

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 2 April 2007
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Crs R G Kempthorne (Chair), R G Currie and E J Wilkins

IN ATTENDANCE: Manager Consents (J Hodson), Senior Consent Planner (M D Morris), Consent Planner (D Hills), Administration Officer (B D Moore)

1. G R SMITH, RIWAKA-SANDY BAY ROAD, RIWAKA – APPLICATIONS RM060808 AND RM060815

1.1 Proposal

The application is for a subdivision and land use consent.

The proposal is to subdivide Lot 3 DP 350421 and Lots 6-8 DP 19031 (CT 206342) of 28.8258 hectares into four allotments. Proposed Lot 1 has an area of 1.77 hectares. Proposed Lot 2 will be 3.85 hectares and Proposed Lot 4 is 20.35 hectares and contains an existing dwelling. The application also involves a boundary adjustment between the application site and CT NL 9C/253, resulting in Lot 5 of 7.8 hectares being amalgamated with the balance of CT NL 9C/253.

A landuse consent is required to undertake earthworks associated with the forming of internal access and for the building sites for the subdivision consent RM060808.

Location and Legal Description

The property is located on the Riwaka-Sandy Bay Road.

The legal description of the land is Lot 3 DP 350421 and Lots 6-8 DP 19031 Certificate of Title 206342.

Zoning and Consent Requirements

The land is zoned Rural 2 under the proposed Tasman Resource Management Plan. As there are no outstanding references on the Rural 2 zoning, it is considered operative pursuant to Section 19 of the Resource Management Act 1991. Therefore no assessment is required under the Transitional District Plan.

The subdivision is considered to be a Discretionary Activity under 16.3.9 of the Proposed Tasman Resource Management Plan in that the minimum lot size is less than 50 hectares required under the controlled activity rule 16.3.8.

The proposed land disturbance is a controlled activity under Rule 18.6.9 (Recontouring of Land).

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 2.15 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Wilkins / Currie
EP07/04/02**

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

G R Smith

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
G R Smith	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs Currie / Wilkins
EP07/04/02**

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

2. G R SMITH, RIWAKA-SANDY BAY ROAD, RIWAKA – APPLICATIONS RM060808 AND RM060815

**Moved Crs Wilkins / Currie
EP07/04/03**

**THAT pursuant to Section 104D of the Resource Management Act, the Committee GRANTS consent to G R Smith as detailed in the following report and decisions.
CARRIED**

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

Meeting held in the Tasman Room, Richmond

on Monday, 2 April 2007, commencing at 9.30 am

A Hearings Committee (“the Committee”) of the Tasman District Council was convened to hear the application lodged by **G R Smith** relating to the subdivision of land and related earthworks at Riwaka-Sandy Bay Road. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Tasman District Council and referenced as RM060808 and RM060815.

- PRESENT:** **Hearings Committee**
Cr Kempthorne, Chairperson
Cr Wilkins
Cr Currie
- APPLICANT:** Mr G Smith,
Mr A Swain- Legal Executive
Mrs J M McNae- Planning Consultant
- CONSENT AUTHORITY:** **Tasman District Council**
Mr M Morris- Senior Consent Planner- Subdivision
Ms D Hills- Consent Planner- Natural Resources
- SUBMITTERS:** Mr R Mittman
- IN ATTENDANCE:** Ms J Hodson , Manager Consents- Assisting the Committee
Mr B Moore- Committee Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The application is for a subdivision and land use consent.

The proposal is to subdivide Lot 3 DP 350421 and Lots 6-8 DP 19031 (CT 206342) of 28.8258 hectares into four allotments as follows:

- Lot 1 = 1.77 hectares
- Lot 2 = 3.85 hectares
- Lot 3 = 3.00 hectares
- Lot 4 = 20.35 hectares and contains an existing dwelling.
- The application also involves a boundary adjustment between the application site and CT NL 9C/253, resulting in Lot 5 of 7.8 hectares being amalgamated with the balance of CT NL 9C/253.

A landuse consent is required to undertake earthworks associated with the forming of internal access and for the building sites for Proposed Lots 1, 2 and 3.

The property is located on the Riwaka-Sandy Bay Road.

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 2

Area(s): Land Disturbance Area 1 and 2.

The proposed subdivision activity does not comply with Controlled Activity Rule 16.3.8 of the proposed Tasman Resource Management Plan and is deemed to be a restricted discretionary activity in accordance with Rule 16.3.9 of the Plan.

The proposed earthworks do not comply with the Permitted Activity Rule 18.6.7 of the proposed Tasman Resource Management Plan and is deemed to be a controlled activity in accordance with Rule 18.6.9 of the Plan.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The applications were notified on 23 December 2006 pursuant to Section 93 of the Act. A total of four submissions were received. The following is a summary of the written submissions received and the main issues raised:

Tiakina Te Taiao

Did not oppose or support the application, but made the following points:

- Due to the location of the proposed development, Tiakina te Taiao consider it necessary that a site visit take place prior to any work commencing.
- Tangata Whenua would like to assess the impact of the development on iwi values. This would involve a site visit at the cost of the applicant.
- An iwi monitor will be required during earthworks so that taonga are identified and located appropriately should they be uncovered.

R and R Mittmann

Did not oppose the subdivision created the four allotments but concerned but the effects of proposed boundary adjustment and the effects on the existing rights-of-way. Made the following points:

- The proposed by-pass around the Newkumet residence which is being done for purely speculative reasons and will result in destabilisation of the hillside.
- It would be disastrous to allow road works in the sensitive Land Disturbance Area 2, when there have been numerous slips since 1993 that have sometimes blocked the entire road.
- Wanting a written legally binding assurance that the existing right-of-way will remain on its present and surveying path and that we will be not held liable for any costs associated with the proposed earthworks.

R E Kiddle

Opposed to the application.

- Opposed to the ongoing subdivision of rural land particularly when TDC has specifically created Rural 3 zoning to meet the need for rural lifestyle living.
- Continued subdivision of rural land has a detrimental effect on rural character which is an important regional asset.

New Zealand Fire Commission

Submission withdrawn 21 March 2007.

The submission was withdrawn on the basis that the applicant will be able to provide access to each of the building sites that meets the width and gradient requirements of Acceptable Solution C/AS1 Part 8.1: Fire Service Vehicular Access and Part 3-3 of NZS 4404:2004.

4. PROCEDURAL MATTERS

No procedural matters were raised.

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

The applicant, Mr Grant Smith, appeared at the hearing together with Legal Executive, Alain Swain, and Planning Consultant, Mrs J M McNae. Mr A D Swain read an introductory submission for the applicant and described how the application is for the subdivision of a poor piece of rural land that is not good for farming or forestry and has limited positive rural character to offer.

He described how Mr Smith has improved the property by removing gorse and bracken.

Mr G R Smith described the history of his ownership and use of the property including upgrading the existing tracks on the property and building a house and workshop. He described how soil deficiencies made the subject land unsuitable for forestry, unless a mineral additive is applied by spraying. He described the problems with soil disturbance, erosion and water control which all make tracking formation difficult. Mr Smith said he had purchased a digger to assist in removing old tracks which had become eroded. He had sold off an 18 hectare block to help provide finance for this improvement work. Aerial spraying had been carried out to eradicate gorse and bracken and leave patches of native bush.

Mr Smith said he proposed placing covenants on the proposed allotments to protect the native vegetation. He said he was working with Network Tasman to provide upgraded electricity power lines through the property. He addressed the concerns of the submitters R and R Mittmann and R E Kiddle. Mr Smith said that continued improvement to the property would enhance the rural character and he did not consider that the proposed subdivision would in any way diminish the work already carried out.

Planning evidence for the applicant was tabled and read by Mrs J M McNae. She directed the hearing panel to some small severances of land located on the eastern side of the Kaiteriteri-Sandy Bay Road noting that the Council's roading engineer had recommended that these areas vest in Council as road. She described how the proposed boundary between Lots 4 and 5 is intended to rectify the situation where the Newkumet house and the developed part of their adjacent residential area is actually located within the applicant's land.

In relation to the Mittmann submission, Mrs McNae said that the proposal does not seek to change the existing right-of-way at all but simply seeks to add additional users. The evidence addressed the assessment of effects including impacts on land productivity, servicing effects and traffic impacts. The evidence discussed rural character and amenity issues, visual and landscape impacts and hazard issues. Copies of a geotechnical assessment, prepared by Terra Firma Engineering Limited and provided with the application, were tabled at the hearing for the benefit of the hearing panel. Copies of the proposed subdivision plan were tabled at the hearing and building sites indicated on Lots 1, 2 and 3 and Mrs McNae advised that proposed development has been kept off the less prominent parts of the site.

The applicant volunteered a "no re-subdivision" covenant of 10 years, or until such time as there is a change of zoning, in respect of Lots 1, 2, 3. Mrs McNae concluded that the subject proposal represents a sustainable management of the resources at this location. She said the effects on the environment are minor and there is nothing in the proposal that makes it contrary to the range of relevant objectives and policies under the Resource Management Plan.

In the right of reply, Mr Swain responded for the applicant saying that removal of pine trees adjacent to the Kaiteriteri-Sandy Bay Road will improve road safety by reducing shading and improve views from the road. Mr Swain said that the boundary adjustment will rectify an existing problem where the house is close to the boundary. The boundary adjustment will also protect views from Lot 4 and assist in the provision of power supply. He said that compulsory easements cannot be changed without Council consent. He said that the setbacks proposed for the Newkumet property are appropriate.

Mr Swain said that proposed covenants such as those regarding native bush, will provide a benefit. Some grazing of the lots will help with weed control.

Mr Swain suggested that the proposed provision of water supply is adequate and that a condition for landscaping should require completion of this following 12 months occupation by the landowner. Mr Swain said that the proposed subdivision is of minimal impact and will enhance the area.

5.2 Submitters Evidence

Copies of a written submission from R E Kiddle, dated 30 March 2007 were tabled and read by members of the panel. The submission elaborated on the issues of fragmentation of rural land, loss of productive capacity, loss of rural character and maintenance of consistency with planning documents.

Mr R Mittmann spoke to his submission to the application and confirmed that he was concerned regarding the right-of-way issue but not opposed to the subdivision. He said he was opposed to the land swap with Newkumet and that as the area is comprised of Separation Point granite, road cutting can cause erosion onto the right-of-way carriageway. Mr Mittmann said that the potential cumulative effect of further subdivision is a concern to him and that the rural character will be destroyed. Mr Mittmann said he was concerned that the proposed land swap would make it possible to change the right-of-way to bypass around the Newkumet house. Mr Mittmann said that the boundary adjustment is needed to allow the proposed changes to the gradient and the formation of the right-of-way to occur and he was concerned that a new right-of-way formation would also be subject to slippage.

5.3 Council's Reporting Officer's Report and Evidence

Consent Planner, Ms D Hills, spoke to the land disturbance consent issue and confirmed that the proposed earthworks were internal within the land to be subdivided. She confirmed the wording of suggested conditions of consent in her memorandum contained within the agenda, attached to the staff report. Ms Hills said that the soil type within the subject site is particularly unstable especially when disturbed and when wet.

Senior Consent Planner, Mr M Morris, referred to the Terra Firma geo-technical report of 10 July 2006 and the subject of onsite wastewater disposal described on page 7-8 of that report. Mr Morris referred the hearing panel to the supplementary report of 29 March 2007 from Dr M Durand, Council Consent Planner- Discharges. Mr Morris said that the productive potential of the subject site is quite marginal with steep topography, southerly exposure and erosion prone soils. Mr Morris said that the building sites on proposed Lots 1, 2 and 3 fit well into this location and the area will retain its rural and natural amenity.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Will the proposed subdivision cause a significant adverse effect in terms of rural character and amenity, fragmentation of land or loss of land of productive value?
- b) Will the proposed earthworks cause a significant adverse effect on the environment in either visual terms or stability?
- c) Will the proposed subdivision cause an adverse effect on any adjoining land owner?

7. MAIN FINDINGS OF FACT

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

- a) The Committee considered that the proposed subdivision, creating three additional house sites, would not have a significant adverse effect on any planning related issues including rural character and amenity, fragmentation of land or loss of land of productive value.
- b) The Committee was satisfied that with appropriate conditions, the earthworks would not have a significant adverse effect.
- c) The Committee was satisfied that the proposal would not cause an adverse effect on the adjoining neighbour who had concerns about possible future changes which may be proposed in relation to the existing right-of-way, this matter was outside the scope of the current application.

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) Tasman Regional Policy Statement (TRPS);
- (ii) The proposed Tasman Resource Management Plan (TRMP);

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 104A and C of the Act, the Committee **GRANTS** consent subject to conditions.

10. REASONS FOR THE DECISION: SUBDIVISION AND LAND DISTURBANCE

The land is zoned Rural 2 in the proposed Tasman Resource Management Plan. The subdivision proposed is for three additional lots able to be built on. In addition, a boundary adjustment is proposed which will enable a building encroachment to be resolved.

The land is classified as G and H and is of very limited productive value. The land is steep and is difficult to manage in terms of gorse and weed control and also must be carefully managed to avoid instability issues.

The applicant has made good efforts towards managing the gorse and also promoting the regeneration of the native vegetation. It is proposed to place protective covenants on the bush areas to ensure their on-going protection. The Committee considered that the location of the building sites will not have an adverse impact on the rural character and amenity of the area. The Committee is satisfied that the creation of three additional building sites on this land will not be contrary to the relevant policies and objectives for the Rural 2 zone. The Committee noted the concerns of one of the submitters in relation to the subdivision of Rural 2 land. However, the Committee was clear that the proposal was a discretionary activity within the zone, and that while the Rural 3 zone was anticipated to take up much of the pressure in the coastal areas for rural residential style opportunities, that this did not “rule out” the ability for the Council to consider applications within the Rural 2 zone, and approve such applications which were not contrary to the policies and objectives.

The Committee was satisfied that with careful management and engineering expertise, the various earthworks proposed to create the building sites and accessways could be constructed without significant adverse effects. However, development on such steeply sloping land certainly would require a high degree of diligence to manage the issues of stormwater, wastewater and land stability.

The Committee noted the concerns of Mr Mittman in relation to the existing right-of-way serving their property. However, it was noted that this application did not propose any changes to that right-of-way, and therefore, those concerns about what may happen in the future were outside of the scope of the issues which could be addressed by the Committee. The Committee was clear that any future changes to the right-of-way would have to be discussed and agreed to by all parties who have rights over the right-of-way. Mr Mittman was also concerned about the extent of land in relation to the boundary adjustment, but the Committee was satisfied that the effects of this could not be extended to consider what “might” happen in any future proposal.

The Committee was satisfied that with the required upgrading of the entrances to the two right-of-ways, the traffic effects linked to the proposal would be no more than minor. They were also satisfied that the power supply would be able to be provided and while telephone service would be only by wireless broadband internet, this was deemed to be acceptable in this situation.

11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee considered that the recommended building and earthworks conditions recommended by Terra Firma were a crucial aspect of the consent. These conditions would be registered on the title and also would form conditions of the land disturbance consent. This work would have to be completed prior to the completion of the subdivision.

Issued this 18th day of April 2007

Councillor R Kempthorne
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM060808

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

G R SMITH

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: Subdivision

LOCATION DETAILS:

Address of property:	Riwaka-Sandy Bay Road, Riwaka
Legal description:	Lot 3 DP 350421 and Lots 6-8 DP 19031
Certificate of title:	(CT 206342)
Valuation number:	1931022501

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

CONDITIONS

1. General

The subdivision be carried out in accordance with the Staig & Smith Plan No: 2658 dated 9/08/2006 attached to this consent.

2. Financial contributions

Financial contributions are required on three allotments (Lots 1, 2 & 3).

The following will apply:

Reserves and Community Services

Payment of a reserves and community services levy assessed at 5.5% of the total market value of a 2,500 square metre notional building site contained within each of Lots 1, 2 and 3

The valuation will be undertaken by Council’s valuation provider within one calendar month of Council receiving a request for valuation from the Consent Holder. The request for valuation should be directed to the Consents Administration Officer at Council’s Richmond office. The cost of the valuation will be paid by Council.

If payment of the financial contribution is not made within two years of the date of this consent and a revised valuation is requested as provided by Rule 16.5.5(d) of the Proposed Tasman Resource Management Plan, the cost of the revised 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 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.

This consent will attract a development contribution on three allotments in respect roading.

3. Road to Vest

Lots 6, 7 & 8, DP 19031 shall vest as road reserve, without compensation.

Advice Note: If trees on this land are to be removed, the consent of the Council Engineering Manager is required regarding temporary road closure for logging work.

4. Rights-of-Way Formation

The Rights-of-Way B and C shall be constructed to the following standard:

- Minimum traffic lane width of 4.5 m width with all-weather metalled surface, plus 500 mm metalled shoulders on either side.
- Adequate side drains to drain off stormwater
- Minimum legal width of 6.5 m
- Maximum gradient of 1 in 6.
- A passing bay of 0.5 x 9 m shall be placed on Right-of-Way B at the hairpin bend approximately 90 m from the start of the right-of- way.

5. Building Site Accesses

Each of the proposed building sites shall be provided with a 3.5 m wide metalled access, with maximum gradient of 1 in 6 plus water tables and culverts where necessary.

6. Right-of-Way Entrances

6.1 Access onto Riwaka-Sandy Bay Road - Right-of-Way B

Sight distances shall be achieved in a southerly direction by trimming back the batter slope and regressing on completion.

A clear straight line shall be taken from a point 2.0 m back from the steel plate crossing and at an eye height of 1.0 m.

At this point the entire sealed carriageway shall be visible for a distance of 85 m. Stopping limit lines shall be painted on the entrance to Right-of-Way B and a stop sign placed beside the entrance facing traffic exiting the right-of-way.

6.2. Access onto Riwaka –Sandy Bay Road - Right-of-Way C

The access shall be in accordance with the previously approved intersection plan (RM040696) with the following additional amendments:

- Sealing shall be provided for at least 10 m in from the existing edge of the seal.
- The existing drainage channels shall not be compromised and shall be extended through to the stream
- Road side plants and shrubs on the eastern side of the Riwaka-Sandy Bay Road looking south from the access shall be trimmed back to achieve maximum sight distance.

7. Construction of building platforms

A single excavated building platform of approximately 1000 square metres each shall provided for each of Lots 1, 2 and 3 in the locations shown on the Terra Firma engineering report dated 10 July 2006 submitted with the application. This construction shall be completed in accordance with the conditions of RM060815 prior to the Section 223 approval.

8. Building Location Plan

A building location plan for Lots 1-3 shall be prepared by a registered professional surveyor and shall be submitted to the Environment and Planning Manager for approval as part of the section 223 title plan.

The building locations shall be in accordance with the condition 1 of the Terra Firma engineering report dated 10 July 2006 as specified to be included in the Consent Notice.

9. Engineering Certification- General

At the completion of works, a suitably experienced chartered professional engineer or registered surveyor shall provide Council with written certification that the works have been constructed to the standards required.

10. Power Supply

A combination of over-ground and under-ground power servicing are to be provided to each of the building sites on Lots 1, 2 and 3 in accordance with concept plan attached and the letter dated 30 March 2007 from Powertech presented at the hearing.

11. Engineering Certification- Building Platforms

Certification of the building sites for residential development on Lots 1, 2 and 3 shall be provided by a Chartered Professional Engineer in accordance with TDC Engineering standards Section 11 Appendix B and certification that all engineering works have been completed in accordance with TDC Engineering Standards or to the satisfaction of the Council's Engineering Manager.

12. Bush Covenants

Prior to the submission of a section 223 plan, the consent holder shall provide a scaled plan from a registered professional surveyor showing all the regenerating bush areas on Lots 1-3. These shall be set out as covenant area on the Section 223 title plan with the covenants protecting the native vegetation within these areas.

13. Consent Notices

Pursuant to Section 221 of the Resource Management Act 1991, consent notices shall be registered on proposed Lots 1-3, including the following:

a) Building Development Conditions (1-9) as per Terra Firma Engineering Report dated 10 July 2006 (below)

1. Buildings shall be within the area bounded by a 30 metre diameter circle centred on the following approximate co-ordinates at the approximate location shown on attached Staig & Smith drawing 2658 sheet 1:

- Lot 1: 2508078 mE
6017895 mN
- Lot 2: 2508132 mE
6017684 mN
- Lot 3: 2508029 mE
6017729 mN

The building area and development recommendations shall be subject to review by a Chartered Professional Engineer practising in geotechnical engineering or an engineering geologist, following it being pegged out by a Registered Surveyor. Any building work will have to be set back from the bottom of any adjacent cuts a minimum of 75% of the total height of the batter unless the cut is fully retained as part of the development. Note set backs will also need to be observed from the site boundaries as required by the Tasman Resource Management Plan. Definition of these is outside the scope of this report.

2. Any proposal to build outside the certified area will require specific geotechnical investigation and separate certification.

3. All temporary or permanent cuts on the property greater than 1.2 metres in height shall be specifically investigated by a Chartered Professional Engineer practising in geotechnical engineering or an experienced engineering geologist. No existing slopes inclined steeper than 2½ H:1V shall be steepened by unretained cutting. All cuts over one metre in height shall be retained unless specifically deemed unnecessary by a Chartered Professional Engineering practising in geotechnical engineering.

4. Foundations for all buildings shall extend through topsoil, and be founded on “good ground” as defined in NZS 3604:1999. A foundations shall be investigated by a Chartered Professional Engineering practising in geotechnical engineering and designed and constructed under the supervision of a Chartered Professional Engineer experienced in foundation design. Allowance shall be made for lateral loads acting on foundations on ground sloping at steeper than 3H:1V.
 5. We do not recommend any unretained filling on any of these sites. All retained fill shall meet the requirements of NZS 4431:1989 – *Code of Practice for Earth fill for Residential Development*. All fills shall be investigated and designed by a Chartered Professional Engineering practising in geotechnical engineering and shall include adequate stripping, benching and underdrainage of the underlying materials.
 6. All retaining wall higher than one metre shall be specifically investigated and designed by a Chartered Professional Engineering practising in geotechnical engineering. All walls shall be adequately drained.
 7. All stormwater from roofs, hardstanding or impermeable areas, retaining wall drainage, surface drains and subsoil drains and from sanding water such as swimming pools and ponds shall be collected and discharged in a controlled manner to a disposal area in the axis of an existing creek, drainage path or to slopes with an angle of less than 18° (3H:1V) for at least 30 metres downslope of the discharge point.
 8. The lot shall be maintained in a vegetation cover that enhances slope stability and minimises surface erosion. In particular, the requirement for on-site wastewater disposal (see below) require a disposal area to be planted with evergreen species, and this should be done on all steep slopes on the lots, with an emphasis on deep-rooting varieties.
 9. The building site certification relates to the general suitability of the defined building site; it does not remove the need for specific site investigation, design and inspection are required by the NZ Building code, NZS 3604:1999 and NZS 4431:1989.
- b) A landscape plan a shall be provided from a suitably qualified landscape professional, acceptable to Council, for approval by Council’s Consents Manager with the building consent for any dwelling on Lot 1 -3. The plan shall show how proposed landscaping will mitigate the visual effects of the dwelling. The landscaping shall be fully completed, prior to the occupation of the dwelling.
 - c) The waste water treatment for any dwelling shall be subject to a specific investigation and design by a chartered professional engineer, experienced in the design of onsite waste water systems, with particular attention being taken of the geotechnical conditions of the disposal area. Secondary wastewater treatment is required.

- d) The exterior colours of the dwelling and any accessory building shall be finished in recessive colours, approved by Council's Consents Manager which blend in with the immediate environment. The landowner shall submit for approval the following details of the colours proposed to be used on the walls and roof of the building:
1. The material to be used (e.g. paint, colour steel);
 2. The name and manufacturer of the product or paint;
 3. The reflectance value of the colour;
 4. The proposed finish (e.g. matt, low-gloss, gloss); and
 5. 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.

Advice Note:

As a guide, the Council will generally approve alternative 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 BS 5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes).

- e) Any dwelling shall be provided with a domestic water sprinkler system which complies with Fire Systems for Houses NZS 4517:2002 or shall comply with New Zealand Fire Service Code of Practice for fire fighting water supply SNZ PAS 4509:2003.

14. Easements

Easements shall be created for all services located outside the allotments that they serve.

Appropriate easements are to be provided along ROW A and B in consultation with Network Tasman. The results of the consultation shall be provided to Council prior to Section 223 approval.

15. Engineering Works

All engineering works are to be in accordance with Tasman District Engineering Standards or to the satisfaction of the Tasman District Engineering Manager.

16. Amalgamation imposed by way of Covenant pursuant to Section 220(2) of the RMA

That Lot 5 hereon be held together with Pt Sec 20 Sq 9, Pt Sec 73 District of Motueka and Sec 1 SO 364115 (title 312158) and one certificate of title be issued.

DLR Request number 649928 refers.

Issued this 18th day of April 2007

Councillor R Kempthorne
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM060815

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

G R SMITH

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: Land Use- Earthworks

LOCATION DETAILS:

Address of property:	Riwaka-Sandy Bay Road, Riwaka
Legal description:	Lot 3 DP 350421 and Lots 6-8 DP 19031
Certificate of title:	(CT 206342)
Valuation number:	1931022501

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

CONDITIONS

1. The earthworks shall be completed in accordance with the application submitted by Staig & Smith dated 19 September 2006, and the accompanying geotechnical report regarding land disturbance by Terra Firma Engineering Ltd dated 15 December 2006. In particular this includes:
 - a) land disturbance for a new internal road; and
 - b) land disturbance for three new building platforms.
2. The recommendations and conditions 1 to 9 in the report by Terra Firma Engineering Ltd dated 15/12/06 (below) shall be strictly adhered to when the earthworks are carried out, unless otherwise instructed by a Chartered Professional Engineer due to unforeseen site conditions, circumstances or constraints.
 1. Buildings shall be within the area bounded by a 30 metre diameter circle centred on the following approximate co-ordinates at the approximate location shown on attached Staig & Smith drawing 2658 sheet 1:

- Lot 1: 2508078 mE
6017895 mN
- Lot 2: 2508132 mE
6017684 mN
- Lot 3: 2508029 mE
6017729 mN

The building area and development recommendations shall be subject to review by a Chartered Professional Engineer practising in geotechnical engineering or an engineering geologist, following it being pegged out by a Registered Surveyor. Any building work will have to be set back from the bottom of any adjacent cuts a minimum of 75% of the total height of the batter unless the cut is fully retained as part of the development. Note set backs will also need to be observed from the site boundaries as required by the Tasman Resource Management Plan. Definition of these is outside the scope of this report.

2. Any proposal to build outside the certified area will require specific geotechnical investigation and separate certification.
3. All temporary or permanent cuts on the property greater than 1.2 metres in height shall be specifically investigated by a Chartered Professional Engineer practising in geotechnical engineering or an experienced engineering geologist. No existing slopes inclined steeper than 2½ H:1V shall be steepened by unretained cutting. All cuts over one metre in height shall be retained unless specifically deemed unnecessary by a Chartered Professional Engineering practising in geotechnical engineering.
4. Foundations for all buildings shall extend through topsoil, and be founded on "good ground" as defined in NZS 3604:1999. A foundations shall be investigated by a Chartered Professional Engineering practising in geotechnical engineering and designed and constructed under the supervision of a Chartered Professional Engineer experienced in foundation design. Allowance shall be made for lateral loads acting on foundations on ground sloping at steeper than 3H:1V.
5. We do not recommend any unretained filling on any of these sites. All retained fill shall meet the requirements of NZS 4431:1989 – *Code of Practice for Earth fill for Residential Development*. All fills shall be investigated and designed by a Chartered Professional Engineering practising in geotechnical engineering and shall include adequate stripping, benching and underdrainage of the underlying materials.
6. All retaining wall higher than one metre shall be specifically investigated and designed by a Chartered Professional Engineering practising in geotechnical engineering. All walls shall be adequately drained.
7. All stormwater from roofs, hardstanding or impermeable areas, retaining wall drainage, surface drains and subsoil drains and from sanding water such as swimming pools and ponds shall be collected and discharged in a controlled manner to a disposal area in the axis of an existing creek, drainage path or to slopes with an angle of less than 18° (3H:1V) for at least 30 metres downslope of the discharge point.

8. The lot shall be maintained in a vegetation cover that enhances slope stability and minimises surface erosion. In particular, the requirement for on-site wastewater disposal (see below) require a disposal area to be planted with evergreen species, and this should be done on all steep slopes on the lots, with an emphasis on deep-rooting varieties.
9. The building site certification relates to the general suitability of the defined building site; it does not remove the need for specific site investigation, design and inspection are required by the NZ Building code, NZS 3604:1999 and NZS 4431:1989.
3. Prior to proceeding with this project and before any earthworks taking place on the site, the Consent Holder shall contact Tiakina te Taioao Limited and advise them of the commencement date of the proposed project. In the event any archaeological site is discovered during the excavations associated with any form of land disturbance, all works shall cease and the applicant shall contact the New Zealand Historic Places Trust.

Advice Note:

Due to the coastal location of the site there is a possibility of archaeological sites existing. It is appropriate that an assessment of the site takes place before any site works commence. The discovery of an archaeological site is subject to the provisions of the Historic Places Act and an application must be made to the Historic Places Trust for an authority to modify or destroy the site.

4. The Consent Holder shall take all practicable measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter fresh or coastal waters during and after the construction period. In particular, the earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least. 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.

Advice Note:

The use of debris fences, straw bales, cut-off drains, ponds or other such methods should be used to ensure that any run-off is limited.

5. All bare areas shall be re-vegetated as soon as is practicable and no later than three months after the completion of the works to limit erosion and downhill movement of exposed material.
6. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.
7. Council may, for the duration of this consent, 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 that 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 Resource Management Act 1991.
8. Pursuant to Section 125 of the Act this consent shall lapse five years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act. In addition, once the consent has been given effect to, all earthworks shall be completed within 2 years.

Advice Note:

The consent is given effect to once the earthworks have commenced.

FURTHER ADVICE NOTES:

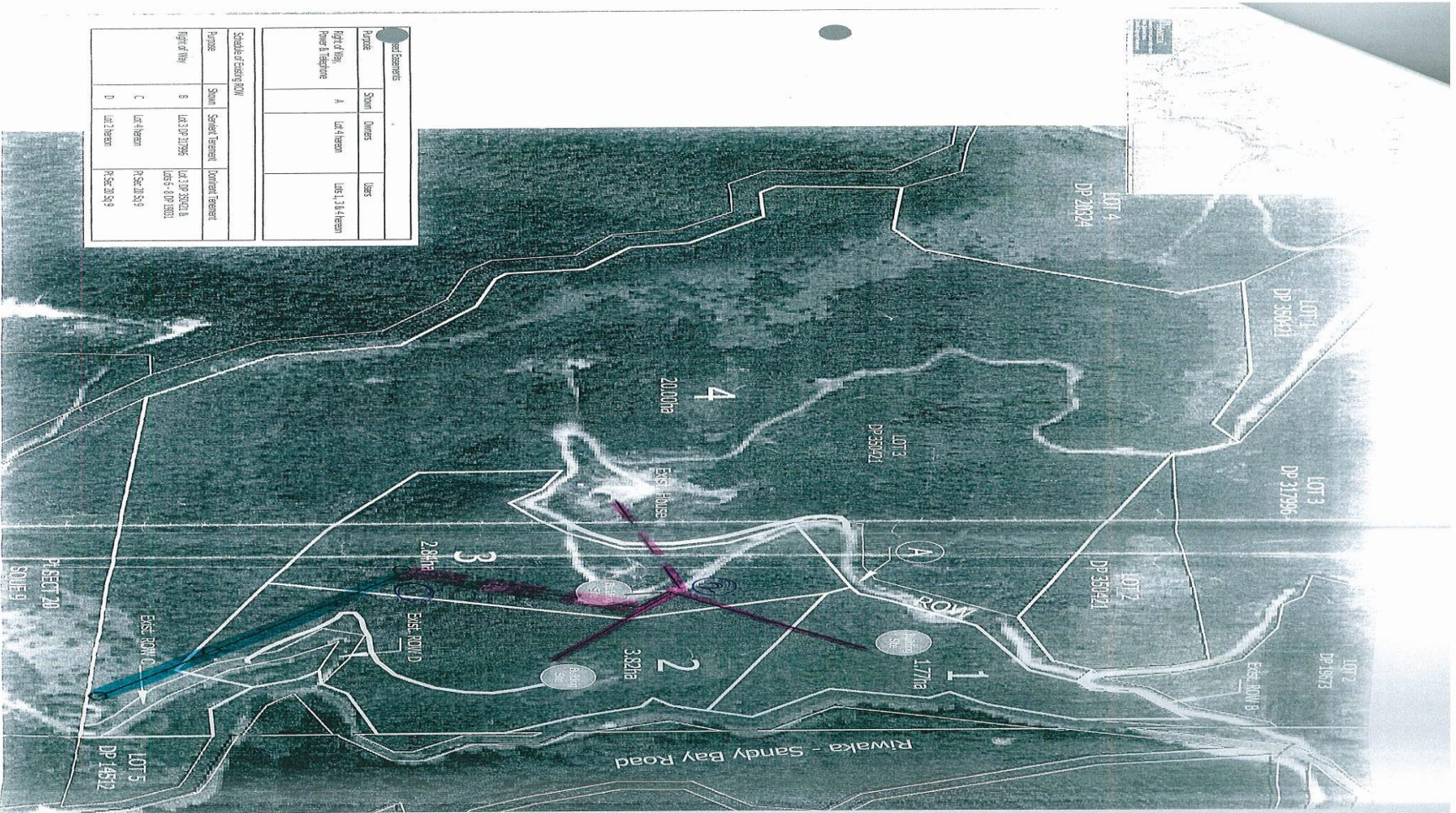
1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
3. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. 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.
5. 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.

Issued this 18th day of April 2007

Councillor R Kempthorne
Chair of Hearings Committee

Date Confirmed:

Chair:



Special Features			
Feature	Shown	Users	
Right of Way, Power & Telephone	A	Lot 1, 3 & 4 (shown)	
Schedule of Existing ROW			
Purpose	Shown	Current Tenement	Domestic Tenement
Right of Way	B	Lot 3 DP 37986	Lot 3 DP 37986 & Lots 4 DP 30011
	C	Lot 3 (shown)	DP 350421
	D	Lot 2 (shown)	DP 350421

Lots 1 - 4 being Proposed Subdivision of Lot 3 DP 350421

■ - reserved for 3/11/10
■ - underground like
■ - reserve near
 (see on Draft,
 with draw wires)

SUBMITTED DESIGN OFFICER
 20/04/2006
 11/10

Prepared in: CT 20619
 Applications
 Hitting Development Control Unit

Job Title
 C.R. Smith
 Rivaka - Sandy Bay Road
 Rivaka

Drawing Title
 Concept Plan

Plan Information
 Size @ A3 = 1:3000
 2658
 2658
 1 of 1
 31/05/2006

Concept Developer
 S
 17/10/2006
 11/10

