with the monitoring of this consent.
2. No part of the dam shall be closer than 10 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 and no dam water shall trespass onto any neighbouring property without the consent of the landowner.
3. It is recommended that the Consent Holder hold an appropriate level of public liability insurance cover throughout the life of the dam.
4. 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 Tasman Resource Management Plan.

5. The lake margins, including the lake head, are likely to be suitable for the establishment of wetland flaxes and other native vegetation and would benefit from being fenced off from stock access.
6. The application of water to any land should not exceed the rate of 250 cubic metres per hectare per week.

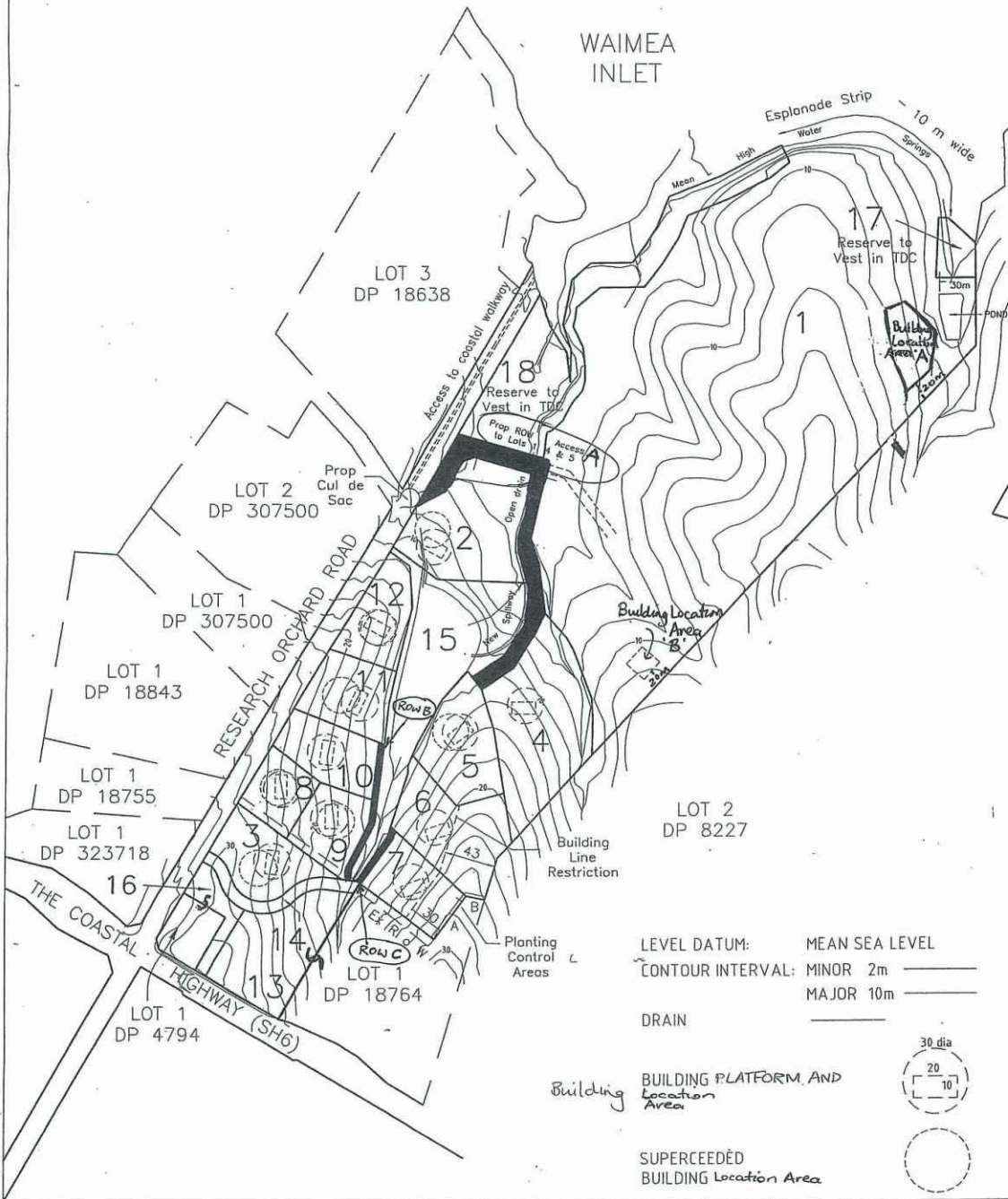


NOTE

This plan was prepared for the sole purpose of obtaining a Resource Consent and remains the property of AUBREY SURVEY & LAND DEVELOPMENT LTD. The areas and dimensions are approximate only and are subject to survey. This plan should not be used as part of a Sale and Purchase Agreement.

The subdivision shown hereon was approved on the day of subject to the conditions noted in File No.
 Authorised Officer

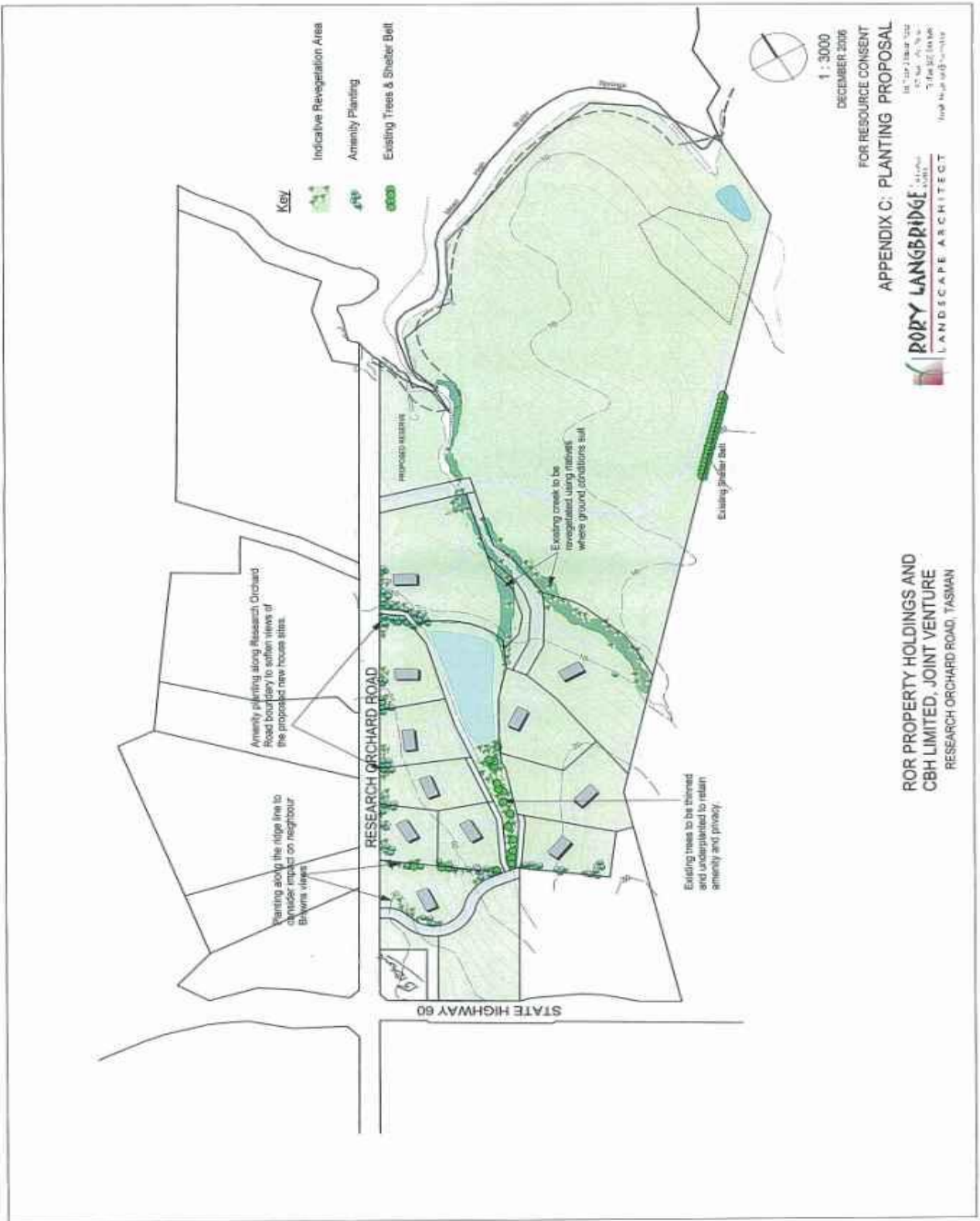
I hereby certify that this application for subdivision consent has been prepared in accordance with Sec. 88 of the Resource Management Act 1991.
 Applicant.....



LEVEL DATUM: MEAN SEA LEVEL
 CONTOUR INTERVAL: MINOR 2m
 MAJOR 10m
 DRAIN



Subdivision Consent Plan Prop Subdn of Lot 1 DP 18765 & Lot 1 DP 18598		<p>Aubrey Survey and Land Development Consultancy 66 Oxford St Richmond (Suburban/Manurewa) Phone 03 544 0770 Fax: 03 544 0771</p>	Job No. R630	Scale 1:3000 @ A3
			Client ROR & CBH JV	
		Sheet B	Drawn RA Rev 12 Date Dec 2006	



CARRIED

Date Confirmed:

Chair: