

## MINUTES

**TITLE:** Environment & Planning Subcommittee  
**DATE:** Tuesday 9 October 2007, Wednesday 10 October 2007, Thursday 11 October 2007, Friday 12 October 2007, Monday 15 October 2007, Thursday 18 October 2007 and Wednesday 21 November 2007  
**TIME:** 9.35 am  
**VENUE:** Tasman Council Chambers, 189 Queen Street, Richmond  
**PRESENT:** Crs E M O'Regan (Chair), E E Henry, S G Bryant

**IN ATTENDANCE:** Principal Resource Consents Advisor (B Askew), Development Engineer (D Ley), Transport Engineer (R Ashworth), Consent Planner (M Bishop), Senior Consent Planner – Subdivision (M Morriss), Senior Consent Planner-Natural Resources (M Durand), Resource Scientist Land (A Burton), Consent Planner Water (N Tyson), Community Services Planner (R Squire), Minute Secretary (V M Gribble)

**1. APPLICATION NOS RM070416, RM070417, RM070418, RM070419, RM070420, RM070421, RM070422, RM070423, RM070424, RM070425, RM070426, RM070427, RM070428, RM070429- RM070539 – RUBY BAY DEVELOPMENTS LTD, DICKER ROAD AND AWA AWA ROAD, RUBY BAY**

- RM070416** To subdivide five titles into the following:  
**Subdivision**  
**Consent and Land**  
**Use Consent**
- One allotment of 1.8 hectares for the community activities (Lot 502);
  - 104 residential allotments ranging between 0.27 and 1.6 hectares in area (Lots 1-104);
  - Eleven larger rural allotments ranging between 2.3 and 10.14 hectares in area (Lots 200-213). Lot 213 is to be amalgamated with Lot 211 and Lot 212 is to be amalgamated with Lot 207;
  - Two recreation reserves to vest in Tasman District Council (Lots 400 and 401);
  - Four stormwater mitigation allotments (Lots 500 and 501, 504 and 505); and
  - One allotment of 15.1 hectares, which is proposed to be protected by a Queen Elizabeth II National Trust covenant for wetland protection, landscape amenity and stormwater mitigation (Lot 503).
- A land use consent is also sought to construct and vest roads and construct accesses that do not meet permitted activity criteria of the Proposed Tasman Resource Management Plan.

<b>RM070417 Land Use Consent</b>	To construct a single dwelling within a nominated building area on proposed Lots 1-104 and Lots 200-211 of the subdivision application described above (Application RM070416). A total of 115 dwellings are proposed to be built.
<b>RM070418 Land Use Consent</b>	To establish and operate a community activity on proposed Lot 502 of the subdivision application described above (Application RM070416).  The Community Centre would be for the use of residents of the subdivision and incorporates a 200 square metre building, a car park, swimming pool, tennis court and a 5-hole “chip and put” golf course.
<b>RM070421 Land Use Consent</b>	To undertake up to 190,000 cubic metres of earthworks and vegetation removal for the construction of roads, building platforms and stormwater devices associated with the subdivision outlined above (Application RM070416).
<b>RM070422 Land Use Consent</b>	To place culverts and stormwater attenuation dam structures on the beds of watercourses associated with the subdivision outlined above (Application RM070416). This application also covers the disturbance of the beds of watercourses during the placement of the culverts and construction of the stormwater attenuation dam structures.
<b>RM070419 Discharge Permit</b>	To discharge collected stormwater from buildings, roads, and other hardstand areas to land and surface waterbodies from the subdivision application described above (Application RM070416). The stormwater flows will be treated and attenuated through the use of stormwater detention ponds, bush protection and/or regeneration and on-site measures for each new building.
<b>RM070420 Water Permit</b>	To divert stormwater in conjunction with the discharge permit RM070419 outlined above.
<b>RM070423 Water Permit</b>	To dam water where the catchment area exceeds 20 hectares for the attenuation of stormwater associated with the subdivision outlined above (Application RM070416).
<b>RM070424 Discharge Permit</b>	To discharge secondary treated wastewater of a domestic nature to land by way of subsurface dripper line irrigation on proposed Lot 502 (Community Centre) of the subdivision application described above (Application RM070416).
<b>RM070425- RM070428 Discharge Permits</b>	To discharge up to 1,200 litres of secondary treated domestic wastewater per day to land by way of subsurface dripper line irrigation from residential dwellings on proposed Lots 22, 34, 35 and 41 of the subdivision application described above (Application RM070416).

**RM070429-  
RM070539  
Discharge Permits**

To discharge up to 1,200 litres of secondary treated domestic wastewater per day to land by way of subsurface dripper line irrigation from residential dwellings on Lots 1-21, 23-33, 36-40, 42-104 and 200-213 (a total of 111 discharge permits) of the subdivision application described above (Application RM070416).

The property is zoned Rural 3 under the Proposed Tasman Resource Management Plan.

The application site is located at Dicker Road and Awa Awa Road, Ruby Bay, being legally described as Lots 1 and 7 DP 20366, Lot 13 DP 1706 and proposed Lots 1 and 2 of subdivision consent RM010679 (Certificates of Title NL13C/309, NL65/63, NL13C/305, Pt NL67/162 and Pt NL67/163).

**RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Henry / Bryant  
EP07/10/15**

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

Ruby Bay Developments

**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:**

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
Ruby Bay Developments	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**CARRIED**

The Subcommittee completed a site visit on Friday, 12 October 2007.

The Subcommittee reconvened at 1.00 pm on Monday, 15 October 2007 to deliberate on the matter.

The meeting was adjourned and reconvened on Thursday, 18 October 2007, In Committee, to continue deliberations on the application, in the course of which the Subcommittee in regards to the matter of the proposed upgrading of Old Coach Road, the matters raised in evidence at the hearing, and the evidence from the site visit queried the feasibility of a condition volunteered by the applicant to upgrade Dicker Road and Old Coach Road which was germane to the determination of the application.

Mr Askew tabled a memorandum proposed to be sent to the applicant requesting further information on or before 23 November 2007 and to be considered on 4 December 2007.

**Moved Commissioners O'Regan / Henry**  
**EP07/11/16**

**THAT a memorandum be sent to the applicant, with copies to submitters requesting further information pursuant to section 41(C)(3) of the Resource Management Act.**  
**CARRIED**

**Moved Cr Bryant / Commissioner Henry**  
**EP07/11/17**

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

The meeting reconvened, In Committee, on Wednesday, 21 November 2007.

**Moved Commissioner Henry / Cr Bryant**  
**EP07/11/18**

**THAT consent be GRANTED to the application by Ruby Bay Developments Ltd, subject to conditions as detailed in the following report and decision.**  
**CARRIED**

## TASMAN DISTRICT COUNCIL

**Report and Decision of the Tasman District Council  
through its Hearings Committee Meeting  
held in the Tasman Room, Richmond  
on 9 November 2007, commencing at 9.30 am,  
(hearing adjourned and reconvened) 10, 11 and 12 November 2007, (hearing  
adjourned for site visit 12.45 pm ). Hearing reconvened in committee for  
deliberations and decision on 15, 18 October 2007 and 21 November 2007.**

A Hearings Committee (“the Committee”) of the Tasman District Council was convened to hear the application lodged by **Ruby Bay Developments Ltd** relating to a comprehensive, staged Rural 3 subdivision and land use development between Dicker and Awa Awa, Roads Ruby Bay. The applications, made in accordance with the Resource Management Act 1991 (“the Act”), were lodged with the Tasman District Council and referenced as RM070416, RM070417, RM070418, RM070419, RM070420, RM070421, RM070422, RM070423, RM070424, RM070425, RM070426, RM070427, RM070428, and RM070429-RM070539 (inclusive).

(Note that an amended plan was tabled at the hearing which showed the building platforms of proposed Lots 8 and 9 relocated and with Open Space Covenants added to proposed Lots 3 – 12 inclusive and the boundaries between Lots 7 and 8 and 8 and 9 adjusted).

### **PRESENT:**

#### **Hearings Committee**

Cr E M O’Regan, Chairperson  
Cr S Bryant  
Cr E Henry

### **APPLICANT:**

Mr M Maclean, Counsel for Applicant;  
Ms M Bain, Consultant Surveyor, Engineer and Planning Consultant, Cato Bolam Consultants Ltd;  
Mr T Carter, Landscape Architect, Tasman Carter Ltd,  
Mr R M Langbridge, Landscape Architect;  
Mr D Petrie, Transport Engineer, Traffic Design Group;  
Mr A W Ormiston, Engineering Geologist and Wastewater Consultant;  
Mr M Lile, Planning Consultant, Landmark Lile Ltd;  
Mr T Kroos, Consultant Ecologist;  
Mr R Bennison, Registered Valuer and Farm Management Consultant, Duke and Cooke Ltd;  
Mr P D Reaburn, Planning Consultant, Cato Bolam Consultants Ltd.

**CONSENT AUTHORITY:** **Tasman District Council**  
Mr M Morris, Co-ordinator, Subdivision Consents;  
Ms M Bishop Consent Planner Land;  
Mr M Durand, Co-ordinator Natural Resources Consents;  
Mr D Ley, Development Engineer;  
Mr R Ashworth, Transport Engineer;  
Mr A Burton, Resource Scientist Land;  
Mr N Tyson, Consent Planner Water;  
Ms R Squire, Community Services Planner.

**SUBMITTERS:** Mrs A Crosbie, (on behalf of T and A Crosbie);  
Mr P Groenewegen, (on behalf of P and B Groenewegen);  
Mr G Sutton (Late Submission);  
Mr D Goodman;  
Mr D Stones, (on behalf of D and L Stones and F Menzies);  
Mr C M McNally;  
Mr D Rainham, (on behalf of D and C Rainham);  
Mr J P Nicholson;  
Mrs S Higgins (on behalf of P and S Higgins);  
Ms L Kohen (on behalf of J and L Kohen);  
Ms S Fraser, (on behalf of S Fraser and G Fox and with evidence called from D Jowett);  
Mr R Mattlin, (on behalf of R and C Mattlin);  
Mrs H MacDonald, (on behalf of H MacDonald and P Hill);  
Mr P A Kortegast, (on behalf of Transit NZ);  
Mr T Bryant, (on behalf of Royal Forest and Bird Protection Society - Nelson/Tasman Branch),  
Mr A Hill (on behalf of A and C Hill);  
Mrs G Eggeling, (on behalf of G Eggeling and S Edwards and F M Christie).

**IN ATTENDANCE:** Mr R Askew, Principal Resource Consents Adviser –  
Assisting the Committee  
Mrs V Gribble – Committee Secretary

## 1. DESCRIPTION OF THE PROPOSED ACTIVITY

Ruby Bay Developments Limited has lodged a number of resource consent applications relating to a subdivision, residential development, community activity, earthworks, works in watercourses and associated wastewater and stormwater discharges in the Rural 3 zone.

### **Subdivision Consent and Land Use Consent (Application RM070416)**

To subdivide five titles into the following:

- One allotment of 1.8 hectares for the community activities (Lot 502);
- 104 residential allotments ranging between 0.27 and 1.6 hectares in area (Lots 1-104);

- 11 larger rural allotments ranging between 2.3 and 10.14 hectares in area (Lots 200-213). Lot 203 is to be amalgamated with Lot 204, Lot 211 is to be amalgamated with Lot 213 and Lot 207 is to be amalgamated with Lot 212;
- Two recreation reserves to vest in Tasman District Council (Lots 400 and 401);
- Four stormwater mitigation allotments (Lots 500 and 501, 504 and 505); and
- One allotment of 15.1 hectares, which is proposed to be protected by a Queen Elizabeth II National Trust covenant for wetland protection, landscape amenity and stormwater mitigation (Lot 503).

The subdivision is proposed to be developed in six stages as follows:

**STAGE 1:**

- Lots 1-20 inclusive (20 residential lots)
- Lots 200-203 inclusive (4 pastoral lots)
- Lots 300-304 inclusive (5 access lots)
- Lots 500 and 501 (2 stormwater covenant lots), to be owned by the Ruby Bay Residents Society (Inc)
- Lots 600 and 601 to vest as Road (both road and road reserve area)
- Balance Area

**STAGE 2:**

- Lots 21- 42 inclusive (22 residential lots)
- Lots 305-309 inclusive (5 access lots)
- Lot 400 to vest as a local purpose reserve (recreation)
- Lot 602 to vest as road
- Balance Area

**STAGE 3:**

- Lots 43-59 inclusive (17 residential lots)
- Lots 204 and 205 (to be held together in one certificate of title as a pastoral lot)
- Lot 310 (access lot)
- Lots 502 (community centre), 503 (wetland) and 504 (riparian open space stormwater covenant), to be owned by the Ruby Bay Residents Society (Inc)
- Lots 603 and 604 to vest as road
- Balance Area

**STAGE 4:**

- Lots 60-82 inclusive (23 residential lots)
- Lot 206 (large residential lot)
- Lots 311-313 (3 access lots)
- Lot 401 to vest as local purpose reserve (recreation)
- Lots 605 and 606 to vest as road

**STAGE 5**

- Lots 83-96 inclusive (14 residential allotments)
- Lots 314-316 (3 access lots)
- Lot 607 to vest as road
- Lots 207 – 210 inclusive and lot 212 with lots 207 and 212 to be held together in one certificate of title (4 pastoral lots)

- Lot 505 (to be owned by the Ruby Bay Residents Society (Inc))

#### **STAGE 6**

- Lots 97 -104 inclusive (8 residential allotments)
- Lot 211 and 213 (to be held together in one certificate of title as a pastoral lot)
- Lots 317-318 (2 access lots)

A land use consent is also sought to construct and vest roads and construct right-of-ways and vehicle accesses that do not meet all of the permitted activity criteria of the Proposed Tasman Resource Management Plan.

#### **Land Use Consent (Application RM070417)**

To construct a single dwelling and accessory buildings within a nominated building area on proposed Lots 1-104, Lots 200-203 and 205-211 of the subdivision application described above (Application RM070416). A total of 115 dwellings are proposed to be built.

#### **Land Use Consent (Application RM070418)**

To establish and operate a community activity on proposed Lot 502 of the subdivision application described above (Application RM070416). The Community Centre would be for the use of residents of the subdivision and incorporates a 200 square metre building, a car park, swimming pool, tennis court and a 5-hole "chip and putt" golf course.

#### **Discharge Permit (Application RM070419)**

To discharge collected stormwater from buildings, roads, and other hardstand areas to land and surface waterbodies from the subdivision application described above (Application RM070416). The stormwater flows will be treated and attenuated through the use of stormwater detention ponds, bush protection and/or regeneration and on-site measures for each new building.

#### **Water Permit (Application RM070420)**

To divert stormwater in conjunction with the discharge permit RM070419 outlined above.

#### **Land Use Consent (Application RM070421)**

To undertake up to 190,000 cubic metres of earthworks and vegetation removal for the construction of roads, building platforms and stormwater devices associated with the subdivision outlined above (Application RM070416).

#### **Land Use Consent (Application RM070422)**

To place culverts and stormwater attenuation dam structures on the beds of watercourses associated with the subdivision outlined above (Application RM070416). This application also covers the disturbance of the beds of watercourses during the placement of the culverts and construction of the stormwater attenuation dam structures.



### **Water Permit (Application RM070423)**

To dam water where the catchment area exceeds 20 hectares for the attenuation of stormwater associated with the subdivision (Application RM070416).

### **Discharge Permit (Application RM070424)**

To discharge secondary treated wastewater of a domestic nature to land by way of subsurface dripper line irrigation on proposed Lot 502 (Community Centre) of the subdivision.

### **Discharge Permits (Application RM070425-RM070428)**

To discharge up to 1,200 litres of secondary treated domestic wastewater per day to land by way of subsurface dripper line irrigation from residential dwellings on proposed Lots 22, 34, 35 and 41 where there is insufficient area for a 100% reserve on-site disposal area.

### **Discharge Permits (Application RM070429-RM070539)**

To discharge up to 1,200 litres of secondary treated domestic wastewater per day to land by way of subsurface dripper line irrigation from residential dwellings on Lots 1-21, 23-33, 36-40, 42-104 and 200-213 (a total of 111 discharge permits).

## **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  
Areas: Land Disturbance Area 1 and Wastewater Management Area

The application is considered to be a Restricted Discretionary Activity under subdivision rule 16.3.9D in that the proposal has allotment areas less than the Controlled Activity standards of 50 hectares and not all permitted transport standards are complied with.

The dwellings are considered to be a Controlled Activity pursuant to rule 17.5A.5 and the community centre is a Restricted Discretionary Activity under rule 17.5A.17.

The earthworks are a Controlled Activity under rule 18.6.4 and the disturbance of the watercourse is pursuant to Section 13 of the Resource Management Act 1991.

The PTRMP permits the diversion, damming and discharge of stormwater subject to specific criteria (Rule 36.4.2). The stormwater diversions and discharges on Rural 3 land however are not authorised by the rule and are therefore considered to be controlled under Rule 36.4.3A.

The application site is within the Wastewater Management Area.

Rules affected and the status of each wastewater0 application are summarised below.

### Status of discharge applications under the PTRMP

<b>Proposed Lots</b>	Lot 502	Lots 22, 34, 35 and 41	Lots 200–211 and remaining residential lots.
<b>Source of wastewater</b>	Community centre	Dwellings	Dwellings
<b>Application Nos.</b>	RM070424	RM070425 – RM070428	RM070429 – RM070539
<b>Affected Rule Reason</b>	36.1.4(aa) Disposal is proposed in imperfectly drained and / or poorly drained soils	36.1.4(aa) Disposal is proposed in imperfectly drained and / or poorly drained soils	36.1.4(aa) Disposal is proposed in imperfectly drained and / or poorly drained soils
<b>Affected Rule Reason</b>	36.1.13A(a)  Discharge is not from a dwelling	36.1.13A(a)(ii)  100% reserve area is not available	36.1.13A(a)(ii) For all lots within RM070429 – RM070539, except proposed lots 200–211 Discharge is proposed on a lot that is proposed to be less than 2 ha in area
<b>Applicable rules application</b>	36.1.14A	36.1.16A	36.1.13A and 36.1.14A
<b>Status</b>	<b>Restricted Discretionary</b>	<b>Non-complying</b>	<b>Controlled Restricted or Discretionary</b>

### 3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 21 July 2007 pursuant to Section 93 of the Act. A total of 52 submissions were received. The following is a summary of the written submissions received and the main issues raised:

#### Summary of Submissions:

<b>Submitter</b>	<b>Reasons</b>	<b>Decision</b>
1. P and B Groenewegen	Access – Marraiges/Awa Awa Rd not wide enough, increased noise from vehicles, safety and amenity concerns, wants a bike lane defined through subdivision Visual Impact – question that 115 properties is too many for the area, no restrictions on out buildings and future development/subdivision of larger lots, concerned building sites might change; Phone – may impact on existing internet users Water – rainwater tanks not adequate in dry area, may get over spray from orchards; Sewage – on-site not suitable for density, could be poorly operated by individual owners, community treatment plant a better idea including reuse as irrigation as well as using	<b>Decline</b>  Wished to be heard at the hearing.

Submitter	Reasons	Decision
	stormwater and grey water for irrigation; Power – should be underground and questions whether the development will lead to increased power failures and fluctuations.	
2. J P Nicholson	Concerned traffic volumes will cause problems with farming activities, intersection of Marriages Rd and SH60 a problem now, Awa Awa Rd not suited to heavy traffic, believes should use Dicker Rd and the new by-pass, not Awa Awa Rd.	<b>Decline</b>  Wished to be heard.
3. JRC Lee	Believes this application should be withdrawn pending the outcome of water permit RM070187 (TDC to take water from Motueka Aquifer for coastal communities), concerned educational, social and medical services will not cope with influx, and water tanks should be the sole source of supply.	<b>Decline</b>  Wished to be heard.
4. R and B Keyvar	None given	<b>Grant</b>  Did not wish to be heard.
5. NZ Fire Service Commission	Would like a condition that any new dwelling complies with the NZ Fire Service Code of Practice for Fire Fighting Water Supply SNZ PAS 4509:2003	<b>Did not indicate</b>  Wished to be heard.
6. J and L Kohen	Marriages and Awa Awa Roads barely adequate for current use, additional traffic will worsen safety and amenity issues. The community needs its own access to the state highway.	<b>Decline</b>  Wish to be heard.
7. S Padrutt	Safety concerns of pedestrians, horse riding, cyclists and other vehicles on Awa Awa Rd and potential for stormwater to overflow onto road. Is there enough water storage if there is a fire and would like to see more public roads through the subdivision and the community centre for Awa Awa and Dicker Rd residents as well as residents of subdivision.	<b>Decline</b>  Wished to be heard.
8. D Goodman	Has concerns of potential reverse sensitivity issues of noise and spray drift problems from his orchard and clash of orchard vehicles during harvest with increase in traffic on Awa Awa and Marriages Rd. He suggests conditions of further setbacks from the orchard boundaries, plantings along the boundary, emanation easement for lots 1-20 and lot 202 and the access be gained from the Old Coach Road side.	<b>Decline</b>  Wished to be heard
9. L M Toole	The 115 housing lots takes away the rural nature of the area and will be visually sensitive to those living nearby, the financial benefit is leaving the land in forest or farmland, increased pressure on the wetland to cope with the additional stormwater runoff and flow on effects on other properties and if granted would like only 25 larger lots to enable agricultural use.	<b>Decline</b>  Does not wish to be heard
10. G Calman	Concerned with road development around the existing dam and the existing formation of Awa Awa Rd, larger lots need covenants to prevent further subdivision, alternative route via Old Coach Rd and the By-pass or other way. If granted he would like Awa Awa Rd and its intersection with Marriages Rd upgraded	<b>Decline</b>  Wished to be heard
11. R and C Lovell	Marriages Rd will not be able to service the new subdivision in its present condition.	<b>Decline</b>  Did not wish to be heard

Submitter	Reasons	Decision
12. Transit NZ	Concerns with assumption not being correct that traffic will not turn to and from the Ruby Bay By-pass via Seaton Valley Rd connection that will create substantial turning traffic if using this route. Reverse sensitivity issues with noise and vibration that may emanate from the operation of the Ruby Bay By-pass. The applicant should meet the cost of upgrading the Marriages Rd/SH60 intersection and put other measures in place to mitigate the first two concerns should the application be granted.	<b>Decline</b>  Wished to be heard
13. T and A Crosbie	Even with proposed landscaping the subdivision will not be rural in nature, will not create rural landscape patterns and will not ensure the overall preservation of the rural landscape. 58 of the lots are less than 5000sqm (minimum lot sizes in the Rural Residential zone without reticulated water are between 5000sqm and 4ha), so will not support rural or lifestyle development and are suburban in character, not rural. There is no clear or logical relationship with the nearest settlement of Tasman or the existing road network and Awa Awa Rd/Marriages Rd and Dickers Rd/Old Coach Rd and intersections do not have the capacity to safely accommodate the proposed traffic, including water tankers. Other concerns relate to the future availability of reticulated water, the ability of the Moutere clay to absorb wastewater disposal and light pollution.	<b>Decline</b>  Wish to be heard
14. H McDonald and P Hill	Concerned with the condition of Dicker and Old Coach Rds and there being no access to Ruby Bay By-pass from Dicker Rd. The number of dwellings will impact on infrastructure and the environment and water tanks are unsightly. If granted they suggest conditions to restrict earthworks (not on Sundays), upgrade Dicker and Old Coach Rd with speed restrictions/humps, underground power (need more detail on the supply) and underground water tanks.	<b>Decline</b>  Wish to be heard
15. K Hine	The local rural roads are dangerous and if consent is granted suggested conditions include upgrading Marriages Rd and Pomona Rd (including a cycle/walkway), Pine Hill paper road is formed to give more direct access to SH60, cycleway/walkway in subdivision extended to Awa Awa Rd and the community facilities should be open to everybody with an entrance fee where necessary.	<b>Decline</b>  Does not wish to be heard
16. P Copp	Awa Awa Rd, Marriages Rd and intersections are dangerous and require major upgrading. Existing neighbouring farmers may experience reverse sensitivity problems jeopardising permitted rural activities	<b>Decline</b>  Wished to be heard
17. Department of Conservation	Supports the protection and enhancement of aquatic, riparian and wetland habitats, proposed landscape controls, weed eradication, restoration planting and pest management, stormwater management features, recreation reserves and public walkway to and around the wetland. If granted, conditions of consent should address the above matters. The ecological value can be further enhanced by eco-sourcing planting and avoid planting of invasive species.	<b>Neutral</b>  Did not wish to be heard.
18. P A Malcolm	Better use of unproductive land.	<b>Grant</b>  Does not wish to be heard

<b>Submitter</b>	<b>Reasons</b>	<b>Decision</b>
19. P S and R M Malcolm	Land is not productive and ideal for housing.	<b>Grant</b>  Does not wish to be heard
20. L K Richards	Supports the application as long as the road access from the highway, Marriages Rd, Awa Awa Rd and intersections to the subdivision is improved including road markings on Awa Awa Rd.	<b>Grant</b>  Did not indicate
21. P D Crowsley	Supports the application as long as the road access from the highway, Marriages Rd, Awa Awa Rd and intersections to the subdivision is improved including road markings on Awa Awa Rd.	<b>Grant</b>  Did not indicate
22 and 23. R D and E Richards (2 submissions)	Are neutral regarding the application but wants the application declined unless the roading problems can be sorted between the State Highway, Marriages Rd, Awa Awa Rd and intersections.	<b>Decline</b>  Did not wish to be heard.
24. P and S Higgins	The proposal will enhance the area and costs will be prohibitive to turn this land into high production agricultural/horticultural use. This development will meet the projected high growth demand in Tasman.	<b>Grant</b>  Wish to be heard.
25. A and E Wiig	Do not oppose the development but have concerns with the Awa Awa/Pomona/Marriages Rds and intersection formation. They request consideration be given to alternative access either upgrading Dicker Rd or to Hortons Rd.	<b>Neutral</b>  Did not indicate
26. J A Raper	Concerned with the standard of the roads, if consent is granted she suggests the formation of a dedicated cycleway along Awa Awa, Marriages and Pomona Rds.	<b>Decline</b>  Does not wish to be heard
27. G R Nutall	Safety concerns on the roads (Marriages/Pomona/Awa Awa Rds) and stress it could put on existing rural activities (spray and noise issues).	<b>Decline</b>  Wished to be heard
28. Royal Forest and Bird Protection Society – Nelson/Tasma n Branch	They question the development involving commuting and pollution that could be lessened with bus services and car pooling. They understood Cluster housing to be grouped housing together with communal gardens/plantings/fields but the proposal only has dispersed housing and communal recreation facilities. They support the protection of the wetlands and request the development be dog and cat free (as these pets have a negative effect on bird populations), and environmental monitoring occurs. They would like central facilities for car/boat washing so oils/detergents/didymo can be filtered out before passing into the stormwater system.	<b>Neutral</b>  Wish to be heard
29. S Fraser and G Fox	The proposal is almost 3 times larger than the village of Tasman and will change the rural character of the area of wide green spaces and associated demands on facilities in Tasman and Mapua will be too large. The application fails to take into account the traffic impact on Dickers/Old Coach/Seaton Valley Rds/access onto the By-pass and the volume of traffic along quiet country roads will be detrimental to current life styles in the area and will contradict the RMA to protect the environment of local communities.	<b>Decline</b>  Wished to be heard
30. D Mitchell	Concerned about the conversion of the rural landscape to rural-residential housing, ribbon urbanisation along SH60, development in Tasman basin and should be focused around the existing Tasman community with a green belt between Tasman and Mapua-Ruby Bay, noise and other effects of the	<b>Decline</b>  Did not indicate

Submitter	Reasons	Decision
	By-pass, reliance on roof water is unsustainable, inadequate provision for traffic on Awa Awa and Dicker Rds with no public transport available, pollution of waterways from land disposal of wastewater that may lead to increased water pollution in the village of Tasman, stormwater problems in Tasman exacerbated, lack of public roads and walkway/cycleway links within the subdivision, the impact on services and facilities of adjacent communities and lack of planning for the traffic increase.	
31. Mapua and Districts Business Association	Concerns include impacts and interactions with business communities of Tasman, Mapua, and possibly Upper Moutere (has any study been undertaken?), private golf course when public course not far away (should encourage integration), who is responsible for the maintenance of private amenities, how will the community association be funded, how will development impact on linking traffic flow, stormwater, sewage etc?	<b>Decline</b>  May wish to be heard.
32. Nelson Marlborough District Health Board	Oppose the potable water source being rainwater collection without treatment and individual on-site wastewater disposal. The collection of stormwater in ponds and dwellings close to the wetland has the potential for nuisance insect problems. They propose rainwater is individually collected but centrally treating and distributing it and could be used when the council reticulated supply becomes available. They also propose a centralised wastewater treatment facility and promote thoughtful stormwater design to mitigate effects of nuisance insects.	<b>Did not indicate</b>  Wish to be heard.
33. D G and E S Cunningham	Support the application but Old Coach Rd from Seaton Valley Rd through to Dicker Rd will have to be extensively upgraded to carry the increase in traffic volumes.	<b>Grant</b>  Did not wish to be heard
34. R Nutall	Does not believe access should be from Marriages/Awa Awa Rd due to narrow roads, poor intersection and Dicker Rd entry should be used. The smaller lots may have a problem in handling wastewater and cross boundary conflicts with rural agricultural activities and lifestyles prevent urban homeowners integrating in a rural community.	<b>Decline</b>  Does not wish to be heard
35. R and C Mattlin	Have concerns with roading (Old Coach Rd), wastewater, water and questions if power lines will be underground and where the off ramp is for the By-pass. They want to know why the height restriction is being ignored and by having an exclusive community it destroys an overall community sense for the area.	<b>Did not indicate</b>  Wish to be heard.
36. J Hine	The development will be suburban and rural nature of the land will be lost, major traffic problems for existing roads, a lack of water supply for so many houses, segregated community due to areas used by development residents only, lack of school places for children newly placed in the area and strain on other resources, impact of planting on existing views. If granted she suggests the number of residential sections be greatly reduced and large enough to appear rural, height restrictions to preserve existing views, colour restrictions to blend buildings in the environment, roads upgraded and By-pass to have an entrance/exit leading into newly developed area.	<b>Decline</b>  Does not wish to be heard
37. G Eggeling and S Edwards	Oppose the application due to roading and traffic issues for both routes, unsightly plastic water tanks, question where grey water will run off to, 10 year time period is too long as local residents endure construction problems for the 10 years, excessive density at the southern end and associated impacts on farming practices and livestock, assume power is underground, exclusive community centre not conducive to the whole community and local resources will be under pressure. If granted conditions should include upgrading roads and off ramp from Dicker Rd to By-pass, speed limit on Dickers/Old Coach	<b>Decline</b>  Wish to be heard

Submitter	Reasons	Decision
	Rds, incorporate firefighting facilities, buildings to be set into the landscape and single storey, have a reticulated water scheme or height restriction on water tanks, time period less than 10 years, restriction on noise during construction, communal wastewater treatment facility, no community centre, underground power supply and no impact on forest and fauna.	
38. F M Christie	Supports the application but would like conditions to upgrade Dicker/Awa Awa/Marriages Rds and impose a 60kmph speed limit, to address firefighting facilities, height restrictions for buildings, underground power and phone lines, ensure safety of underground water from effluent disposal, covenant preventing further subdivision, secure boundary between the development and the submitters farm.	<b>Grant</b>  Wished to be heard
39. A and C Hill	They are concerned the development will create an unplanned link between SH60 and the By-pass and application underestimates the use of the Dicker/Old Coach Rd route. They suggest no access to Dicker Rd or upgrade Dicker/Old Coach Rds or connect Dicker Rd to the By-pass. Water tanks are unsightly and will need water tankers that create more traffic problems – they should have their own reticulated system. They question how the golf course is to be irrigated and if grey water is to be used, where is the run-off? The development should have its own wastewater treatment facility, provide more information on the building timeline, too many properties are proposed and are too high in concentration at the southern end, are too near ridgelines that will impact on the visual landscape, presume power will be underground, do not like exclusive facilities (there are local facilities anyway) and question the maintenance of plantings and public spaces.	<b>Decline</b>  Wish to be heard
40. R Martin	Opposes the application due to the size of the lots being too small, current roading not sufficient for additional traffic, local schools are already full, and the height of tree planting affecting existing views. If granted conditions should include larger lots, less housing, single storey housing, colour restrictions, plant height restrictions.	<b>Decline</b>  Does not wish to be heard
41. L Ravagli	Opposes the application due to concerns regarding the increased traffic on Pomona and Marriages Rds and inadequate water supply. If granted suggested conditions include upgrading Pomona and Marriages Rds and include reservoirs for the water supply.	<b>Decline</b>  Does not wish to be heard
42. M Schuetz and R Reich- Attwood	They oppose the application due to concerns of traffic on Pomona/Marriages Rds and the intersection with SH60. They question whether water tanks and overflow trenches will cope with down pours and the use of water tanks in draught times is not environmentally friendly. If granted a turning bay should be constructed on SH60 for vehicles turning into Marriages Rd.	<b>Decline</b>  Did not wish to be heard
43. Dr C Saunders	The development will cause a huge increase in traffic along Dicker/Old Coach Rds that are poorly equipped for the increase and so will impact on residents with dust, noise and safety issues. If granted access should be to Awa Awa Rd only until the By-pass is operational and Dicker/Old Coach Rds upgraded including a provision of a pedestrian/cycleway.	<b>Neutral</b>  Does not wish to be heard
44. C Hughes and A Munro	They oppose the density and concentration of settlement that does not preserve the rural nature of the area, the development needs an alternative access to SH60 as Awa Awa/Marriages Rds and intersections are not fit for any additional traffic, the proposal conflicts with existing horticultural practices and vehicles, more traffic increases pollution and noise particularly construction vehicles driving up the hill over a 10 year period	<b>Decline</b>  Wish to be heard

Submitter	Reasons	Decision
	and traffic by the dam might destabilize it. They want power and phone underground with assurances local power supply will not be further compromised, many water tanks will be unattractive, the recreational facilities also require water (how is this to be met), the wastewater should be an integrated system as problems with on-site disposal on small sites, concerns of downstream properties from stormwater run-off, built development to preserve visual amenity and ridgeline integrity, include a dam for firefighting purposes, vegetation control during development and can residents light open fires? They also want light pollution abatement measures and want the consent declined unless all concerns are satisfactorily resolved.	
45. D and C Rainham	Oppose the application as tall amenity trees, street lighting, road signage and power lines will obscure their view of the dam and be a blight on the landscape and disturb the dark rural nights. Increased traffic will cause safety, pollution and noise problems and might destabilize the dam and restrict its bird life. They are also concerned with dust and dirt from the earthworks and oppose the subdivision using Awa Awa Rd as its main thoroughfare.	<b>Decline</b>  Wish to be heard
46. D and L Stones	Oppose the application due to the unsuitability of Awa Awa Rd and the intersection with Marriages Rd, increased traffic noise and greater danger to the public from increased traffic.	<b>Decline</b>  Wish to be heard
46A P Bean (submission attached to the Stones – Corrected during the hearing to be considered a separate submission)	Would not like Dicker Rd north and south connected along the existing paper road due to increased traffic, road widening, increased speeds and noise and safety concerns.	<b>Did not indicate</b>  Did not indicate whether he wished to be heard
47 Ruby Bay Community Trust	They oppose the non-rural activities/residential conversion that creates infrastructure demand pressures without productive increase from the rural land. If granted conditions should deny access via Awa Awa Rd until its upgraded, the development should provide its own water and wastewater treatment plant, all service utilities underground, no buildings on ridges, landscape all building platforms 2 years pre-sale and support other conditions for capital contributions.	<b>Decline</b>  Wish to be heard
48. F Menzies	Opposes the development due to concerns with the unsuitable formation of Awa Awa and Dicker Rds, the community centre should be available to nearby residents also, the visual pollution of power and phone lines and water and sewage run-off.	<b>Decline</b>  Wished to be heard
49. H Gordon	While supporting the application the submitter has strong concerns regarding road safety matters and the manner in which the applicant has addressed them. Conditions should be imposed to upgrade Awa Awa/Marriages Rds and intersections.	<b>Grant</b>  Wished to be heard
50. C M McNally	Opposes the application due to visual and noise impacts during construction, increased traffic and safety/noise issues, possible effects on orcharding practices, introduction of cats and dogs close to wetlands, lack of viable land for agriculture and position of access drive from Awa Awa rd to the ridge. If granted suggested conditions include alternative access, reduced housing numbers, external lighting restrictions, pet restrictions, viably-sized agricultural lots, future subdivision covenants, engineer access up the hill and add access from Old Coach Rd.	<b>Decline</b>  Wished to be heard



<b>Submitter</b>	<b>Reasons</b>	<b>Decision</b>
51. G Sutton (received late) Accepted at hearing	Opposes the route to the subdivision from Awa Awa Rd and suggests an alternative route be found and native gulleys should not be fenced to encourage the return of wildlife to the area.	<b>Decline</b>  Wished to be heard
52. D Jowett (received late) Not accepted at hearing	Is neutral regarding the application and has concerns regarding the significant increases in vehicle movements along Old Coach Road from the development and believes a connection to the Bypass close to the development be included in roading plans.	<b>Grant</b>  Wished to be heard

#### **4. PROCEDURAL MATTERS**

##### **Status of Some Committee Members**

The hearing commenced on the 9 October 2007, with all three members of the Committee being Councillors appointed by the Tasman District Council to hear this application. On 13 October 2007 (following the public part of the hearing), the results of the Local Body Elections were announced and two of the Councillors on this hearings panel were not re-elected to Office. The Tasman District Council had considered such a situation could arise and provided for the continuity of previous Councillors to preside on Hearings Committees however the status of Cr Henry and Cr O'Regan (who is the Chair of the Committee) changed following the election results to that of Commissioners. Therefore the correct titles of the hearing members will be applied as at the relevant date and the signatory to this report, decision and consents will not be referred to as Cr O'Regan but as Commissioner O'Regan.

##### **Submissions**

The Chair was advised that two late submissions had been received. The late submission from Mr G Sutton was accepted as the receipt date was Monday, 20 August 2007 being the next working day following the last date for receipt of submissions (17 August 2007). The Chair did not accept the late submission from Mr D F Jowett as this had been received on 5 September 2007, 23 working days following the final day for receipt of submissions. Mr Jowett was however advised he could appear as a witness for one of the other submitters should they wish to call him.

The submission by Mr P D Bean was noted and that this had been attached to the submission by D and L Stones although there was no linkage. The Committee noted the issues raised in Mr Bean's submission and which was referred to in the Officer's report.

##### **Order of Proceedings**

The Chair acknowledged that some submitters had commitments which precluded there being able to present their submissions in the order that usually is taken for the hearing proceedings. With the agreement of the applicants, the Chair ruled that the order of proceedings be adjusted to accommodate all parties present who wished to be heard.

**Note that for the purposes of this report the record of statements from Witnesses, Submitters and Council's reporting officers have been placed in the order that would normally be followed during a hearing.**

### **Request for Further Information**

During the public-excluded portion of the hearing on 18 October 2007, the Committee requested additional information from the applicant pursuant to section 41C (3) of the Act, to confirm that a volunteered condition to upgrade Dicker/Old Coach Road can be complied with.

## **5. EVIDENCE HEARD**

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

### **5.1 Applicant's Evidence**

Mr Malcolm Maclean, Counsel for the applicant tabled and presented evidence on behalf of the applicants, Ruby Bay Developments Ltd.

Mr Maclean said wetland Lot 503, stormwater Lot 501, lower pond, Lots 504 and 505 all will be owned by the Incorporated Society. The staff report also recommended that the Incorporated Society own and manage the 200 series (pastoral lots). Mr Maclean said the company's lawyer has checked the titles and said that the existing easements will not frustrate the application.

Mr Maclean, in regards to the proposed Incorporated Society, said there is history of other instances where development had an Incorporated Society which had management rules in place. Specifically this approach has been used in the case of Mangawhai Developments Ltd vs Kaipara District Council where the Environment Court endorsed a similar management proposal under the Act. Mr Maclean said that it is proposed that consent notices be registered on all residential and pastoral titles requiring proprietors of those titles to be members of the society. Membership would transfer to successive property owners.

Ms Bain, Registered Professional Surveyor, Engineer and Planning Consultant, tabled and read her evidence. Ms Bain said that Lots 400 and 401 are proposed as public reserves to vest in Council for the benefit of the general public. Ms Bain said the proposal is to limit the suppliers of wastewater systems and owners would be required to have maintenance contracts with those suppliers to give Council security in knowing reputable suppliers were being used for wastewater installation. She said it was proposed that there will be consent notices on all relevant titles requiring a maintenance contract with suppliers requiring regular maintenance.

Ms Bain said the community centre will be developed as part of Stage 3 and works will be completed at the applicant's cost before Section 224 of stage 3 is issued,. She said the proposed width of footpaths is 1.5 metres which is shared walkway/cycleway. Ms Bain said the domestic sprinkler standard require only an additional 2,000 litres of storage over and above normal tank supply. In regards to the gradients proposed for roads and walkways the applicant responded that in some cases steeper gradients were preferred to reduce the amount of cuts in the landscape. Ms Bain said car park designs are shown on both reserves and by the

community centre. Ms Bain said the applicants are keen to see reserves included in the development. She stated that 6,000 square metres and 8,000 square metres are decent-sized reserves. Ms Bain said the proposal and recommendation from Council is that Dicker Road/Old Coach Road will be upgraded from the southern boundary through to Lacebark Lane. Ms Bain said the only vegetation that would be removed from the wetland is in relation to weed control. At the southern end there might be minor disturbance. Ms Bain said Dicker Road runs along the ridgeline. Relocating it could be considered but it would not place it in the best position in regards to the natural topography.

Mr Carter, Landscape Architect was in attendance and tabled and read his evidence on behalf of the applicants. Mr Carter said that the reserve were chosen following an evaluation. The sites emerged as reserves because of the way they were located in relation to residential development. They form part of the wildlife corridor, and also had good topography with good views. Mr Carter said that over half the reserves were proposed as open space. The reserves have been subject to a design process in consultation with Community Services. Mr Carter said the landscape projects work on a seasonal or annual basis. By the time you get to five years it should be self-sustaining. He said species height has to be looked at very carefully and it is important that you get the right trees in the right place at the beginning.

Mr Langbridge, Landscape Architect, was in attendance and tabled and spoke to his evidence on behalf of the applicants. Mr Langbridge said one of the important characteristics of rural landscape are large trees. He said that as a general rule, seven metres was not a blanket cover.

Mr Maclean referred to appendix A of the application document which relates to view protection and that Mr Carter would be able to delineate on a plan where large trees (above seven metres height) would be restricted and would bring this to the Committee later during the hearing.

Mr Carter tabled a plan which showed sites referred to in the land use control schedule and subject to seven metre height restriction, which are proposed to be on property titles. There is a framework to ensure views are maintained outside the clusters. There is ample room on the site which is not affected by height restrictions for large trees to establish without fear of them blocking views.

Mr Carter said type-one amenity trees are proposed for the entranceway off Awa Awa Road which are of a type that will provide visibility underneath the canopy. Mr Carter noted that Mr Rainham wanted to maintain the view of the pond and that could be worked through. Mr Carter advised that there does not have to be continuous lines of trees and an ostentatious entranceway and it was appropriate to have a very low-key entrance, without gates, and perhaps a simple post and rail fence would suffice.

Mr Petrie, Traffic Engineer, was present but was indisposed and asked Mr Peter Reaburn to read his evidence on his behalf. Mr Petrie's evidence contained an indicative layout of the Awa Awa/Marriages/Pomona Roads intersection but he advised that other layouts for the intersection could work just as well. Mr Petrie stated that he understood the entrance off Awa Awa Road would be sealed before the sections are sold. Mr Petrie said Transit was reluctant to have any access onto the proposed Ruby Bay bypass, but have accepted it is an alternate route choice for the residents. The reason for the on-ramp at Seaton Valley was to reinstate the

cross link. Transit did not want traffic going up through this subdivision to get to Nelson via the bypass rather than using the Coastal route.

Mr Petrie understood that the Awa Awa Road leg-in strip was the access provided into this larger lot, which was the only access onto Awa Awa Road. Mr Petrie said 6.0 metres sealed width which is the Council's rule for that volume of traffic and was sufficient for Dickers Road. He added that there is still shoulder width outside that and 6.0 metres of seal.

Mr Ormiston, Engineering Geologist and Wastewater Specialist, presented evidence on onsite wastewater treatment and disposal systems on behalf of the applicant. He said there was a preliminary schematic layout and test pits were based on that following which some proposed sites were repositioned. Mr Ormiston, said that even the smaller lots will achieve separation distances and will achieve wastewater dispersal adequately. They have a conservative design to deal with those soils which is more than adequate. Mr Ormiston said in discussion with Council staff there had been agreement to provide for three alternative acceptable options and if people want to do something else they will need to come back to Council. He stated that composting toilets may make a house difficult to sell in the future.

Mr Lile, Planning Consultant, was in attendance and presented resource management evidence focussing on the number of dwellings for the proposal and the density of previous Rural 3 developments, which he compared to the proposal of Ruby Bay Developments Ltd.

In the absence of Mr Kroos, Ecological Consultant, Mr Maclean tabled and read his evidence which related to the ecology of the site and in particular the wetland area.

Mr Reaburn, Planning Consultant tabled and read his evidence in support of the application by Ruby Bay Developments Ltd. He advised that the applicant was willing to offer a landscape covenant for vegetation in the open space covenant areas to provide a vegetative screen against spray drift. He also agreed to a rural emanations easement on Lots 1 – 13 and Lot 202. Mr Reaburn tabled an amended version of the recommended conditions from Council staff and highlighted suggested changes. Mr Reaburn said dust issues are a relevant Resource Management Act matter and the concern was with the construction traffic. He said that it was preferred to deal with the problem at source. He said that from the applicant's point of view it will be more relevant when the development is being undertaken. He volunteered a construction environmental management plan to address the matter. Mr Raeburn advised that the amended conditions as tabled could be considered as being volunteered.

Mr R Bennison, Registered Valuer and Farm Management Consultant, tabled and read his evidence. Mr Bennison said that the steeper western faces are the least productive but on some of the lots people could choose to put olives or vineyard, but it would be on a limited scale, being more of a hobby-type activity.

Mr Bennison added that it was possible that a grazing monoculture could develop should the proposed pastoral lots be held together and owned and managed by the Incorporated Society. Mr Bennison stated that a discrete patchwork of uses was more in line with the rural character of the area. Mr Bennison stated that the guidelines discouraged building on ridges as well as productive land which sometimes created difficulties where it was possible to build. The issues about

whether the land is used for low-density residential should not be based only around productivity but should take into account other factors in the design guide, such as landscape characteristics. He said an annual rainfall of 900 to 1000 millimetres is generally sufficient to provide enough water for domestic use, provided there is enough storage to hold it and then it needs to be treated by passing through carbon filters. He said the first-flush system is simple to install and manage and he recommended both systems together.

Mr Bennison said that the steeper western faces are the least productive but on some of the lots people could choose to put olives or vineyard, but it would be on a limited scale, being more of a hobby-type activity. Mr Bennison added that it was possible that a grazing monoculture could develop should the proposed pastoral lots be held together and owned and managed by the Incorporated Society. Mr Bennison stated that a discrete patchwork of uses was more in line with the rural character of the area.

Mr Bennison was the concluding witness for the applicant.

## **5.2 Submitters Evidence**

Mrs Crosbie was in attendance and spoke to her submission. The specific parts of the application the submission related to were:

- preservation of the rural environment
- traffic generation and management
- water and wastewater

Mrs Crosbie said the proposal contains too many houses and lot sizes that are too small. She said the title "Rural 3" inferred "rural" but considers this proposal to be urban. She suggested that half the number would be preferable. She said that the Beulah Ridge subdivision is more like what she would expect in Rural 3. Mrs Crosbie said reducing the number of houses and increasing the size of lots would automatically change the layout and clusters. She said it does not feel rural in any way and said landscaping is just a token effort to try and alleviate adverse effects. Mrs Crosbie said Awa Awa Road acts as a single-lane road. It could not service the traffic the proposal would generate. They chose to live in Awa Awa Road because it was a quite rural valley. Mrs Crosbie said the intersection should be upgraded regardless of the development.

Mr P Groenewegen was in attendance to present his evidence and sought the application be declined. He expressed concern about access, visual impact, phones (broadband capacity), water, wastewater and power. He said septic tanks do not work in this locality. He said there is a stream that runs between properties and after a rain storm you can smell sewage in the stream. He said a community scheme would be preferable. In answer to a question about wastewater treatment for his own property he responded that he has a septic tank with a filter system on it.

Mr Groenewegen said he accepted the development will go ahead but Awa Awa Road in its present form is under-engineered to handle concrete trucks, diggers etc. The road also runs alongside a dam that is prone to flooding. In regards to his own water supply, he said he has a bore from an artesian well. Mr Groenewegen expressed concern about the number of properties, not the landscaping. He said anything less than what was proposed would be more acceptable by making the proposed properties larger.

Mr G Sutton, a late submitter accepted by the Committee, said that he owned the dam adjacent to Awa Awa Road and spoke to his submission. He expressed concern about the road level close to the dam. Mr Sutton said he preferred the verges of the dam to be left as an enhanced wetland.

Mr D Goodman owns and operates an orchard adjoining the northeast boundary of the subject property. Mr Goodman said that he was concerned about orchard practice and cross-boundary effects. He noted that there is proposed to be a cluster of 20 houses near an area where there will be intense spraying. He is concerned about spray drift and considers the 30 metre setback is not enough and noted that there is also a lot of noise and smell associated with spraying which is undertaken from August to May. He was also concerned about the lack of water in the area and the chance of pollution. He asked that a condition be attached to proposed Lots 1 – 20 and Lot 202 that the right to complain be removed (referred to as a Rural Emanations Easement).

Mr Goodman said he uses environmentally-friendly products and he has a water diverter from the roof which takes the first couple of hundred litres off the roof before the water continues into the holding tank. Mr Goodman said Mr Stones and Mr Rainham are neighbours of his other block and he tries to spray when the winds are right, but that is not always possible. He is not aware of any problems at present regarding spray drift affecting neighbours.

Mr Goodman was not sure of the actual rainfall, but they get a lot less rain than in other parts of the district and it would be difficult to save sufficient water supply from roof catchment. His house has a 320 square metre catchment and he can not save enough water.

Mr Goodman said that his other concern is the access onto Marriages and Awa Awa Roads. It is particularly dangerous turning into Marriages Road coming from Motueka and also coming from Nelson side. There is nowhere on the left to pull over and it is a 100 kph area. The next problem area is Marriages/Pomona/Awa Awa Roads which is a nasty intersection and a school bus stops there. Awa Awa Road is very narrow, with blind spots. He said most people like the country roads as they currently are and do not want them developed into big main roads as they enjoy the rural character of them. Some growers own or lease blocks on both sides of the road and are often crossing the road with tractors, trailers, sprayers, mowing equipment and that will certainly increase the potential for accidents with increased volume of traffic on the road. The situation is worse in the fruit-picking season when truck and trailer units are on the road to collect fruit. He suggested the most logical access would be onto the proposed Ruby Bay bypass. He recommended that the application be declined not only because of the specific issues raised by him but also because it will change the total rural character that there is now and there are far too many houses in the proposal. Mr Goodman said he considered that the property could access through that route to Seaton Valley Road and that with the bypass going right passed, it would seem the logical side to access the subdivision from.

Mr Goodman said fruit trucks turn around at his shed and will drop the trailer at his place and take the truck further up to pick up fruit, then pick up the trailer on the way back. Mr Goodman said there is a low point in Awa Awa Road adjacent to the dam which occasionally floods for about 12 hours.

Mr D Stones was in attendance to present the submission which requested that the application be declined. Mr Stones has an art gallery on his property and conducts art classes with quite a bit of traffic coming onto their property. Mr Stones said they are about 30 metres away from the new access. Awa Awa Road is only five metres in width, Marriages Road is 5.4 metres which is too narrow for two trucks to pass easily. Traffic speed has increased since Awa Awa Road was sealed. He said there are two humps in Awa Awa Road which obscure all traffic and is dangerous now and would be more dangerous with increased traffic. Awa Awa Road/Pomona Road intersection is dangerous. Awa Awa Road floods after rain when the dam overflows onto Awa Awa Road at a point just north of the proposed access to the site. Mr Stones added that he thought that a future access off Dicker Road would be preferred.

Mr Stones also presented Ms F Menzies submission which requested the application be declined. The road is a country road being too narrow for heavy traffic and the structure and design is not sufficient for increased traffic. She considers the community centre should be open and available to the general public. She is concerned about electricity demand for the development, with new power lines needed and the effect on visual amenity. She is concerned about treatment of onsite sewage for each individual property and considers there should be a central system. The 25,000 litre tank per house is insufficient, especially in the dry season and is an unreliable source of water.

Mr C M McNally was in attendance to present his submission. He stated that he lives across the road from the dam in Awa Awa Road and that he opposes the application. He is concerned about the major change in traffic volumes, in particular on pedestrians, cyclists and the noise that is created. He agreed with keeping cats out of the subdivision and asked that dogs also be prohibited to protect the birdlife in the wetlands. He was concerned about the lack of viable-sized blocks of land for agriculture and light pollution, particularly for stages one and two. He asked that external lighting not be permitted. Mr McNally said the dam is half a metre from the formed road, so is probably in road reserve. To keep it from flooding the outlet ditch would need to be dug out which is several hundred metres long. In regards to the adverse effects of artificial lighting, Mr McNally said it depended on the glow as he does not know how much light is given off. Inside the subdivision it would be alright, but nowhere near the ridgelines.

Mr D Rainham was in attendance to present his submission with support from a power point presentation. He was concerned that the entranceway to the subdivision is directly opposite his home and they value the view of the dam and country lifestyle very highly and want it preserved. He asked about the entrance gates, amenity planting, and lighting and whether it will obscure the view. He expressed concern that the resource consent period will be for ten years and the subsequent prolonged effects from noise created by trucks and developing machinery using the road and also the dust nuisance to both them and surrounding orchards.

Mr Rainham asked that conditions be considered to mitigate the effects and that could include washing his house if dust deposition occurred. He also asked to be able to have consultation with the siting of the housing on Lot 202 and considers there are too many houses in the proposal.

Mr Rainham also presented the submission by G Calman and noted the submitters concerns regarding various amenity effects and the concerns over the structural integrity of the dam.

Mr J Nicholson was in attendance to present his submission which requested that the application be declined. He is concerned the traffic volume will cause problems with farming activities. The road is narrow, dangerous and the area by the dam is low and swampy. Awa Awa Road base is not suited to heavy traffic. He suggested the entrance to the subdivision should be at Dickers Road. He said the developers should look at bores for water and rainfall in the area is about 40" per annum. He commented that he does not see the development itself as a problem, but the roading issue is of major concern. Mr Nicholson said orchards are still operating in the area and he agreed with Mr Goodman regarding truck and trailer units coming up Awa Awa Road and tractors, mowers, sprayers moving between blocks. There are other orchards further down towards Marriage Road entrance. While some orchards have disappeared there are more grapes going in around the area and they are in different blocks on either side of the road and will require truck movements traversing the road.

Mrs S Higgins was in attendance to present her submission which supported the Ruby Bay Developments Ltd application. Mrs Higgins said she lived in Wakefield and that her submission was by way of a general overview. She noted that allowing the property to become residential with rural character will help to meet growth needs and avoid haphazard subdivision.

Mrs Higgins stated that she felt that the applicants were meeting the purpose and principles of the Resource Management Act. She stated that she accepts there are still issues that need addressing, such as roading, but recommended the application be granted.

Mrs L Kohen advised that they own and operate Atalaya Vineyards on Awa Awa Road and that they oppose the subdivision. Mrs L Kohen said the access to the subdivision from Awa Awa Road would devastate the amenity values and affect safety. She said that there would be a conflict between urban and rural road usage, for example horse riding was common on quiet rural roads. She said there are other options available to the developer. Mrs Kohen said local traffic is well aware they are likely to meet children, pedestrians or animals so their pace is generally slower. People who do not know the road travel between 80 and 100 kph. It is a dangerous road and any more traffic will increase the risks. She said no parent who lives on Awa Awa Road would allow their children to go on that road even with a footpath. She asked that access onto Awa Awa Road be refused.

Mrs S Fraser tabled and spoke to her submission and that of G Fox which involved two main issues being access and some broader issues.

Mrs Fraser called Mr D F Jowett as a witness to give evidence in the form of a power point presentation. Mr Jowett said the majority of the traffic leaving the development would choose to travel down Old Coach Road rather than Awa Awa Road as the former provided a much shorter route option. He stated that the nature of Old Coach Road is winding with dangerous humps.



Mr Jowett expressed concerns regarding Transit's philosophy regarding limiting access to the Ruby Bay bypass and suggested that access to the bypass at a point close to the development be facilitated when Ruby Bay Development are planning their roading. Mr Jowett said that if there was a 50 kph speed limit he would be reasonably happy but the corner at Lacebark lane is a right-angled corner and cars travelling at 50 kph would be going too fast. He was not sure about traffic calming measures. Mr Jowett commented that low traffic volumes were accommodated but that increases in commuter traffic together with upgrading the road could increase the danger.

Mrs Fraser said there would be approximately 29 households accessing Old Coach Road from the proposed Seaton Valley on-ramp to Dicker Road.

Mrs Fraser said upgrading Old Coach Road to take more traffic would not address the fundamental concern; it is more likely to make it worse. She submitted that the application as it stands should be declined unless access to Old Coach Road is not provided or there is minimal upgrading, provision of footpaths/cycleways and a 50kph speed limit. Mr Fox said the plan for the bypass approved by local residents in 1999 was to have an on-ramp from Dickers Road. He stated that they were not against the development, but because the Dickers Road on-ramp had now apparently been abandoned by Transit that they now believe they are being severely disadvantaged. Old Coach Road he said could have otherwise become a cul-de-sac.

Mrs Fraser said even though the bypass has been moved over there could still be an access to Dickers Road down to the bypass and she urged Council representatives to put that forward to Transit. Mrs Fraser said the phrase "certified traffic calming devices" was used by the applicants and she said that they needed to know what such things were.

Mrs Fraser was also concerned about the effect of such a large subdivision on the local communities of Mapua, Ruby Bay and the surrounding district. She submitted the application should be declined until such a time as a full community needs and social impact analysis has been undertaken and considered alongside the other reports prepared by Council staff. Mrs Fraser said a person with social policy-type background, who would speak to all the community groups, including schools, pre-schools, fire brigade, medical centres etc. She said the way the report was put together would need to be clearly specified. The issue is the effect on the community on this number of developments. Mrs Fraser said there is Tasman School, Tasman Bay Christian School, Mapua School, Mahana School and a pre-school at Mapua, and Bizzi-Kids.

Mr R Mattlin tabled and spoke to his submission. He said that there were two main issues being the apparent exclusivity of the development to residents and the issues regarding roading and access. He said that the exclusive nature is not the sort of development we want for the Tasman District. He considered that at least 75% of the traffic would go through the development to Old Coach Road which was not established or designed for modern day heavy traffic usage. He suggested that the access to the Ruby Bay Bypass be at Dickers Road rather than the Seaton Valley Road access proposed. The submitter also spoke about concerns with traffic. Mr Mattlin said people moving into the development will not be aware of the water shortage problems. He said that small sections, enclosed areas and Moutere clay is not good for septic tanks. There is potential for problems with wastewater and sewage in confined areas.

Mr Mattlin said this is a rural area and people do not like street lighting and he had concerns about light pollution in the area. He said that the proposal was a small community with golf course and recreation centre for the residents and in that way it becomes exclusive to the Residents Association. Mr Mattlin said if the community centre is open to all people, then that would increase traffic volumes, or if it is not open to public it becomes "exclusive". He said that he felt that the proposal was isolating itself from the greater community and that his understanding is that access to people who are not resident in the community will be restricted.

Mrs H McDonald appeared also for P Hill and supported the submissions by S Fraser and G Fox and Mr Mattlin and evidence of Mr Jowett. Mrs McDonald said she understood the access to Ruby Bay Bypass was to be from Dickers Road and she was not aware of the change to Seaton Valley Road. Mrs McDonald is in favour of the access to the Ruby Bay Bypass being moved towards the Dicker Road end of Old Coach Road and preferably to the right of where the subdivision's road comes out of Dickers Road which would alleviate traffic flows along Old Coach Road. She stated that she would happily forego the upgrade of Old Coach Road if the access to the bypass was moved to Dickers Road. Mrs McDonald also expressed concern about possible new power lines to service the development.

Mrs McDonald said the number of dwellings relates to traffic flows and ongoing developments. She did not want to be subjected to development noise and dust for long periods of time including outside a normal working day such as Sundays. She asked for confirmation as to how the works would be managed to reduce adverse effects.

Mr P Kortegast appeared on behalf of Transit New Zealand. He tabled and spoke to evidence he presented on behalf of Transit NZ. This included photographs of the existing intersection and a proposed design to upgrade the intersection. Transit NZ submit that the intersection of Marriages Road/SH 60 and the alignment of Marriages Road to reduce the skew angle should be upgraded before construction of the development commences. He said Transit will negotiate with the developers about the upgrade of Marriages Road/SH 60 intersection. Mr Kortegast said he would be happy to have traffic calming along Old Coach Road and felt that the matters of reverse sensitivity regarding potential noise from the bypass had also been addressed. He said that the upgrading of the Marriages Road intersection was important. He felt that an estimated 50/50 split in traffic using the two alternative routes was erroneous. Mr Kortegast said that he based his assumptions on expected traffic volumes by modelling but admitted that there was an element of guesswork. He said that he was not convinced that a lot of traffic will go through to the Seaton Valley on-ramp. Transit's view is that it would like the least amount of traffic using the Seaton Valley intersection onto the bypass. The goal was to try and provide connectivity for the local community as opposed to through traffic.

Discussion was held on the Ruby Bay Bypass and pedestrian/cyclist/horse rider facilities.

Mr R Ashworth, Tasman District Council Transportation Engineer who was in attendance, in response to a question from the Committee, said Council has a responsibility to provide for all road users. Council had consultation with Transit on this design and there is an underpass which will double for pedestrians and cyclists at the Tasman end, but construction of an underpass at Seaton Valley will be dependent on prices submitted in the tendering process.

Mr Maclean, for the applicant, referred to Appendix P in the application document and the issue that the applicant forms Dicker Road/Old Coach Road through to Lacebark Lane. He said that the road alignment is of concern to Ms Eggeling, and we want to pursue the suggestion that there could be a "win-win" opportunity to move the road alignment up with agreement between Transit and Council. He said that it may also be possible to achieve an outcome between the applicants, Transit and Council which would enable the road to be formed on the existing track alignment. Mr Kortegast said it is an issue for Transit/TDC/applicant to work through. He said that it would make sense that, if in the process of forming Dicker Road/Old Coach Road, we can avoid hardship for Ms Eggeling. Mr Maclean said that Council could impose a condition for the realignment (such as proposed condition 9.13 in the staff report as amended) then it could add to such a condition to require the applicant as part of design process to engage in consultation with Transit and Council to achieve, if at all possible, an alignment which avoids interference with the property of Ms Eggeling.

Mr T Bryant who was in attendance to present the submission on behalf of the Nelson Tasman Forest and Bird said there was a missed opportunity for the possibility of smaller clusters of terrace houses and that the proposal was rural-residential in character. The Society requested that this development be pet-free as dogs and cats have such a negative effect on bird populations. They accept the number of lots is appropriate but would prefer them closer together with the rest allowed to return into native bush.

Mr A Hill was in attendance and submitted the application should be declined in its current form. He said the roading is going to cost ratepayers money. Upgrades to Dickers and Old Coach Road will basically be done for the subdivision and then Council will be expected to maintain the roads. Roads within the subdivision should be designated private roads and maintenance would then be the responsibility of the developers. He asked that all construction works be undertaken in the first two years to get all the big truck traffic out of the way. He said that he would like a clearer idea of the timeline for construction of the subdivision/development. Mr Hill said he would prefer that there was no through road.

Mrs Eggeling was in attendance and also presented on behalf of Ms F M Christie. Ms Eggeling spoke to her submission and of her concerns regarding the development and said that the biggest is the impact that traffic will have on using sub-standard roads. She said that she had concerns with the proposed access to the Seaton Valley on-ramp to the Ruby Bay Bypass and that the speed of vehicles would pose a safety risk to walkers and/or joggers. Mrs Eggeling considered that 700-800 vehicle movements a day were too many and she disputed the 50/50 estimated split in traffic routing. She said she considered that the ten year consent period is a very long time and will cause severe disruptions. She noted that there has not been a report done on the matter of schools and advised that Mapua has 20 places left, Mahana has some, but Tasman is at full capacity. She stated that she has 2.2 hectares with alpacas as stock and in addition runs a bed and breakfast facility. She said she has

three cats that will not be replaced and she has done extensive work on her property to attract birdlife. Mrs Eggeling said she was not against subdivision provided that it was done really well. She would like to see no dogs in the new subdivision as alpacas were extremely valuable and could be subject to dog attacks.

Mrs Eggeling confirmed that a previous agreement with Transit New Zealand to realign Dicker Road had since lapsed. In general she felt that the development would have a negative effect on her business and property value and therefore requested that the proposal be declined.

Mrs Eggeling was the last submitter to appear however the Chair noted the presence of Mr D Gallagher and asked if he was representing the Ruby Bay Community Trust or any other submitter to which he replied that he was not.

### **5.3 Council's Reporting Officer's Report and Evidence**

Mr A Burton, Resource Scientist, was in attendance and spoke to his report on Soil and Land Productivity contained in the agenda. He said that the applicant had outlined the extent that they went to with the design guide for Rural 3 and how they followed it through and that is how they came up with the proposition. Land productivity is only one area to be looked at and he said that his comments are strictly on productivity issues.

Mr Burton noted that Mr Bennison said because the property is in the Rural 3 zone, landscape should take greater weighting than productivity. Mr Burton said he did not agree with that as the policy provides to protect productivity. He noted that 66% of proposed houses are on easy contour land with none on steeper contoured land.

Mr N Tyson, Consent Planner, Natural Resources, was called in support to give evidence on water catchments and he said that there is a large existing dam at the mouth of the gully with a large catchment of Moutere gravel which is conducive to construction of dams. There are a number of side gullies, some of which would have sites suitable for irrigation dams. Any new dams under the Proposed Tasman Resource Management Plan would have to look at effects on summer flows. Considering all those factors he felt that there would be surplus water available to fill new storage facilities for harvesting water.

Ms R Squire, Planner, Community Services tabled valuations for the two proposed reserves. She advised that staff support provision of walkways within the proposed subdivision. She commented that Community Services has some reservations about large reserves in rural areas due to costs to acquire and maintain them. She said they would only recommend accepting the reserves at the proposed size subject to the applicant submitting landscape plans and undertaking and maintaining plantings for three years, and the reserves are vested with no credit being made to reserve fund contributions. She suggested the reserves be reduced to 500 square metres which was appropriate and suitable as a rest/viewing area. Ms Squire said a more appropriate place for children's playground would be adjacent to the community centre. The recommendation was that any plan be submitted to the Reserves Manager for approval. Ms Squire said there is no consistent size for reserves. She said that Council was comfortable with this size and consider two is fine. She said that Community Services anticipates that in these locations they will be view points. Community Services is happy with vesting of whole reserves subject to a credit for

only 500 square metres for each reserve and would accept the areas proposed subject to completion of landscaping.

Dr M Durand, Co-ordinator Natural Resources Consents, was in attendance and spoke to his report contained in the agenda. He accepted that a visual and audible alarm would be adequate for the wastewater disposal systems. Dr Durand tabled a proposal to have a condition included concerning the maximum discharge volume and flow monitoring with a water meter for the community centre and that the volume of wastewater to be discharged can be confirmed at the time of application for building consent for the community centre. He advised that there is no reason why resource consent for discharge should not be granted, subject to the proposed conditions. He noted that potential stormwater problems are being remedied onsite and that there should be no adverse effects downstream and consent for the discharge permit could be granted subject to recommended conditions. In regard to proposed setback distances to mitigate effects from orchard spray, Dr Durand confirmed what was proposed was consistent with the provisions of the Proposed Tasman Resource Management Plan.

In response to a general question regarding dust emissions Mr M Morris, Co-ordination Subdivision Consents, said there is a sediment management plan in the conditions and it could be changed to environmental management plan that would take into effect dust on properties.

Mr D Ley, Development Engineer, was in attendance and spoke to his report contained in the agenda and tabled a supplementary paper. He sought clarification of existing easements shown on the plan.

Mr Maclean offered to have the easements revoked In favour of the applicant's land.

Mr Ley advised that Marriages Road and Awa Awa Road are due to be widened to 6.0 metres in 2012 – 2016. There is a process for bringing works forward and the applicant has a copy of the policy document on that. There is a condition proposed in the consent that the applicant funds upgrading of Dicker Road and Old Coach Road down to Lacebark Road as a lot of the traffic from the subdivision is likely to use that route. Council staff would not support the applicant's request to get credits from development levies for that work. The road should be designed to a 70 kph standard. Awa Awa Road was built with competent basecourse in 2000 and if there are any failures of the road Council does the repairs. Mr Ley said that the applicant has not asked for entrance structures. There needs to be licences to occupy for any structure on road reserves. Mr Ley said the landscape plan needs to be checked off with Engineering to ensure compliance with health and safety. Mr Ley noted that Council would confirm the form of lighting at intersections. He tabled a sample for lighting bollards for footpaths previously used around Rural 3 subdivisions.

Mr Ley confirmed that street road and pedestrian lighting shall be to the requirements of TDC's Engineering Standards and Policies 2004 and/or subsequent amendments. Mr Ley advised that if water pipes were put in road reserve there would need to be a licence to occupy until Council needed them which would be around 2012. He also asked that any water mains that are laid by the developer and ultimately vest with Council be required to be continuously pressurised (charged) at all times. Mr Ley recommended that the main collector road through the subdivision lots 600, 602, 603 and 605 together with Dicker Road be designed to a minimum 70 km/hr speed environment and any grades steeper than 1 in 8 be formed in asphaltic concrete.

Mr Ley said the applicant should be required to upgrade Dicker and Old Coach Roads and also pay the \$7,000 (estimated per lot) roading development levy.

Mr Ley continued with some minor amendments to his recommended conditions for the proposed development. Mr Ley advised he has not looked at complaints about the stated flooding of the dam on Awa Awa Road, but assumes flooding of Awa Awa Road may well be because the outlet of the pond is choked with gorse etc. He said the dam will be checked. Mr Ley said that staff would take on board any traffic calming the applicant proposes with the exception of speed humps. He said if we got agreement from local residents we would certainly look at any options to slow traffic. He said they could come to some arrangement with the developer to do an advisory note on this. Regarding evidence that existing buildings were on the Awa Awa Road reserve, Mr Ley said all Rural 3 areas require footpaths to be constructed on one side and that property owners would have to move their structures or place footpaths around them.

Ms M Bishop, Consent Planner, Land Use addressed issues raised by Mr Maclean in his opening address. She advised that Council's Environmental Resource Scientist, Trevor James, supports not having cats in the development. She noted that a number of submitters said that the number of residential lots will be detrimental, and that they want rural community and amenity values to still exist. Development is anticipated but only to a certain level. She acknowledged that the applicant has carried out a thorough design process. Ms Bishop said prior to this hearing Council staff met with applicants consultants and suggested a format that would satisfy staff concerns concerning the number of allotments.

Mr M Morris said there were extensive discussions with applicants, but it was made clear to Ms Bain that staff thought the building density was too high however the applicants proceeded with the application unchanged. When the application was notified staff had a thorough look at the proposal and our conclusion was that in terms of the balance of the developed areas and open space, the density was too high. He agreed with submitter Mrs Crosbie, who is a planner, who felt the numbers should be halved to achieve a rural amenity, rather than suburban amenity.

Mr Morris, when asked what number of proposed allotments staff would recommend said the residential allotments within certain clusters are acceptable but that it is the number of clusters that affects the overall density. The proposed pastoral open space lots need to be much larger or one large open space allotment rather than a lot of small allotments. It is the balance between residential clusters and open space that staff feel is out of kilter.

Ms Bishop said with cross boundary effects, while trees will help reduce spray drift there were other aspects of cross boundary effects, like noise, which trees do not filter out and working rural lots are noisy but noted that mitigation did not require complete absence of noise. She commented that the proposed building locations for the proposed larger lots were poorly placed with some being in the middle of the lot which created a sense that the development was more rural residential rather than rural.

The Chair noted that it had been recommended that the development be amended by taking out sections adjacent to Goodman's and adjacent to the wetland and asked that if this was done would there be a difference in perspective to people living or travelling outside of the subject site? Ms Bishop said the applicant has designed it in

such a way that you were not going to see the total development (all the clusters) from any one point.

The Chair noted that part of 2003 design guide had been attached to the agenda. The applicant has pointed out there is a previous and now outdated design guide still on the website and questioned what is the reason for staying with an old document of doubtful relevance?

Ms Bishop said she had expected the applicants to use the 2003 document in their assessment as the latest was only notified on 29 July 2007. She added that they used the draft updated design guide on the website but acknowledged that does not have any formal status.

Mr Morris said at the time the application was received in May this year that the 2003 design guide was the one that should be referred to. Since the application came in variation 55 has been notified and Ms Bishop has updated her report in terms of the variation 55 design guide but noted that the variation has yet to have submissions to it considered.

The Chair said it appears that the matter of the design guide status has become critical because of a divergence of views.

Ms Bishop said the December 2003 design guide was updated to clarify some issues, but the principles and location-specific guidelines remained the same.

Mr Morris said Ms Bishop was under the impression you apply the plan at the time of application and that is why the 2003 version was used. She has undergone further assessment of the guide in terms of our conclusion and advises that our conclusion has not changed.

Mr Morris tabled and spoke to his supplementary report and tabled a proposed new layout for the proposed subdivision. He said there is flexibility in the plan but he has gone for the issue of keeping separation between clusters. In response to a question from the Chair regarding the issue of open space provided for other Rural 3 developments, Mr Morris said the CBH development has an open space allotment and it is part of their reticulated wastewater scheme. He was not sure about Tasman Ltd's proposal.

Ms Bishop said that staff did not disagree with what the landscape architects have said and that they believe with landscaping aspects, that cluster development would not be visually prominent. Visual aspect is one part and it is how this development as a whole relates within the context in which it is situated, ie surrounding areas, not just the site.

#### **5.4 Applicant's Right of Reply**

Mr Maclean provided a detailed response to matters raised by submitters and staff and also provided a written copy of his response following the open part of the hearing but prior to the hearing closure. A copy of an agreed condition for upgrading the intersection of Marriages Road with SH 60 was also tabled and Mr Maclean confirmed that the applicants were agreeable to entering into a side agreement with Transit New Zealand towards funding the necessary changes to the intersection. Mr Maclean tabled copies of the amended plan layout presented by Mr Morris the

previous day and compared that with a previous amended layout plan provided by staff on 6 September 2007. He also tabled a cadastral plan of the surrounding area showing the current land fragmentation pattern. Mr Maclean expressed concern that staff had tabled a modified design of the proposed subdivision at this very late stage of the proceedings.

The Chair noted staff were asked by members of the Committee how they would redesign the proposal to accommodate their recommendations. The Chair said that whilst he accepted the right of the applicant to question appropriateness of those presentations at a late time in the hearing, that as Chair he must acknowledge that staff were asked for that information.

Mr Maclean stated that he accepts staff have been communicative with the applicant and they had suggested and raised concerns. Density issue was raised by staff to the point of producing the plan at a meeting on 6 September 2007. Staff had raised concerns about density and the applicant fully took it on board.

Mr Maclean returned to his opening submission and reiterated the positive effects of proposal.

Mr Maclean referred again to the detail and extent of evidence heard from the applicant and affirmed to the Committee his comments that it is appropriate for consent to be granted together with the conditions as presented by Mr Reaburn.

## **6. PRINCIPAL ISSUES**

The principal issues that were in contention were:

- a) Is the proposed development consistent with the Rural 3 zone guidelines and is the scale of the development appropriate?
- b) Will the development be able to achieve and maintain an acceptable level of rural character and amenity that is in keeping with the surrounding area?
- c) Will the development have a significant adverse effect on the productive values of the site?
- d) Will the proposal result in traffic safety issues which cannot be dealt with by way of conditions? In particular, can the application be approved in regard to the unformed Dicker Road area between the subject site and the sealed portion of Old Coach Road?
- e) Are the proposed individual on-site wastewater treatment and disposal systems appropriate and will they be satisfactory in meeting the relevant objectives and policies in the PTRMP?

## **7. MAIN FINDINGS OF FACT**

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



- a) The applicant has provided extensive landscaping evidence to establish that the proposed development meets the intention of the Rural 3 Zone Guidelines as amended and proposed in notified Variation 55 to the PTRMP.
- b) The Committee considers that the rural character of the site as modified by the Rural 3 Zone will be maintained and that the pastoral lots proposed for the development are not inconsistent with the neighbouring pattern of land fragmentation and usage, including some existing allotments that have not been subdivided since the introduction of the Rural 3 Zone.
- c) The applicant provided evidence that the land is not highly productive and that any inherent productivity remaining within the pastoral lots will be better managed as smaller individually owned units rather than by the proposed Incorporated Society. The Committee does not consider that significant recontouring and/or management of the proposed pastoral lots as a single group would achieve improved productivity or enhance sustainable management of the land. The existing contouring of the land does however lend itself to the proposed development and the contours also assist in obscuring the development from a number of viewpoints surrounding the property.
- d) The Committee acknowledges that the wetland, which is regionally significant, will be protected and enhanced as part of this proposal and that as well as providing an ecological benefit will also provide an amenity for both residents and the general public who will be able to access the wetland.
- e) The Committee has subsequent to the public part of the hearing and its site visit, asked the applicant to confirm the feasibility of upgrading the areas of Dicker Road and Old Coach Road referred to at the hearing. The applicant in discussion with Tasman District Council Roding Engineers has provided information that formation of the length of Dicker/Old Coach Road from the subject site to Lacebark Lane can be formed to a 'Collector' standard subject to some property law arrangements and engineering design approval. The Committee noted that upgrading of Old Coach Road is planned during 2007-2009 and for earthworks during 2011 – 2013. The formation of Dicker and Old Coach Road is required before section 224(c) certificates can be issued for proposed stages 4-6 and the applicant also volunteered that no access from the main road through the development shall connect to Dicker Road until the formation work on Dicker/Old Coach Road has been completed.
- f) The applicant provided evidence that the wastewater systems for the development will be designed and operated to a standard that meets Council approval. This was generally corroborated by Council staff.

## **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:

- a) Tasman Regional Policy Statement (TRPS);
- b) the Transitional Regional Plan (TRP);

- c) the Proposed Tasman Resource Management Plan (PTRMP);
- d) The Design Guide for Subdivision and Development in the Coastal Tasman Area,

Tasman District (as amended and included as Part of the PTRMP pursuant to Variation 55).

## 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 purpose of the Act as presented in Section 5.

## 9. DECISION – ALL CONSENTS

Pursuant to Section 104D of the Act, the Committee **GRANTS** consent subject to conditions.

## 10. REASONS FOR THE DECISION

The land is zoned Rural 3 in the Proposed Tasman Resource Management Plan and the overall application was considered as a non-complying activity due to the status of the wastewater discharge consents RM070424 - RM070428 inclusive.

The committee acknowledges that the Staff reporting Officer for the Subdivision and Land Use recommended the application be declined however there was no specialist landscape evidence produced from staff to contradict the extensive landscaping and design evidence submitted by the applicant both in their application and in evidence produced at the hearing. The Committee also considered that the applicant had been particularly thorough in its landscape and design evidence by providing peer review of their principal Landscape Architect's evidence by an equally qualified and experienced Landscape Architect.

The Committee also acknowledges that a number of submitters also expressed concern that the total number of dwellings proposed and in some cases the location of the dwellings would create a more residential than rural environment and that the subsequent effects of such development density could lead to adverse off-site effects regarding vehicle movements and road safety issues, reduced opportunities for land based productivity, general rural amenity and issues such as potential light pollution, vehicle noise, cross-boundary issues being matters of reverse sensitivity adversely affecting existing horticulture activities adjoining the site and dust and noise during the construction phases of the development.

The Committee has carefully considered all other evidence and submissions made, including those submissions from persons that were not able to attend the hearing and concludes that the proposed development is consistent with the purpose and principles of sustainable management as provided in Part 2 of the Act, the provisions of the Policies and Objectives of the PTRMP and more specifically the matters to be considered for the Rural 3 Zone including the Rural 3 Zone Development Guidelines as amended and notified in Variation 55 to be included within the PTRMP.

The site is relatively large being one of the largest landholdings in the area and lends itself well to the provisions in the PTRMP regarding subdivision and development in the Rural 3 Zone. Most submitters, including those opposed to the application, also acknowledged that some form of cluster residential development would occur on the site.

A significant feature of the development is the protection and enhancement of the 15 hectare wetland which will not only provide good ecological benefits but will also provided significant amenity to residents of the development and the general public through the proposed walkway/cycleway easements.

The Council staff considered that the proposed reserves to be vested in Council were unduly large. Whilst the Council's Community Services Planner advised that such large reserves, or indeed any reserves, were not really necessary, the applicant has volunteered to provide the two reserves "irrespective of the reserve credit amount" (words in quotes taken from written right of reply from M Maclean on behalf of the applicants). During the site visit the Committee noted the position of the proposed reserves and considered that they would provide a valuable long term community asset that linked to other existing and future reserves, both by walkways and cycleways as well as roads, will enhance the rural amenity and opportunities for the public to enjoy that amenity. Conditions have also been imposed that require the establishment and maintenance of the reserves for five years which means that the costs incurred to Council in this work will be significantly minimised.

The Committee has considered the concerns of submitters in addition to matters of other potential adverse effects of the proposal and acknowledges that the applicant has volunteered to accept the majority of conditions that were recommended by Council staff with some amendments from the applicant's Planning Consultants. The Committee considers that with the conditions imposed, that the proposed development has addressed the concerns of submitters.

Specific conditions to address adverse effects include the volunteering of a 20 metre wide screen planting between proposed residences in proposed stage 1 and the adjoining orchard of Mr Goodman. In addition the applicant has volunteered to treat all roof water by having a separator to flush the first run of water to waste and to have UV sterilisers and carbon filters to treat drinking water. The applicant has also volunteered to accept a 'rural emanations easement' for Lots 1-13 and Lot 202 in favour of the adjoining orchard of Mr Goodman.

Roading both in regards to development and on-going effects are considered in conditions whereby the proposed upgrading of Awa Awa/Marriages Road detailed in Council's Long Term Community Council Plan can be brought forward and that the intersections of Marriages Road with State Highway 60 and of Awa Awa Road with Marriages/Pomona Road can be significantly improved in terms of safety.

The upgrading of Dicker and Old Coach Roads (from the subject site to Lacebark Lane) has been subject to a further information request during the hearing and the Committee is satisfied that a legal and feasible condition to upgrade these roads can be achieved and that no access from Awa Awa Road via the proposed through road will be available until the roads are satisfactorily upgraded and that traffic flows onto Awa Awa Road will be limited to stages 1-3 until Dicker and Old Coach Roads are upgraded. The Committee has also included a condition to keep the speed environment of the through road for the development to 50 kilometres per hour. The

reduced speed environment should minimise a number of potential adverse effects including; reducing the need for earthworks associated with the roading development; maintaining a residential type road environment through the development; and to limit the use of the road as a through road to access the Ruby Bay Bypass from Awa Awa Road.

The provision of 1.4 metre wide footpaths both within and outside the development will generally provide a safer walking and cycling environment.

The Committee also note the concerns from some submitters regarding potential light pollution and have included an advice note encouraging the consent holder give preference to using lighting designs that help mitigate any light pollution such as bollard type lighting and other alternatives where approved by the Tasman District Council Engineering Manager

An additional potential adverse effect from roading raised by submitters was dust from the development of the roads. The 50 kilometre per hour speed environment for roads within the development will reduce the amount of earthworks required to establish roads and the Committee has included a condition in the earthworks consent (RM070421) that the consent holder provide an "Environmental Management Plan". Such a Plan to require the consent holder to implement all necessary mitigation measures to ensure that, in the opinion of an Enforcement Officer of the Council, there are no offensive or objectionable effects from dust discernable at or beyond the property boundary as a result of the authorised activities. The measures to include the sealing of the access road described as Lot 600 in subdivision consent RM070416 as soon as practicable following the completion of earthworks and road base formation. In addition an advice note to that condition encourages the consent holder to consult with properties in the vicinity of the proposed Awa Awa Road access to maintain effective procedures and practices to mitigate adverse effects from dust from the activity relating to the formation of the access road.

The matter of land productivity was raised by some submitters as well as Council staff. The Committee accepts limiting facts for productivity on the land currently are the topography, water irrigation challenges and the lack of soil fertility and propensity for weed production, particularly gorse, following the cessation of exotic forest productivity from the land. The Committee has considered the evidence from Mr R Bennison which included a statement that "smaller units provide greater choices for better productivity and management". In the Committee's opinion such smaller and more manageable units will not only result in increased opportunities for productivity but also provide for reduced adverse effects that can be associated with some larger land holdings such as aerial top-dressing.

The allotments referred to in the application as pastoral lots will in conjunction with the open space and landscape covenanted areas, the wetland and reserves and other open spaces, provide for increased rural amenity without compromising the potential productivity from the land.

The matters of wastewater and stormwater disposal have been adequately addressed and in the Committee's opinion provide a design standard (including low impact design) and maintenance that will have minimal adverse effects.

The availability of water will, until a reticulated service is provided, continue to be a challenge. Evidence at the hearing suggests that whilst rainfall is lower than in other parts of the district (circa 900mm per annum), that this should be adequate for domestic potable use provided that water conservation techniques are followed. Such water conservation is a matter for the consent holder and future Resident's Society to address, however the conditions of the consent for dwellings on the site (RM070417) provide for increased water storage capacity (30,000 litres compared with the prescribed standard 23,000 litres). The Conditions also provide for provisions to meet fire safety standards. Any additional requirements relating to potable water supply will be addressed at the time of application for Building Consent as part of the evaluation under the Building Act.

## 11. COMMENTARY ON CONDITIONS OF CONSENT

Recommended conditions that were provided in the staff report were reviewed and amended by the applicant's consultant's, specifically those tabled by Mr P Reaburn of Cato Bolam Consultants Ltd, and the applicant advised that those conditions as amended could be considered as volunteered.

Following further evidence produced at the hearing and subsequent to the Committee's site visit and deliberations some of those volunteered amended conditions have been further modified and these matters have been discussed in section 10 of this decision – Reasons for Decision.

Those of significant variation are noted below:

- a) Reverse Sensitivity – condition 5 of RM070416 includes a provision for a 20 metre screen planting between residences on proposed Lots for stage 1 and the adjoining orchard of D D and R Goodman. Further volunteered conditions provided for potable water protection and for 'rural emanations easement' in favour of the Goodman orchard.
- b) Roothing – additional information requested has resulted in amendments to the proposed formation of Dicker/Old Coach Roads as discussed in this report in section 7(e) - Main Findings of Fact and section 10 – Reasons for Decision. Condition 12(e) of RM070416 also provides for a reduced speed environment within the site and there are conditions in the earthworks consent (RM070421) aimed at avoiding, remedying and/or mitigating effects from dust from road development. The applicant volunteered a condition to upgrade the intersection between Marriages Road and State Highway 60 prior to any work commencing on site (or subject to Transit New Zealand's approval of a construction management plan). The applicant has accepted that such work will involve a legal side agreement between the Consent Holder and Transit New Zealand.
- c) The matter of protecting wildlife by prohibiting the keeping of cats on the allotments was raised at the hearing and was a matter recommended in Michael North's Botanical and Ornithological Assessment of the site, which was included as Appendix D with the application. This action was also supported by the submission from the Royal Forest and Bird Society who in addition requested a ban on dogs. The matter is one which is extremely difficult to enforce by the Council and does not address other predators that may harm wildlife. The matter is one the Committee felt was better left to be addressed by the Residents Association and which should be considered as part Condition 6 d)

ii) of resource consent RM070416. An advice note has therefore been included under that condition to draw this matter to their attention.

## 12. LAPSING OF CONSENTS

A period of 10 years was requested by the applicant for the lapsing of consent. The Committee has approved this request therefore a lapsing period of 10 years has been given for land use and subdivision consent RM070416 and associated land disturbance consent RM070421. A lapsing period of 10 years also applies to associated regional consents RM070419 (stormwater discharge), RM070420 (divert stormwater), RM070422 (structures in watercourse) and RM070423 (damming of water).

Land use consent RM070417 (dwellings) and associated regional consents RM070425 – RM070539 (wastewater discharges) lapse five years after the issue of the certificate of title for the respective allotments (Lots 1 – 104 inclusive and Lots 200 – 203 inclusive and Lots 205 – 211 inclusive).

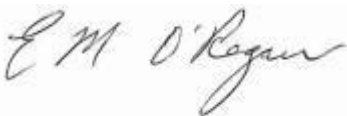
Land use consent RM070418 (Community Centre) and associated regional consent RM070424 (wastewater discharge) lapses five years after the issue of the certificate of title for the respective allotment (Lot 502)

## 13. EXPIRY OF CONSENTS

All land use consents have no expiry provided they are given effect to within the lapse period provided and also provided that the use is not discontinued for a continuous period of more than 12 months.

Regional Consents provided under this suite of consents expire on the date stated for each respective consent.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER:** RM070416

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:**

To subdivide land, construct and vest roads and accesses that do not meet the permitted activity criteria of the Proposed Tasman Resource Management Plan.

**LOCATION DETAILS:**

Address of property: Awa Awa Road and Dickers Road, Ruby Bay  
Legal description: Lots 1 and 2 DP20366, Lot 13 Deeds Plan 1706 and Proposed Lots 1 and 2 of resource consent RM010679A.

Certificate of title: CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

**CONDITIONS**

**Subdivision Plan**

1. The subdivision and development shall be carried out generally in accordance with the application and plans prepared by Cato Bolam Consultants Ltd, and also with the plans attached to this consent as Plans A1 – D RM070416 dated May and October 2007.

**Advice Note:**

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council.

Copies of Council Standards and Documents referred to in this consent are available for viewing at the Richmond Office of the Council.

**Staging**

- 2a) The subdivision shall be completed in the stages as follows:

**STAGE 1:**

- Lots 1-20 inclusive (20 residential lots)
- Lots 200-203 inclusive (4 pastoral lots)
- Lots 300-304 inclusive (5 access lots)
- Lots 500 and 501 (2 stormwater covenant lots), to be owned by the Ruby Bay Residents Society (Inc)
- Lots 600 and 601 to vest as Road (both road and road reserve area)

**STAGE 2:**

- Lots 21- 42 inclusive (22 residential lots)
- Lots 305-309 inclusive (5 access lots)
- Lot 400 to vest as a local purpose reserve (recreation)
- Lot 602 to vest as road

**STAGE 3:**

- Lots 43-59 inclusive (17 residential lots)
- Lots 204 and 205 (to be held together in one certificate of title as a pastoral lot)
- Lot 310 (access lot)
- Lots 502 (community centre), 503 (wetland) and 504 (riparian open space stormwater covenant), to be owned by the Ruby Bay Residents Society (Inc)
- Lots 603 and 604 to vest as road

**STAGE 4:**

- Lots 60-82 inclusive (23 residential lots)
- Lot 206 (large residential lot)
- Lots 311-313 (3 access lots)
- Lot 401 to vest as local purpose reserve (recreation)
- Lots 605 and 606 to vest as road

**STAGE 5**

- Lots 83-96 inclusive (14 residential allotments)
- Lots 314-316 (3 access lots)
- Lot 607 to vest as road
- Lots 207 – 210 inclusive and lot 212 with lots 207 and 212 to be held together in one certificate of title (4 pastoral lots)
- Lot 505 (to be owned by the Ruby Bay Residents Society (Inc))

**STAGE 6**

- Lots 97 -104 inclusive (8 residential allotments)
- Lot 211 and 213 (to be held together in one certificate of title as a pastoral lot)
- Lots 317-318 (2 access lots)

2b) The proposed stages are identified on the application plans RM070416 prepared by Cato Bolam Consultants - Job No. 25548 Sheet No S13 dated May 2007, and attached to this consent as Plan B RM070416.

**Advice Note**

The term "Pastoral" and "Pastoral Lot(s)" where used in this consent and associated documentation refer to the larger rural allotments in the development. The term does not imply any restriction as to land uses that are permitted under the Proposed Tasman Resource Management Plan ("PTRMP").

**Building Location Plan**

3a) Subject to any recommended conditions resulting from the Engineering Reports required under condition 21(b), a confirmed Building Location Plan for each of the 104 residential allotments and 11 pastoral allotments having dwellings 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 survey plan for each stage of the subdivision.



- 3b) The Building Location Area's (BLA) shall, in all other respects, be in the respective location for each allotment shown on the application plans RM070416 prepared by Cato Bolam Consultants - Job No. 25548, S7 R1, dated October 2007, and attached to this consent as Plan A1 – RM070416.

**Amalgamation Conditions- Pursuant to Section 220 (1) (b) (iii) and (iv) of the Act**

- 4a) Lots 300-318 on 25548 (S7 R1) shall be held as undivided shares by the owners of the Lots as stated in the table below as tenants in common in the said shares and that individual Certificates of Title shall be issued.

LINZ reference to be advised.

Lot No:	Area	Share	By Lots
300	2300 m <sup>2</sup>	Fifth	1,2,3, 4 and 202
301	1200 m <sup>2</sup>	Fourteenth	3, 6-17 and 501
302	1600 m <sup>2</sup>	Eighth	7-13 and 501
303	2000 m <sup>2</sup>	Third	15-17
304	2100 m <sup>2</sup>	Third	18-20
305	2200 m <sup>2</sup>	Sixth	21-26
306	1000 m <sup>2</sup>	Quarter	21-24
307	1800 m <sup>2</sup>	Third	24-26
308	800 m <sup>2</sup>	Quarter	29-32
309	1800 m <sup>2</sup>	Eighth	34-41
310	3000 m <sup>2</sup>	Seventh	44-49, 204/205
311	2500 m <sup>2</sup>	Fifth	60-63 and 206
312	800 m <sup>2</sup>	Quarter	64-67
313	1500 m <sup>2</sup>	Seventh	73-78 and 503
314	1500 m <sup>2</sup>	Sixth	83-87 and 210
315	2300 m <sup>2</sup>	Fifth	88-91 and 505
316	3100 m <sup>2</sup>	Sixth	92-96 and 208
317	1800 m <sup>2</sup>	Quarter	97-100
318	800 m <sup>2</sup>	Quarter	101-104

- 4b) Lots 502-504 inclusive shall be held together and one certificate of title shall be issued to include all the parcels and that these lots and Lots 500, 501 and 505 shall be held in the ownership of the Ruby Bay Residents Society (Inc).

LINZ reference to be advised.

**Advice Note:**

It is likely that separate amalgamation consultations will be required for each stage.

**Landscape Planting Plan**

- 5a) A Landscape Planting Plan shall be submitted for approval of the Council's Environment and Planning Manager at each stage of the development and such Plan shall be prepared by a qualified Landscape Architect and shall be submitted at the same time as engineering approval is sought. The Landscape Planting Plan shall be in accordance with the Tasman Carter Landscape Report dated 24 May 2007 and Plan Sheet L8 dated 24 May 2007 identified as Plan C RM070416 and attached to this consent. The species shall be as listed in that report, except for the land

covenant areas to Lots 3 and 7-9 inclusive, which have been amended from Open Space Protection to Screen Planting so as to provide for effective screen planting to the adjoining orchard and having a minimum screening width between the orchard and dwellings of 20 metres. The Landscape Planting Plan shall require that all covenanted areas are planted prior to the issue of a completion certificate pursuant to Section 224(c) of the Act and detail the following information:

- i) Planting plan specifying the type, number, and size of the plants, and noting specifically excluded species on the boundary adjoining Lot 1 DP16539 and Lot 4 DP 331711.
  - ii) Establishment works required to implement the Planting plan.
  - iii) Staging of planting in accordance with the subdivision staging (Stage1-5)
  - iv) The plantings are in accordance with the Tasman Carter Plan.
  - v) Pest plant and animal controls and ongoing maintenance schedules, together with stock proof fencing to avoid stock damage.
  - vi) Replacement planting
  - vii) Ongoing maintenance requirement of planted areas (developer and future owners)
  - viii) Landscaping areas to be subject to land covenants to ensure their ongoing existence.
- 5b) The planting required by the Landscape Planting Plan shall be fully completed or bonded as agreed with the Council for each stage prior to the issue of a completion certificate pursuant to Section 224(c) of the Act. A written statement shall be provided to the Council's Environment and Planning Manager, from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the Landscape Planting Plan referred to in condition 5a).
- 5c) The Common Wetland Areas – Planting Implementation and Maintenance Programme, by Cato Bolam Consultants Ltd and dated 24 May 2007, covering the planting protection and maintenance of the wetlands in Lots 503 and 505, shall be fully completed prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for Stage 3. A written statement shall be provided to the Council's Environment and Planning Manager from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the Plan referred to in this condition.
- 5d) The Consent Holder shall be responsible for maintenance, pest control, replacement and management of the planting required by the Landscape Planting Plan and the Common Wetland Areas - Planting Implementation and maintenance programme within the development for a minimum of three (3) years following the completion of this planting. The responsibilities thereafter shall devolve to the Residents Society required to be established by condition 6a) for the common Lots 500-505 and the lot owners of Lots 1 – 104 and Lots 200 – 213, subject to the Council-approved rules of the Society.

## **Residents Society and Management Plan**

- 6a) All of the registered proprietors of allotments within the subdivision shall be members of an incorporated society to be formed and constituted by the Consent Holder and known as the "Ruby Bay Residents Society Incorporated" ("Residents Society").
- 6b) The Residents Society shall be legally established prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for Stage 3.
- 6c) The Rules and Constitution of the Residents Society (including the membership requirement) shall be the subject of a consent notice registered on the title to each allotment.
- 6d) The Rules of the Society shall provide for the maintenance of facilities within the subdivision and compliance with the conditions of these consents shall be subject to the prior written approval of the Council's Environment and Planning Manager and shall not be amended without the Environment and Planning Manager's prior written approval for such amendments.

The Rules shall include provision for the Society to:

- i) manage and maintain communal assets and utilities including stormwater detention areas, dams and the community centre;
  - ii) manage plant and animal pests on land under the control of the Residents Society;
  - iii) manage and maintain all plantings shown on the Landscape Planting Plan and the Common Wetland Areas – Planting Implementation and Maintenance Programme referred to in condition 5c);
  - iv) ensure all the relevant consent conditions and the Management Plan are complied with;
  - v) ensure a copy of the Management Plan is provided with every sale and purchase agreement for each of the allotments.
- 6e) Prior to the issue of the Section 223 certificate for the survey plan for Stage 3, a Management Plan setting out the purpose, responsibilities, accountabilities and procedural policies of the Residents Society shall be submitted for the approval of the Environment and Planning Manager.
  - 6f) The Management Plan shall also make provision for the Council to require work to be undertaken by or on behalf of the Resident's Society in the event that the Residents Society 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 Council has the power to undertake the work itself and recover the full cost of the work from the Resident's Society and its members.

### **Advice Note:**

The matter of prohibiting the keeping of cats on allotments to protect wildlife was recommended in Michael North's Botanical and Ornithological Assessment of the site, which was included as Appendix D with the application. This action was also supported by the

submission from the Royal Forest and Bird Society who in addition requested a ban on dogs. This matter is one which should be addressed by the Resident's Society as provided in Condition 6d) ii).

## **Consent Notices**

- 7a) The following consent notices shall be registered on the certificate of title for the respective allotments, as provided in this condition, pursuant to Section 221 of the Resource Management Act.
- 7b) The consent notices shall be prepared by the Consent Holder'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.
- 7c) Consent notices in accordance with conditions of this consent shall be placed on the allotments as they are created, not on balance areas yet to be developed.

### **A. Building Location Restrictions**

That the construction of buildings on Lots 1–104, (inclusive) and 200–213, (inclusive) shall, subject to any recommended conditions resulting from the Engineering Reports required under condition 21(b) of resource consent RM070416, be restricted to the Building Location Area shown on the Building Location Plan and all buildings shall be fully contained within each Building Location Area, except for accessory buildings where the changed location is approved by the Residents Society and Council Environment and Planning Manager.

### **B. Building Site Stability (Recording the soil condition and foundation recommendations on the certificates of title)**

Any recommended conditions resulting from the Engineering Reports required under condition 21(b) of resource consent RM070416.

### **C. No Dwellings on Certain Lots**

No dwellings or residential buildings shall be constructed on or relocated to Lots 500- 505, inclusive.

#### **Advice Note:**

This is to ensure that these allotments remain used for the purpose intended, that of open space, recreation and for a Community Centre on Lot 502.

### **D. Maximum building heights**

Buildings shall not exceed the following heights:

- i) Dwellings and accessory buildings on Lots 1, 2, 4-6 (inclusive), 8, 9, 11,12, 16-20 (inclusive), 22-25 (inclusive), 27-32 (inclusive), 35-41 (inclusive), 43-51 (inclusive), 54, 59-62 (inclusive), 64, 66-68 (inclusive), 79-89 (inclusive), 92-94 (inclusive), 98-101 (inclusive), 104, 203 and 206-211 (inclusive), shall not exceed 5.5 metres above the finished building platform level.

- ii) Any accessory building(s) on Lots 200-213 (inclusive), shall not exceed 6.5 metres above natural ground level.

**Advice Note:**

This is to alert potential purchasers to the building heights authorised by the resource consents for this development.

**E. Future Subdivision**

No further subdivision of this title will be allowed, except that this consent notice does not apply to subdivision constituting a boundary adjustment where it does not result in the creation of additional Certificates of Title or is for the provision of a utility site. Boundary adjustments and new allotments for utilities will be assessed under the provisions of the applicable Resource Management Plan.

**Advice Note:**

This restriction excludes the balance areas of the property created following completion of each stage of the subdivision.

**F. Residents Society**

The Rules and Constitution of the Residents Society (including the membership requirement) made pursuant to condition 6 of resource consent RM070416.

**G. Building Colour**

The exterior of all buildings in this development shall be finished in colours that are recessive and which blend in with the immediate environment.

Exterior surfaces of all buildings shall be non-reflective.

Buildings shall be finished in colours that meet the following standards:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
Group A	A05 to A14 and reflectance value $\leq$ 50%	That the roof colour is complementary with the rest of the building and is no greater a percentage than 25 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	
<b>Finish</b>	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, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

**Advice Note:**

The land owner shall be encouraged to use 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.

**H. Compliance with the Landscape Planting Plan**

All residential allotments in stages 1 to 5 of the subdivision shall comply on an ongoing basis with the approved Landscape Planting Plan referred to in condition 5 of RM070416.

**I. Water Storage**

- a) Each dwelling shall be provided with a water supply system that complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice."
- b) Water tanks shall be incorporated into the structure of the buildings or fully buried within each lot so as not to be visible from beyond the boundary of the site.

**Easements**

- 8a) Easements shall 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.
- 8b) Easements, Covenant Area and Access Lots shall be generally in accordance with the Easement, Covenant Area and Access Lot Plans on Cato Bolam Consultants Ltd Sheets S7R1 and S9R1 dated October 2007, and attached to this consent as Plan A1 and Plan A2. 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.
- 8c) The Consent Holder shall provide that a 'Rural Emanations' easement be registered over Proposed Lots 1-13 and Lot 202 for the benefit of Lot 4 DP 717 All DP 4211 Lot 5 DP 1653 Blk XII Motueka SD and Lot 1 DP 17278 All DP 1300 Lot 4 DP 1653 Blk XII Motueka SD (D D and R Goodman orchard property at the date of this consent). The preparation and execution of such easement shall be carried out in consultation with the proposed dominant tenement holder (D D and R Goodman) and all costs associated with the preparation and execution of such easement shall be borne by the Consent Holders.
- 8d) Reference to easements is to be included in the Council resolution on the survey plan prior to section 223 approval.

**Advice Note:**

It is noted that the covenant over Lot 503 (proposed to be a QEII Covenant) will include agreed provision for local iwi to collect flax and other taonga species from the land.

Any existing easements on the titles that are redundant should be extinguished.

## Power and Telephone

- 9a) Full servicing for live power and telephone cables shall be provided underground to the boundary of Lots 1-104 inclusive and 200-213 inclusive. The Consent Holder shall provide written confirmation from the relevant utility provider(s) to the Council's Engineering Manager that live power and telephone connections have been made to the boundaries of the abovementioned allotments.
- 9b) 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 Council's Engineering Manager prior to the issue of a completion certificate pursuant to Section 224(c) of the Act.
- 9c) All servicing shall be in accordance with Tasman District Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent.
- 9d) Electricity sub-stations, where required, shall be shown as road to vest 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.

## Community Centre

10. The community centre shall be fully completed in accordance with RM070418, prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for Stage 3 of the subdivision.

## Stormwater

11. All stormwater attenuation measures, including the stormwater detention ponds in Lots 500, 501, 503, 504 and 505 shall be fully completed prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for their respective stage.

## Roads and Access Lots

- 12a) Roads 600-607 inclusive and Joint Owned Access Lots 300-318 inclusive shall be formed to at least the specifications below.

Road or Access Lot No:	Class of Road	Road Reserve Or Access Lot legal width (m)	Formation (carriageway width) (m)	Footpath number and width (m)
Lots 600,602, 603 and 605	Access Road	20	7.2	1 x 1.4
Lots 601, 604, 606 and 607	Access Place	20	6.6	1 x 1.4
Access Lot 301, 305 and 309	N/A Private Access Lot	10	6.2	Nil
Access Lot 303,304, 306, 308, 311, 314 -318 inclusive.	N/A Private Access Lot	7 or more to include batters	4.5	Nil

Access Lots 302 and 310	N/A Private Access Lot	7.5 or more to include batters	5	1 x 1.4	
<b>Road/Access Number:</b>	<b>Lot</b>	<b>Min. Side drain number and width (m)</b>	<b>Road Edge number and depth</b>	<b>Min. Shoulder width (m)</b>	<b>Maximum Gradient</b>
600,602, 603 and 605		2 x 2.0	2 x 300mm Concrete bond beam	2 x 1.0 grass berms	1 in 7
Lots 601, 604, 606 and 607		2 X 2.0	2 x 300mm Concrete bond beam	2 x 1.0 grass berms	1 in 7
Access Lots 301, 305 and 309		1 x 1.5	2 x 300mm concrete bond beam	2 x 0.6 grassed berms	1 in 5
Access Lots 303,304, 306, 308, 311, 314 -318 inclusive.		1 x 1.5	Nil	2 x 0.6 Grassed berms	1 in 5
Access Lots 302 and 310.		1 x 1.5	Nil	2 x 0.6 Grassed berms	1 in 5

<b>Road Lot Number</b>	<b>Class of Road</b>	<b>Min. Street lights required</b>
Road Lots 600, 601, 602, 603, 604 and 605.	Access Road	Intersection flag lights plus P3 type lighting as per NZS1158
Road, 601, 604, 606 and 607.	Access Place	Intersection Flag lights
Access Lots 301 -318.	Private access lot.	Nil

- 12b) Roads 600-607 inclusive and Access Lots 301-318 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.
- 12c) The seal formation on all access lots shall extend to and join with the edge of the road seal.
- 12d) The road access from the road to vest (Lot 600) shall join Awa Awa Road at right angles with appropriate signage and paint marking installed depending on sight distance requirements.
- 12e) The main access road through the subdivision Lots 600, 602, 603 and 605 shall be designed to a 50km/hr speed environment and any grades steeper than 1 in 8 shall be formed in asphaltic concrete.
- 12f) Street, road and pedestrian lighting shall be in accordance with Tasman District Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent.



**Advice Notes:**

The Consent Holder is encouraged to use lighting designs that help mitigate any light pollution such as bollard type lighting and other alternatives where approved by the Council's Engineering Manager.

If any private pipelines or structures are contemplated to be located on existing or future road reserve then appropriate approval (ie license to occupy) may be required from Council's Engineering Department.

Should the Consent Holder lay pipes for any future reticulated water service, such pipes may need to be maintained in a proven serviceable condition until such time as the service is connected.

**Road Upgrades**

- 13a) Prior to any vehicular access being provided between Dicker Road and Lot 605, Dicker Road fronting the subdivision and Dicker Road-Old Coach Road from Lot 206 to where the seal starts in Old Coach Road South (ie Lacebark Lane intersection) shall be designed and formed to a standard having a 70km/h design speed. The road formation shall be 6.0 metres wide, 2-coat seal plus two x 600mm wide shoulders. A 1.4 metre footpath shall be constructed along Dicker Road but offset from the carriageway. Pedestrian and flag lighting and appropriate pavement markings and signs will be required in all road construction areas. This upgrade shall be completed prior to the issue of a completion certificate pursuant to Section 224(c) of the Act being issued for Stages 4, 5 and 6.
- 13b) Before undertaking the work under Condition 13(a), the Consent Holder shall provide written confirmation to the Council's Engineering Manager satisfaction of proof of performance that Condition 13a) can be achieved. The proof of performance shall include the design details and certification by a chartered engineer confirming compliance with the design requirements. A copy of such design and certification shall be provided to the Council's Engineering Manager.

**Advice Note:**

The Consent Holder volunteered the condition to upgrade Dicker/Old Coach Roads at the hearing as part of Stages 4 – 6 of the development. Following the site visit and initial deliberations, the Committee requested further information in accordance with section 41C(3) of the Resource Management Act regarding the feasibility of forming the length of Dicker Road/Old Coach Road from the southern boundary of the site to Lacebark Lane. The Consent Holder in consultation with the Tasman District Council provided information accepting and volunteering that formation of the road to 'Collector' standard will require property law arrangements and further volunteered that no vehicular access is to be provided between Dicker Road and Lot 605 which precludes any through access from Awa Awa Road to Dicker Road until the road formation is completed. Condition 13(a) also requires that the Consent Holder confirms proof of performance as part of the certified engineering design details to be submitted to the Council's Engineering Manager

- 13c) The Consent Holder shall make a contribution towards the upgrading of Awa Awa Road consistent with the traffic to be generated by Stages 1 – 3 of the development. The Consent Holder shall further pay the cost of Council advancing the works programme for completion of the planned road upgrading works, consistent with the assessed costs of advancing that work from the currently planned construction date (years 2015/16) in accordance with standard Council policy. The matter of the contribution and commencement of works shall be in the form of an agreement,

finalised prior to commencement of any works. Payment of the contribution under this condition shall be made prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for Stage 1.

- 13d) Prior to any construction work being commenced on site, or subject to Transit New Zealand's approval of a construction management plan for construction traffic on the Marriages Road/State Highway 60 intersection, that intersection shall be upgraded to a standard detailed in figure 3.25 of the Manual of Traffic Signs and Markings (MOTSAM), including but not restricted to installing a throat island on Marriages Road, installing street lighting and improving the skew angle on Marriages Road to within the current Ausroads Design Guide recommendations.

**Advice Note:**

Realisation of the above condition may require a legal side agreement between the Consent Holder and Transit New Zealand or the road controlling authority at the time (Tasman District Council if SH 60 is revoked as State Highway) so that the Consent Holder makes a fair contribution to the necessary intersection upgrade attributable to the development, with the terms of this agreement to be negotiated and agreed between the two parties.

Condition 13 has been volunteered by the applicant

**Walkway/Cycleways**

- 14a) The Public and Residents Society dual walkway/cycleway linkages as shown on the Walkway Plan prepared by Cato Bolam Consultants Job N0: 25548 S11 dated May 2007 and attached to this consent as Plan D RM070416 shall be constructed during the relevant stage of the subdivision.
- 14b) The abovementioned walkway/cycleways shall include public walkway/cycleways, which shall be covered by a 5 metre wide easement in gross to the Council for walkway/cycleway purposes. The public walkway easements shall follow the route shown by the black dashed line on Plan D RM070416 attached. The public walkway easement shall extend to the boundary with Lot 4 DP 2172.
- 14c) All walkway/cycleways shall have formation widths of 1.4 metres within 5 metre wide access easements. The formation of the walkway/cycleways shall be undertaken in accordance with the Council's Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent and the walkway standard SNZ HB 8630:2004 as part of the development works and completed prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for each stage.

**Advice Note:**

The costs of formation for the public walkway/cycleways as required in condition 14 (b) above may be credited against the reserve fund contributions (subject to a quote acceptable to the Council's Community Services Manager).

- 14d) Road Lots 600, 602, 604 and 605 shall contain a walkway/cycleway within the road reserve with a formation width of 1.4 metres as provided in condition 14c) of this consent.
- 14e) The gradient of each walkway/cycleway shall not exceed 1 in 5.5 (except for easement P8 shown on Plan A1 attached to this consent which has a gradient of 1 in 3.8) unless approved by the Council's Community Services Manager.

## Vehicle Crossings and On- Site Access

15a) The vehicle access crossings for each residential lot 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 at least 5 metres inside the property boundary ;
- ii) the first 6 metres in from the road carriageway formation shall be more or less level with the road carriageway formation;
- iii) A minimum 300mm culvert drain shall be provided where the access is crossing a roadside drain.
- iv) 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.

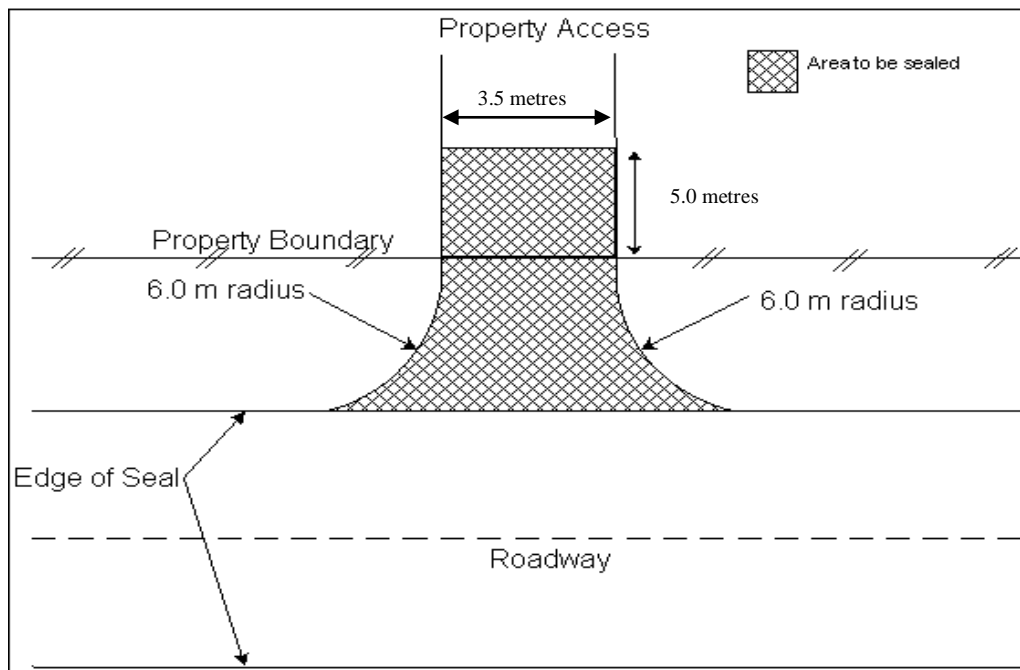


Figure 1 – Vehicle Crossing Design and On-Site Seal for Residential Lots.

15b) Where a site has frontage to both an access road and an access place, the vehicle crossing shall be located on the access place, ensuring that the crossing is located as far from the intersection as possible.

15c) Where a site has frontage to both an access road and an access lot, the vehicle crossing shall be located on the access place, ensuring that the crossing is located as far from the intersection as possible.

## Road Numbers

16 Road numbers based on the rural numbering system shall be shown on the Engineering Plans.

**Advice Note:**

The rural numbering system for this area is yet to be allocated.

**Road Names**

- 17a) Road names shall be submitted to the Council's Engineering Manager for approval and shown on the survey plan prior to section 223 approval for each stage.
- 17b) The cost of name plates shall be met by the Consent Holder.

**Engineering Plans**

- 18a) Engineering Plans detailing the Roads and Access Lot design and formation, the footpath design and formation, the vehicle access crossing designs, stormwater attenuation and treatment system, and all public services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works at each stage of the subdivision. All engineering details shall be in accordance with the Council's Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent.
- 18b) The survey plan shall not be submitted until the Engineering Plans have been approved by the Council's Engineering Manager, so that easement areas can be accurately determined prior to section 223 approval of the survey plan.
- 18c) As-built plans detailing Roads, Access Lots and vehicle crossing accesses out to the existing road carriageway, and public services, power and telephone, shall be provided to the Council's Engineering Manager prior to the issue of a completion certificate pursuant to Section 224(c) of the Act.

**Commencement of Works and Inspection**

- 19a) The Council's Engineering Manager shall be contacted as per the Engineering standards 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.
- 19b) No works shall commence on-site until the Engineering Plans have been approved by the Council's Engineering Manager.

**Engineering Works**

20. All public works and Rights of Way (Access Lots) shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent or to the Council's Engineering Manager's satisfaction.

**Advice Note:**

Works within any road reserve will require a Road Opening Permit and Traffic Management Plan approval from the Council's Engineering Manager.

**Engineering Certification Report (Engineering Report)**

- 21a) At the completion of works for each stage, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's 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.
- 21b) Certification that the nominated building site on each of the residential allotments is suitable for the construction of a residential building shall be submitted by 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 the allotment 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 and Policies 2004 and subsequent amendments, unless otherwise specified in this consent.
- 21c) Where fill material has been placed on any part of a residential lot, a suitably experienced chartered professional engineer shall provide Certification 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 subsequent amendments, unless otherwise specified in this consent and shall be provided to the Council's Engineering Manager.
- 21d) The Engineering Report referred to in this condition shall also cover stormwater run-off from each building site, with any recommended conditions to ensure that the run-off does not adversely affect stability or cause adverse effects off-site.

**Advice Note:**

Council, pursuant to condition 7B of this consent, will issue a consent notice pursuant to section 221 of the Resource Management Act 1991 recording the soil condition and foundation recommendations on the certificates of title for each residential lot.

**Reserve to Vest in Tasman District Council**

- 22a) Lots 400 and 401 shall be vested in the Tasman District Council as Local Purpose Reserve (Recreation).
- 22b) The Consent Holder shall, for Lots 400 and 401 respectively, provide from a suitably qualified and experienced landscape architect, a low maintenance Landscape Establishment and Management Plan ("Reserves Landscaping Plan"). Such plan shall be submitted to the Council's Community Services Manager and shall be to his satisfaction prior to the issue of a completion certificate pursuant to Section 224(c) of the Act.
- 22c) The Consent Holder shall arrange together with the Residents Society, for the vegetation recommended by the Reserves Landscaping Plan referred to in condition 22b) of this consent, to be planted prior to the commencement of the next growing season after the issue of a completion certificate pursuant to Section 224(c) of the Act for the respective Reserve Lot and shall for a period of not less than five years provide for the maintenance of such vegetation to ensure that it is well established and appropriately manicured. Thereafter the maintenance of the reserves may be transferred to the Council.

- 22d) The Consent Holder shall provide and form four parking spaces for Lot 400 and six parking spaces for Lot 401, within the road reserve adjoining each reserve with formation costs being credited against reserve fund contributions subject to a quote acceptable to Council's Community Services Manager.
- 22e) The survey plan submitted pursuant to Section 223 shall show the area of reserve land to be set aside.
- 22f) The land value of the Local Purpose Reserves (Recreation) as required in Condition 22a) above may be credited to a maximum of 50% against the Financial Contributions referred to under condition 24 of this consent. The value of the proposed reserves shall be as assessed in the valuation report by Rod Baxendine of Telfer Young Ltd reference M/04162RB and dated 8 October 2007 (copy attached as Appendix A). The valuations determined in that report are \$230,000 for proposed Lot 400 (50% being \$115,000) and \$220,000 for proposed Lot 401 (50% being \$110,000).

The amount shall be payable prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for Stage 2 (in regards to proposed Lot 400) and prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for Stage 4 (in regards to proposed Lot 401) with the amount payable adjusted from the date of this consent relative to the Consumer Price Index.

### **Maintenance Performance Bond**

- 23a) The Consent Holder shall provide Council's Engineering Manager with a Monetary 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 allotment, up to a maximum of \$20,000 for each stage of the development, or a lesser figure agreed by the Council's Engineering Manager and shall run for a period of two years from the date of issue of the completion certificate pursuant to Section 224(c) of the Act for each stage.
- 23b) The Bond shall cover maintenance attributable to defects and the remedy of defects arising from defective workmanship or materials.

### **Financial Contributions (based on 104 residential sites and 11 pastoral sites)**

- 24 Payment of financial contributions payable prior to the issue of a completion certificate pursuant to Section 224(c) of the Act shall assessed as follows:

#### **Reserves and Community Services**

5.5% of the assessed market value of the area of a notional 2,500 square metre building site within each of Lots 1 –104 inclusive, and Lots 200 – 203 inclusive and Lots 205 – 211 inclusive, (115 Lots in total), less three existing titles.

There will be no contribution payable on the Resident's Society Lots 500-505 (inclusive), as long as they are either held in a single certificate of title and/or held in the same ownership.

#### **Advice Note:**

The valuation will be undertaken by the 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, a revised valuation will be required and the cost of the revised valuation shall be paid by the Consent Holder.

#### **Advice Note – Development Contributions**

Council will not issue a completion certificate pursuant to Section 224(c) of the Act for any stage in relation to this subdivision until all development contributions for that stage 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 Lots 1-104 inclusive and 200 - 203 inclusive and 205 - 213 inclusive in respect of roading and water.

#### **Advice Note - Construction Earthworks:**

All construction earthworks should comply with the requirements of the Land Disturbance consent RM070421

### **GENERAL ADVICE NOTES**

1. The Consent Holder should meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
3. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate consent.
4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
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.

6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, 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.
7. Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing from the Tasman District Council on request.  
Copies of Council Standards and Documents referred to in this consent are available for viewing from the Tasman District Council on request.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**














# PLAN C - PROPOSED LANDSCAPE PLANTING RN070416

- KEY**
-  BUILDING SITE
  -  EXISTING VEGETATION
  -  TYPE 1 - MATURE TREES (CLAMP STUBS - VERA UNIFORMITRIS)
  -  TYPE 2 - RIPARIAN PLANTING (NATIVE PLANT COMMUNITIES)
  -  TYPE 3 - GENERAL WOOD PLANTING (PETA-CORTEX)

LANDSCAPE ARCHITECTS  
**tasmancarter**  
AN INDIGO GROUP COMPANY  
PROJECT: RUSBY BAY DEVELOPMENTS  
SITE: Rusby Bay Road  
SHEET NO: Rusby Bay Road L3  
SUBMITTAL: Subdivision Concept Plan  
DATE: 27 May 2007  
SCALE: 1:500 (A1, 1:1000 (A2))  
DRAWN: JAC  
CHECKED: JAC  
APPROVED: JAC  
SHEET: L3









Ref: M/04162RB

8 October 2007

Ms R Squires  
Tasman District Council  
Private Bag 4  
RICHMOND 7050



Dear Rosalind

**Re: Market Value – Ruby Bay Development - Reserves**

In accordance with your instructions, we inspected the above property for the purpose of assessing the market value of two portions of land for proposed vesting as Reserve in Tasman District Council. The property was inspected on 5 October 2007, being the effective date of valuation.

This report must be read in conjunction with our Statement of Limiting Conditions and Valuation Policies. We report as follows:

**1. Summary of Valuation**

As detailed later in the report we assess the market value of the property as follows:

<b>Effective Date</b>	<b>5 October 2007</b>
<b>Lot 400</b>	<b>\$230,000</b>
<b>Lot 401</b>	<b>\$220,000</b>

The above valuations have been assessed **subject** to the following conditions of valuation:

1. The valuations have been assessed on a plus GST basis.
2. The valuations have been assessed subject to completion of the subdivision in accordance with the plan provided.

TelferYoung (Nelson) Ltd  
52 Halifax Street, PO Box 621, Nelson, New Zealand. Telephone : 03 546 9600, Facsimile : 03 546 9186  
email : telferyoung@nelson.telferyoung.com web site : www.telferyoung.com

+ Ian McKeage + Rod Baxendale + Bryan Paul + Wayne Wootton

+ TelferYoung (Northland) Ltd, 09 438 9699 + TelferYoung (Auckland) Ltd, 09 379 8956 + TelferYoung (Waikato) Ltd, 07 846 5030  
+ TelferYoung (Taranaki) Ltd, 06 757 5753 + TelferYoung (Hawkes Bay) Ltd, 06 835 6179 + TelferYoung (Wellington) Ltd, 04 472 3683  
+ TelferYoung (Canterbury) Ltd, 03 379 7960



3. The valuations have been assessed subject to the general policies of valuation as detailed later in the report.

## **2. Legal Description**

The Reserve portions are part of a concept plan being a subdivision of Lots 1 and 2 Deposited Plan 20366, Lot 13 Deeds Plan 1706 and Lots 1 and 2 RM 010679A. This is seen on the Cato Bolam Consultant Survey Planners plan attached to the rear of this report.

Proposed Lot 400 is a Reserve to vest in Tasman District Council being an 8000 m<sup>2</sup> allotment.

Proposed Lot 401 is a Recreation Reserve to vest in Tasman District Council being a 6000 m<sup>2</sup> allotment.

## **3. Zoning**

The land is zoned Rural 3 under the Tasman Resource Management Plan. This Rural land zone under the Tasman Resource Management Plan has been identified to satisfy residential and rural residential growth with the district for the next 15 years.

Under Rural 3 zone a maximum of 25% of available land can be utilised for residential or rural residential development with the balance 75% being retained as productive land. Currently, Tasman District Council are charging development and service levies for any additional site created under the HUD (Household Unit of Demand). This amounts to approximately \$15,157 per site. This covers roading infrastructure and water supply required by Tasman District Council. Previously, the HUD level was \$24,700 which included allowance for effluent disposal. This has been deleted from the Tasman District Council plan.

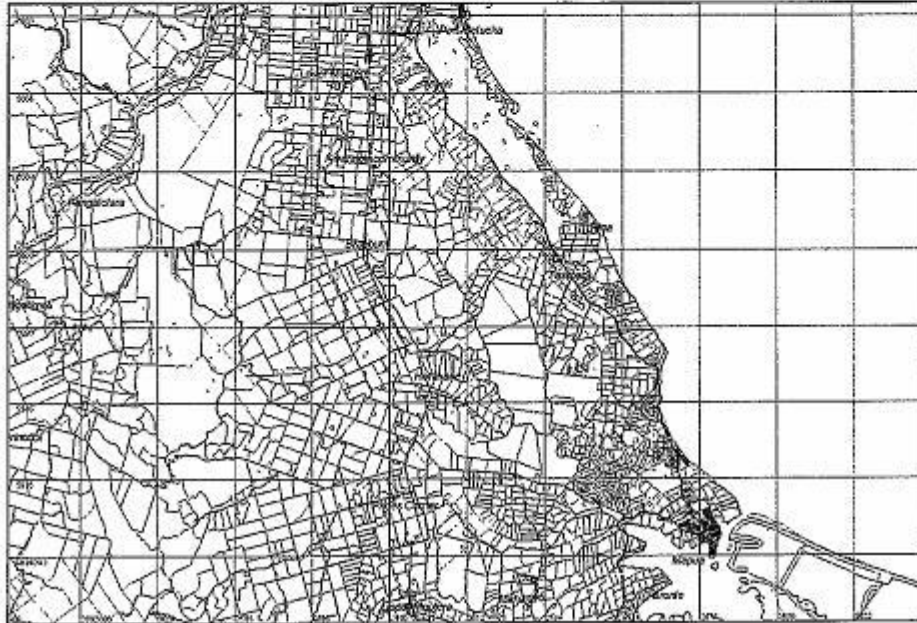
## **4. Location**

The property is located to the eastern side of Dicker Road and northwest side of Awa Awa Road in Tasman, approximately 1 km from Old Coach Road via Dicker Road and 500 m from State Highway 60 via Awa Awa Road. The property is also situated close to the proposed Ruby Bay By-pass which is situated to the western side of the ridge adjoining Dicker Road.





Tasman is an area where there is a scattering of lifestyle and productive horticultural properties, together with uneconomic pastoral properties. The land is part of Rural 3 zoning which allows for lifestyle development within a rural landscape.



The Tasman area will be enhanced following development of the Ruby Bay By-pass. The area has potential to be an enclave of lifestyle blocks set away from the main road, relatively close to the coast and within a general rural setting. The locality is provided with residential and domestic facilities in both Mapua and Motueka.

## 5. Land

### 5.1 Lot 400

This is an 8000 m<sup>2</sup> southwest facing site slightly low lying and set below and to the south of the main thoroughfare through the subdivision. The site has a south westerly aspect with westerly outlook to the Ranges and over the surrounding land. It is set between two clusters of residential type sites and could potentially be a large lifestyle residential property.



## 5.2 Lot 401

This is an easy sloping north easterly facing site with low views to Tasman Bay, the lights of Nelson and Richmond Hills. The block has direct frontage to proposed upgraded Dicker Road and a new main access road. The site is situated slightly below and to the east of Dicker Road and to the north and west of the proposed main access road and cul-de-sac.

The boundary pegs were not located at the time of inspection and we advise that we have not carried out a survey of the site. We assume all improvements lie within the title boundaries or as stated.

## 6. Market Evidence

As the basis for our assessment we have considered sales of serviced sites within the area and have made value adjustments as required.

Address	Date	Price	Area	Comments
Permin Road	12/05	\$450,000	7000 m <sup>2</sup>	Elevated site with good views to coast.
Admirals Way	04/06	\$1,100,000	6000 m <sup>2</sup>	Site with share in 19 ha vineyard.
Kina Beach Road	05/06	\$700,000	5000 m <sup>2</sup>	Elevated prime site.
Brookview Heights	10/06	\$345,000	5880 m <sup>2</sup>	Elevated site with coastal views in Kina area.
Brabant Drive	03/06	\$400,000	2690 m <sup>2</sup>	Elevated, serviced site above Ruby Bay.
Kina Beach Road	09/06	\$377,500	1800 m <sup>2</sup>	Elevated site.
Horton Road	02/07	\$365,000	3264 m <sup>2</sup>	Elevated site within olive grove development.
Horton Road	03/07	\$450,000	4566 m <sup>2</sup>	Elevated site within olive grove development.
Pinehill Road	05/07	\$630,000	6500 m <sup>2</sup>	Elevated site with close coastal views and situation.

## 7. Methodology

In assessing the value of the land to be vested as Reserve we have assessed the value of the portions of land as if serviced sites and then allowed deduction for costs that would be imposed on a developer to create such residential sites. We have therefore in effect, assessed the opportunity cost of the land to the developer. This methodology results in an assessment of the land value net of services, DIL's payments, local authority service charges, servicing costs, sales and legal fees and profit and risk.



## 8. Valuations

In assessing the values we have firstly assessed the value of the individual Reserves as if the land was serviced and provided potential for residential development. We have then made deductions to provide the net unserviced land value. Thirdly, for both Reserves we have provided a range of value assuming increments of size reduction by 1000 m<sup>2</sup> from the sites shown on the plan.

### 8.1 Lot 400

Land	8000 m <sup>2</sup> serviced site	\$320,000
	8000 m <sup>2</sup> unserviced site	230,000
	7000 m <sup>2</sup> unserviced site	220,000
	6000 m <sup>2</sup>	210,000
	5000 m <sup>2</sup>	195,000
	4000 m <sup>2</sup>	180,000
	3000 m <sup>2</sup>	165,000
	2000 m <sup>2</sup>	145,000
	1000 m <sup>2</sup>	125,000

### 8.2 Lot 401

Land	6000 m <sup>2</sup> serviced site	\$310,000
	6000 m <sup>2</sup> unserviced site	220,000
	5000 m <sup>2</sup> unserviced site	205,000
	4000 m <sup>2</sup>	190,000
	3000 m <sup>2</sup>	175,000
	2000 m <sup>2</sup>	155,000
	1000 m <sup>2</sup>	135,000

Our valuation has been assessed on a plus GST basis.

## 9. Statement of Limiting Conditions and Valuation Policy

### *Purpose*

*This valuation report has been completed for the specific purpose stated. No responsibility is accepted in the event that this report is used for any other purpose.*

**Telfer Young**



**Responsibility To Third Party**

*Our responsibility in connection with this valuation is limited to the client to whom the report is addressed and to that client only. We disclaim all responsibility and will accept no liability to any other party without reference first to TelferYoung (Nelson) Limited and the author of the report. TelferYoung (Nelson) Limited reserves the right to alter, amend, explain or limit any further information given to any other party.*

**Reproduction Of Report**

*Neither the whole nor any part of this valuation and report or any reference to it may be included in any published document, circular or statement without first obtaining our written approval of the form and context in which it may appear.*

**Date Of Valuation**

*Unless otherwise stated, the effective date of the valuation is the date of the inspection of the property. This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value.*

*Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.*

**Legislation**

*We have not obtained a Land Information Memorandum (LIM) or Property Information Memorandum (PIM) for this property which unless otherwise stated is assumed to conform to all requirements of the Resource Management Act 1991, the New Zealand Building Code contained in the First Schedule to the Building Regulations 1992, the Building Act 1991 and the Building Act 2004. Our valuation reports are prepared on the basis that properties comply with all relevant legislation and regulations unless otherwise stated. Legislation that may be of importance in this regard includes Health & Safety in Employment Act 1992, the Fire Safety and Evacuation of Buildings Regulation 1992, and the Disabled Persons Community Welfare Act 1975.*

**Registrations**

*Unless otherwise stated, our valuation is subject to there being no detrimental or beneficial registrations affecting the value of the property other than those appearing on the title. Such registrations may include Waahi Tapu and Historic Places Trust registrations.*

**Reliability Of Data**

*The data and statistical information contained herein was gathered for valuation purposes from reliable sources and is believed to be correct. All reasonable attempts have been made to verify the authenticity of this information but we cannot guarantee its accuracy.*

**Assumptions**

*This report contains assumptions believed to be fair and reasonable at the date of valuation. In the event that assumptions made based on information relied upon is later proven incorrect, or known by the recipient to be incorrect at the date of reporting, TelferYoung (Nelson) Ltd reserves the right to reconsider the report, and if necessary, reassess values.*



**GST**

*When analysing the sales and/or leasing evidence relied upon for this valuation, it is noted that we have attempted to ascertain whether or not the sale price/rental is inclusive or exclusive of Goods and Services Tax (GST). The national database of sales evidence does not currently identify whether or not the sale price is inclusive or exclusive of GST. Where we have not been able to verify the matter of GST, we have assumed that the national database record of sale price is inclusive of GST (if any) for residential properties and plus GST (if any) for non residential properties. Should this not be the case for any particular sale or rental used as evidence, we reserve the right to reconsider our valuation.*

**Land Survey**

*We have made no survey of the property and assume no responsibility in connection with these matters. Unless otherwise stated, it is assumed all improvements lie within the title boundaries.*

*Unless otherwise stated, we have not undertaken investigations or been supplied with geotechnical reports with respect to the nature of the underlying land. Unless otherwise stated, we have assumed the land to be firm and suitable ground for the existing and/or potential development without the need for additional and expensive foundation and retaining work or drainage systems.*

**Contamination**

*Unless otherwise stated our valuation and report assume that the land and buildings are unaffected by harmful contaminants or noxious materials which may impact on value. Verification that the property is free from contamination and has not been affected by noxious materials should be obtained from a suitably qualified environmental expert.*

Should you require any further information or clarification please do not hesitate to contact the undersigned.

Yours faithfully  
**TelferYoung (Nelson) Ltd**

**Rod Baxendine**  
Registered Valuer, ANZIV, SPINZ  
Email: [rod.baxendine@nelson.telferyoung.com](mailto:rod.baxendine@nelson.telferyoung.com)

## **RESOURCE CONSENT NUMBER: RM070417**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

### **ACTIVITY AUTHORISED BY THIS CONSENT**

To construct a single dwelling and accessory buildings within a nominated building area on proposed Lots 1-104, Lots 200-211 of the subdivision consent described as Application RM070416. A total of 115 dwellings are authorised to be built.

### **LOCATION DETAILS**

Address of property: Awa Awa Road and Dickers Road, Ruby Bay  
Legal description: Proposed Lots 1 – 104 and Proposed Lots 200 – 213 of resource consent RM070416.  
Certificate of title: CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

### **CONDITIONS**

#### **Commencement Date and Lapsing of Consent**

- 1a) The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotments.
- 1b) This consent lapses five years after the issue of the certificate of title for the respective allotments unless given effect to.

#### **Building Location Restrictions**

- 2a) The construction of buildings on Lots 1-104 inclusive and 200-213 inclusive shall be restricted to the Building Location Areas shown on Plan A1 attached to resource consent RM070416, and all buildings shall, subject to any recommended conditions noted on each title (if any), be fully contained within each Building Location Area, except that this condition does not apply to any buildings solely associated with utilities within the subdivision or accessory buildings on Lots 200-213 where the change in location has been approved by the Residents Society.

#### **Building Height**

- 3a) Dwellings and accessory buildings on Lots 1, 2, 4-6 inclusive, 8, 9, 11,12, 16-20 inclusive, 22-25 inclusive, 27-32 inclusive, 35-41 inclusive, 43-51 inclusive, 54, 59-62 inclusive, 64, 66-68 inclusive, 79-89 inclusive, 92-94 inclusive, 98-101 inclusive, 104, 203 and 206-211 inclusive shall have a maximum height restriction of 5.5 metres above the finished building platform level.

- 3b) All accessory buildings on Lots 200-213 inclusive shall have a maximum height restriction of 6.5 metres above natural ground level.

**Advice Notes:**

All buildings on all other allotments need to comply with the 7.5 metre maximum permitted height in the PTRMP, or separate resource consent will need to be obtained. "Natural Ground Level" is defined as being the finished ground level when all works associated with the subdivision are completed.

**Building Colour**

- 4a) The exterior of all buildings in this development shall be finished in colours that are recessive and which blend in with the immediate environment.
- 4b) The building shall be finished in colours that meet the following standards:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value ≤50%	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value ≤50%	
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	
Group E	Excluded	
<b>Finish</b>	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, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

**Advice Notes:**

The consent holder is encouraged to 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.

**Water Storage for Domestic use and Fire Fighting**

- 5a) Each dwelling shall be provided with an on-site water storage tank(s) that have a total capacity of not less than 30,000 litres.

**Advice Note:**

The property is located in an area of the District that has a moderately low rainfall. As dwellings are intended to use rainwater harvesting from roofs for domestic water until a reticulated service is provided, the Residents Society should encourage residents to use water conservation methods.

- 5b) Water tanks shall be incorporated into the structure of the buildings or fully buried within each lot so as not to be visible from beyond the boundary of the site.

- 5c) An appropriate water filtration device and ultra-violet disinfection system for potable water shall be installed so that rainwater collection will achieve a potable standard (as defined in the current New Zealand Drinking Water Standards). Details of the filtration and disinfection system and its on-going maintenance shall be provided with the building consent application for each dwelling.
- 5d) Any dwelling to be erected on Lots 1-3 inclusive and Lots 7-9 inclusive shall, in addition to the water filtration and disinfection system referred to in condition 5c) above, be provided with a rain water separator in line to discharge to waste the first flush of water from the collecting surfaces and also provided with an appropriate activated charcoal filter to mitigate any potential contamination from agrichemical spray use from the adjoining orchard to the east of these properties.

**Advice Note:**

This condition was volunteered by the Consent Holder following submissions made by Mr D Goodman, the adjoining orchardist.

- 5e) The dwelling shall be provided with a water supply system complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice.

**Landscaping**

- 6a) The dwelling site shall be landscaped in general accordance with the Landscape Planting Plan approved under subdivision RM070416, and shall be generally in accordance with the Tasman Carter Land use Plan Sheet 5 dated 24 May 2007 approved under resource consent RM070416 and the Tasman Carter Land Use Plan Sheet 5 dated 24 May 2007 and attached to this consent as Plan G RM070417.
- 6b) The landscaping shall be fully completed within two years of the issuing of the building consent for the dwelling. Written confirmation shall be provided to the Tasman District Council, Environment and Planning Manager from a suitably qualified landscaping professional that the landscaping has been fully completed in accordance with the Landscape Planting Plan referred to in condition 6a) of this consent.

**GENERAL ADVICE NOTES**

**Council Regulations**

1. The Consent Holder shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.

**Other Proposed Tasman Resource Management Plan Provisions**

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:
- a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.



## Consent Holder

3. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

## Development Contributions

4. The Consent Holder may be liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

## Cultural heritage

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.

## Plans and Documents

6. Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Tasman District Council.

Copies of Council Standards and Documents referred to in this consent are available for viewing at the Richmond Office of the Tasman District Council.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**

**PLAN G**  
**RM070417**



## **RESOURCE CONSENT NUMBER: RM070418**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

### **ACTIVITY AUTHORISED BY THIS CONSENT**

To establish and operate a community activity on proposed Lot 502 of resource consent RM070416. The Community Centre is for the use of residents of the subdivision and incorporates a 200 square metre building, a car park, swimming pool, tennis court and a 5-hole “chip and putt” golf course.

### **LOCATION DETAILS**

Address of property: Awa Awa Road and Dickers Road, Ruby Bay  
Legal description: Proposed Lots 1 – 104 and Proposed Lots 200 – 213 of resource consent RM070416.  
Certificate of title: CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

### **CONDITIONS**

#### **General**

- 1a) The community activity shall be undertaken in general accordance with the documentation submitted with the application and with Tasman Carter Plan L8a dated 24 May 2007 and ADNZ Sheet A02 dated 3 April 2007 appended to this application as Plan H and Building Elevation and Floor Plans J1 and J2 RM070418. Notwithstanding the above, if there is any apparent conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.

#### **Advice Note:**

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Tasman District Council.

Copies of Council Standards and Documents referred to in this consent are available for viewing at the Richmond Office of the Council.

- 1b) The use of Lot 502 shall be for the Resident’s Society members only and their invited guests.
- 1c) The Community Centre is limited to a 200 square metre building, a car park, swimming pool, tennis court and a 5-hole “chip and putt” golf course.

## Commencement Date and Lapsing of Consent

- 2a) The commencement date for this consent shall be the issue date of the certificate of title for proposed Lot 502.
- 2b) This consent will lapse five years after the issue of the certificate of title for Lot 502 unless it is given effect to.

## Community Building

- 3a) The total gross floor area of the community building on Lot 502 shall not exceed 200 square metres excluding the covered entranceway.
- 3b) The maximum height of the building shall not exceed 5.0 metres above ground level.
- 3c) The exterior of the community building shall be finished in colours that are recessive and which blend in with the immediate environment.
- 3d) The building shall be finished in colours that meet the following standards:

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 25 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	
<b>Finish</b>	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, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

### Advice Note:

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.

## Parking and Loading

- 4a) A minimum of 16 on-site parking spaces on proposed Lot 502 shall be provided and one loading space on shall be provided.
- 4b) All car parking spaces, the loading space and associated access and manoeuvring areas shall be sealed and marked.

**Advice Note:**

Standards for forming of access and parking spaces are provided in Chapter 16.2 of the Proposed Tasman Resource Management Plan.

**GENERAL ADVICE NOTES****Council Regulations**

1. The Consent Holder should meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.

**Other Proposed Tasman Resource Management Plan Provisions**

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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); or
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

**Consent Holder**

3. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

**Development Contributions**

4. The Consent Holder may be liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Issued this 27<sup>th</sup> day of November 2007

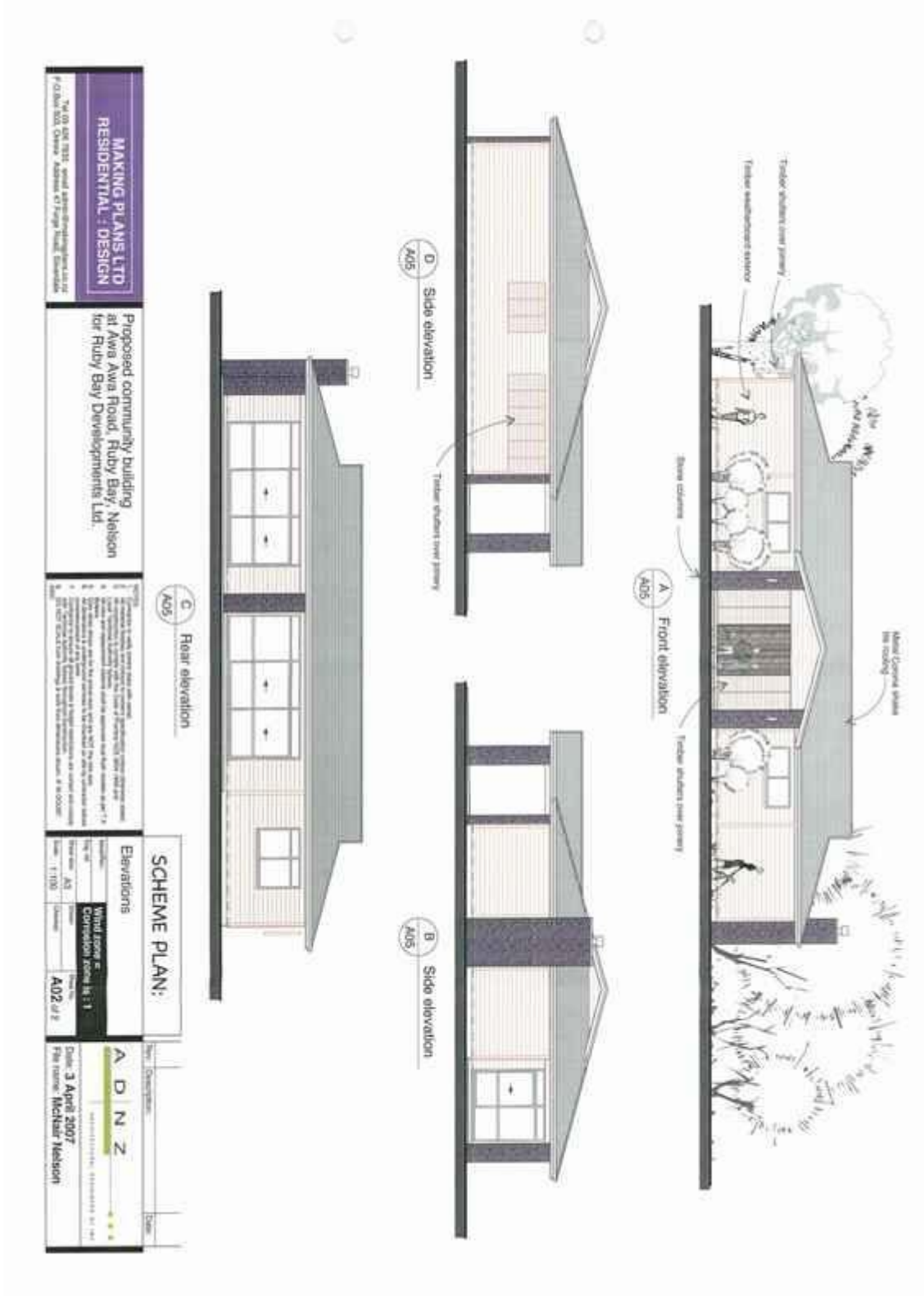


Commissioner E M O'Regan  
**Chair of Hearings Committee**

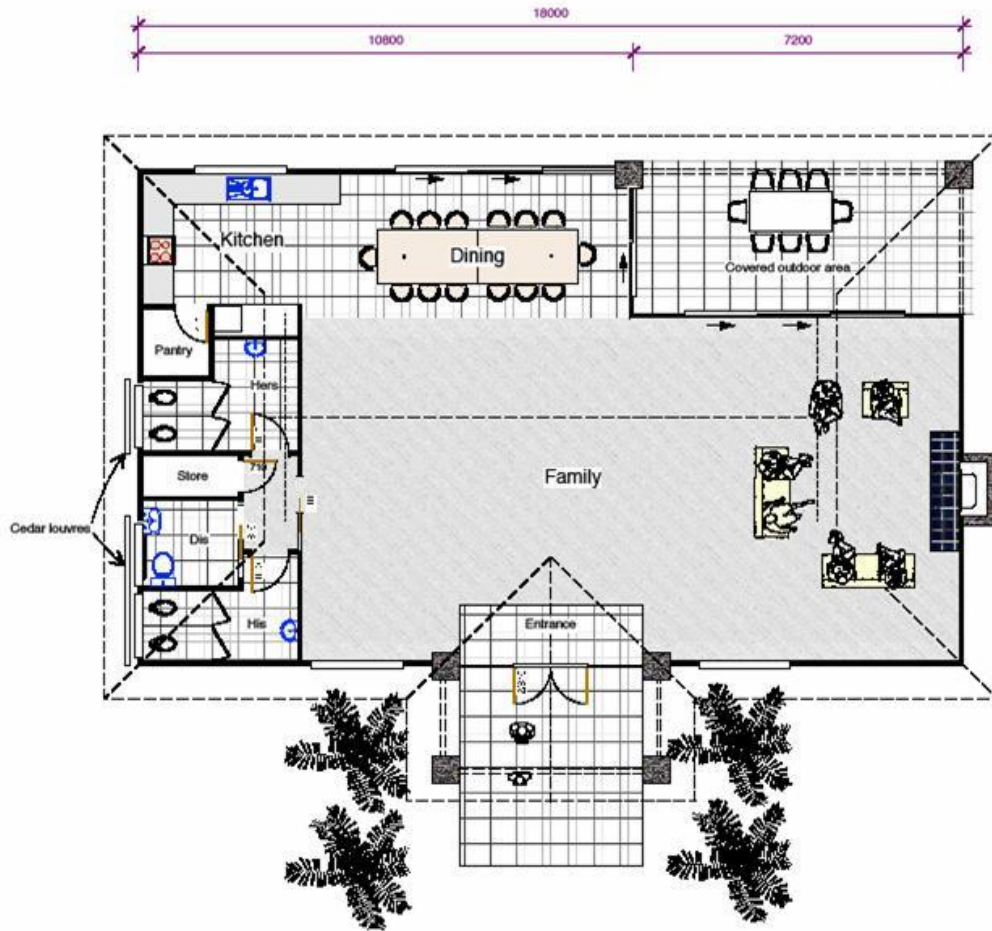
**PLAN H  
RM070418**



Plan J1  
RM070418



Plan J2  
RM070418



**NS LTD  
DESIGN**  
  
angplans.co.nz  
osed, Silverdale

Proposed community building  
at Awa Awa Road, Ruby Bay, Nelson  
for Ruby Bay Developments Ltd.

- NOTES:**
1. Contractor to verify primary sizes with owner.
  2. All material finishes and colours to owners specification unless otherwise stated.
  3. All construction to comply with the Code of Practice NZS 3604 1999 and Local Territorial Authority bylaws.
  4. All new and replacement windows shall be approved dual flush models as per T A Bylaws.
  5. Door sizes shown are for the actual door and are NOT the trim size.
  6. All dimensions & underground services to be checked on site by contractor before commencement of any work.
  7. Contractor to ensure all ground levels & height restrictions are correct and comply with Territorial Authority bylaws throughout construction.
  8. DO NOT SCALE from drawings & work from dimensions shown. IF IN DOUBT, ASK!

**SCHEME PLAN:**

Ground floor plan	
Issue/rev:	Wind zone =
Eng. ref:	Corrosion zone is : 1
Sheet size: A3	Drawn:
Scale: 1:100	Checked:
	Sheet No. A01 of 2

Rev.	Des
A	1
Date: 3	File name



## **RESOURCE CONSENT NUMBERS:** RM070419 and RM070420

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

### **ACTIVITIES AUTHORISED BY THIS CONSENT**

**Discharge Permit (Application RM070419):** To discharge collected stormwater from buildings, roads, and other hardstand areas to land and surface waterbodies associated with resource consent RM070416.

**Water Permit (Application RM070420):** To divert stormwater in conjunction with the discharge permit RM070419 outlined above

### **LOCATION DETAILS**

Address of property: Awa Awa Road and Dickers Road, Ruby Bay  
Legal description: Lots 1 and 2 DP20366, Lot 13 Deeds Plan 1706 and Proposed Lots 1 and 2 of resource consent RM010679A.

Certificate of title: CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

Pursuant to Section 108 of the Act, these consents are issued subject to the following conditions:

### **Diversion and Discharge of Stormwater (RM070419 and RM070420)**

### **CONDITIONS**

#### **General**

1. The discharge of stormwater shall be carried out in general accordance with the details contained in the Stormwater Neutrality Report prepared by Cato Bolam Consultants and submitted with resource consent applications RM070419, RM070420 and RM070423. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.

#### **Advice Note:**

Copies of Documents referred to in this consent are available for viewing at the Richmond Office of the Council.

2. Engineering specification plans shall be provided to the Council’s Engineering Manager, and approved prior to the commencement of works on the proposed development. The specifications shall be in general accordance with the requirements of the report referred to in condition 1 of this consent.
3. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water.

Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that no residual potential for contamination of land and surface water run-off from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform the Council's Co-ordinator Compliance Monitoring.

### **Stormwater Management Plan**

4. The Consent Holder shall submit to the Council's Co-ordinator Compliance Monitoring for approval, a Stormwater Management Plan (SMP) before any land excavation or construction works begin. The SMP shall, as a minimum, include:
  - a) Design plans for the components of the stormwater system.
  - b) A construction-phase sediment management plan which identifies how sediment shall be controlled so that the wetlands and other downstream aquatic ecosystems are protected from the deposition of sediment in accordance with the objectives and policies of the Proposed Tasman Resource Management Plan (PTRMP). This plan shall include structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures.
  - c) A spill management plan that addresses responses to incidences of spills or discharges of substances into the stormwater system that may be hazardous to aquatic or wetland ecosystems.
  - d) A maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection, pest fish monitoring and pest fish eradication.
  - e) The stormwater system shall be managed in accordance with the approved SMP and the stormwater flows shall be treated and attenuated through the use of stormwater detention ponds, bush protection and/or regeneration and on-site measures for each new building.

### **Annual System Certification**

5. A certificate signed by the person responsible for designing the stormwater management system or a similarly qualified or experienced person shall be submitted to the Council's Environment and Planning Manager annually for the duration of the construction phase of the subdivision. The certificate shall certify that the system components present are constructed and installed in accordance with the details of the application and the conditions of this consent.

### **Review of Consent Conditions**

6. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents by serving notice during the month of April each year each year, and for any of the following purposes:
  - a) to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage;

- b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;
- c) to allow, in the event of concerns about the quality or quantity of stormwater discharged, the imposition of compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or
- d) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, National Environmental Standard, or Act of Parliament.

## Expiry

7. This resource consent expires on 1 November 2042.

## GENERAL ADVICE NOTES

1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
2. The Consent Holder's attention is drawn to Permitted Activity Rule 36.2.4 of the Proposed Tasman Resource management Plan, which permits the discharge of sediment or debris to water. No consent to breach the conditions of this Rule has been applied for and therefore the Consent Holder must meet the conditions of this Rule during land disturbance activities or else a separate resource consent must be obtained.
3. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
4. This resource consent only authorises the activities described above. Any matters or activities not referred to in these consents or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
5. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991.
6. 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 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER: RM070421**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT**

To undertake up to 190,000 cubic metres of earthworks and vegetation removal for the construction of roads, building platforms and stormwater devices associated with the subdivision application described as Application RM070416.

**LOCATION DETAILS**

Address of property: Awa Awa Road and Dickers Road, Ruby Bay  
Legal description: Lots 1 and 2 DP20366, Lot 13 Deeds Plan 1706 and Proposed Lots 1 and 2 of resource consent RM010679A.

Certificate of title: CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

**CONDITIONS**

**General**

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans submitted with the application, and the accompanying geotechnical engineering report by Tonkin and Taylor Ltd dated May 2007. In particular, these details include:
  - a) up to 190,000 cubic metres of cut to fill earthworks;
  - b) sediment controls including silt fences, sediment control ponds, decanting bunds, and runoff diversion bunds; and
  - c) removal of some wetland vegetation.

**Advice Note:**

A copy of the Tonkin and Taylor Ltd report referred to is available for viewing at the Richmond Office of the Council.

2. The Consent Holder shall contact the Council’s Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
3. The Consent Holder shall prior to commencement of works, provide for the approval of Council’s Co-ordinator Compliance Monitoring, an Environmental Management Plan. The Plan shall provide for the consent holder to implement all necessary mitigation measures to ensure that, in the opinion of an Enforcement Officer of the Council, there are no offensive or objectionable effects from dust discernable at or beyond the property boundary as a result of the authorised activities. Such measures shall include the sealing of the access road described as Lot 600 in subdivision

consent RM070416 as soon as practicable following the completion of earthworks and road base formation.

4. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that no residual potential for contamination of land and surface water run-off from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform the Council's Co-ordinator Compliance Monitoring.

**Advice Note:**

The use of the methods shown in the application should be used and any other methods, as necessary, to ensure that dust emissions and run-off is controlled. The Consent Holder is encouraged to consult with properties in the vicinity of the proposed Awa Awa Road access to maintain effective procedures and practices to mitigate any adverse effects from dust from the activity relating to the formation of the access road.

5. 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 water 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.

**Advice Note: Stormwater Management Plan**

The Consent Holder pursuant, to resource consents M070419 and RM070420 is required to submit to the Council's Coordinator Compliance Monitoring for approval, a Stormwater Management Plan (SMP) referred to in condition 3 of that consent, before any land excavation or construction works begin.

**Vegetation**

6. The Consent Holder shall minimise any need removal of wetland vegetation during the development of the site for weed control. Existing vegetation should be retained in the gullies and hollows that feed the wetland as much as is practicable. All indigenous wetland species removed should be retained and replaced after the works, and areas where other species/weeds are removed should be replanted with native species indigenous to this area.
7. To limit erosion and downhill movement of exposed material, all other bare areas shall be re-vegetated as soon as is practicable and no later than three months after the completion of the works.
8. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.

**Review of Consent Conditions**

9. 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 consents and which it is appropriate to deal with at a later stage;
  - or

- b) to require compliance with operative rules in the Proposed 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.
10. Pursuant to Section 125 of the Act this consent shall lapse ten 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.

**Advice Note:**

The consent is given effect to once excavations commence.

**GENERAL ADVICE NOTES**

1. The Consent Holder should 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.
3. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991.
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, with the exception of the expiry date.
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, 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.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**

## **RESOURCE CONSENT NUMBER: RM070422**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

### **ACTIVITY AUTHORISED BY THIS CONSENT**

To place culverts and stormwater attenuation dam structures on the beds of watercourses associated with resource consent RM070416. This application also covers the disturbance of the beds of watercourses during the placement of the culverts and construction of the stormwater attenuation dam structures.

### **LOCATION DETAILS**

Address of property: Awa Awa Road and Dickers Road, Ruby Bay  
Legal description: Lots 1 and 2 DP20366, Lot 13 Deeds Plan 1706 and Proposed Lots 1 and 2 of resource consent RM010679A.

Certificate of title: CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

### **CONDITIONS**

#### **General**

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans submitted with the application. In particular, these details include:
  - a) eight culverts within the wetland stream with sizes ranging between 525 and 1050 millimetres;
  - b) the culverts design flow providing for a 10 year return period;
  - c) the culverts providing for the passage of fish.

#### **Advice Note:**

A copy of the application and report referred to is available from the Richmond Service Centre of the Council.

#### **Monitoring**

2. The Consent Holder shall contact the Council’s Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
3. The Consent Holder shall ensure that the culverts are constructed in such a manner as to minimise sedimentation and contamination to the stream during construction. Adequate scour prevention measures such as rock armouring shall be constructed as necessary, to minimise scouring of the bed and banks of the watercourse.

4. The Consent Holder shall ensure that the culverts are constructed in such a manner that the passage of fish is provided for. The water level at the outlet of the culverts shall at all times be above the culvert invert. In the event of a washout by flooding, the Council's Co-ordinator Compliance Monitoring should be notified immediately, and works shall be undertaken within three months to ensure this condition is met.

**Advice Note:**

This is usually best controlled by a water level control structure 5-10 metres downstream of the outlet of the culvert. This structure could for example be a pile of rocks across the stream, but should not be permeable (ie, the water must flow over the top) and it should not be able to be moved in a flood (boulders or large cobbles needed).

5. The Consent Holder shall implement appropriate stormwater run-off and sediment control measures throughout the works construction to limit the discharge of sediment run-off.
6. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that no residual potential for contamination of land and surface water run-off from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform the Council's Co-ordinator Compliance Monitoring.
7. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.
8. Council may, for the duration of this consent, and at any time, 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 Proposed 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.
9. Pursuant to Section 125 of the Act, this consent shall lapse ten 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.

**Advice Note:**

The consent is given effect to once the works commence.

## **Expiry**

10. This resource consent expires on 1 November 2042.



## GENERAL ADVICE NOTES

1. The Consent Holder should meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate consent.
3. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991.
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.
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, 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.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**

## **RESOURCE CONSENT NUMBER: RM070423**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

### **ACTIVITIES AUTHORISED BY THIS CONSENT**

To dam water where the catchment area exceeds 20 hectares for the attenuation of stormwater associated with resource consent RM070416.

### **LOCATION DETAILS**

Address of property: Awa Awa Road and Dickers Road, Ruby Bay  
Legal description: Lots 1 and 2 DP20366, Lot 13 Deeds Plan 1706 and Proposed Lots 1 and 2 of resource consent RM010679A.

Certificate of title: CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

### **CONDITIONS**

#### **General**

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans submitted with the application.

#### **Advice Note**

This resource consent is not a Building Consent. Construction of a dam and or spillways may require such Consent pursuant to the Building Act 2002.

2. There shall be no take of dammed water at a rate or volume that causes a more than minor adverse effect on pond ecology or habitat values. Any takes from the dam reservoirs shall include screened pump intakes to avoid the entrainment of fish.
3. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that no residual potential for contamination of land and surface water run-off from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform the Council’s Co-ordinator Compliance Monitoring.
4. The Consent Holder shall ensure that any infestations of pest fish are eradicated as soon as is practicable, using methods that have been approved in writing by the Council’s Biosecurity Officer. This action shall be limited to the target pest and the eradication shall not lead to any adverse effect on ecology and habitats.

### **Advice Note**

Some methods of eradication of infestations of pest fish may require additional resource consents.

### **Review of Conditions**

5. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents by serving notice during the month of April each year each year, and for any of the following purposes:
  - a) to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage;
  - b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;
  - c) to allow, in the event of concerns about the quality of the dam water, the imposition of compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or
  - d) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, National Environmental Standard, or Act of Parliament.

### **Expiry**

6. This resource consent expires on 1 November 2042.

### **GENERAL ADVICE NOTES**

1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
2. No water permit to take water from the dammed water has been applied for and therefore any takes of water must be in accordance with the permitted rules of the Proposed TRMP or else a resource consent must be obtained.
3. The Consent Holder's attention is drawn to permitted rule 36.2.4 which permits the discharge of sediment or debris to water. No consent to breach the conditions of this rule has been applied for and therefore the Consent Holder must meet the conditions of this consent during land disturbance activities or else a separate resource consent must be obtained.
4. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
5. This resource consent only authorises the activities described above. Any matters or activities not referred to in these consents or covered by the conditions must either:

- a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.
6. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991.
  7. 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 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER:** RM070424

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT**

**RM070424:** To discharge treated wastewater of a domestic nature from a Community Centre to land by way of subsurface dripper line irrigation on proposed Lot 502 of resource consent RM070416.

**LOCATION DETAILS**

Address of property: Awa Awa Road and Dickers Road, Ruby Bay  
Legal description: Proposed Lot 502 of resource consent RM070416.

Certificate of title: CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

**General Conditions**

1. The Consent Holder shall submit a complete wastewater system design report for the approval of the Council’s Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This design report shall include details of the activities within the Community Centre and shall include calculations of expected maximum daily wastewater volumes. This design and the construction and operation of the approved wastewater treatment and disposal system shall be in general accordance with the design report prepared by Ormiston Associates Ltd (reference 1926/2707 and dated May 2007) with the application for resource consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

**Advice Notes:**

A copy of the Ormiston and Associates report referred to is available from the Richmond office of the Council.

The wastewater system designer should be involved from an early stage with other parties responsible for the design of the community centre. Design flow volumes, design and sizing of the land application area(s) and reserve land application area(s) need to be undertaken in concurrently with, for example, landscaping designs and planning of the community centre facilities.

2. The volume of wastewater discharged shall not exceed “X” cubic metres per day , where “X” equals the approved daily volume of wastewater predicted to be generated by the Community Centre according to the design report required to be submitted for approval by Condition 1. Following approval of the design, the Council will confirm in writing, the quantum of “X” and both the Consent Holder’s and the

Council's copy of the resource consent document shall be amended to reflect the approved daily wastewater volume.

**Advice Note:**

Details of the activities that would take place within the Community Centre were not provided at the time this consent was issued and therefore the expected maximum daily rate of wastewater likely to be generated from it was unknown.

A copy of the amended resource consent document is to be generated once the design has been approved and a copy of the amended consent is to be sent to the Consent Holder with "X" being replaced by the approved daily wastewater volume. The wastewater system will need to be designed to treat and discharge wastewater up to a maximum daily volume which should not be exceeded under any circumstances.

**Treatment and Disposal System**

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day) and wastewater shall be discharged via a network or networks of pressure compensating drip irrigation lines. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Lateral lines shall be laid at no more than 1 metre spacing.
4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with condition 14 of this consent, shall comply at all times with the following limits:
  - a) the five day biochemical oxygen demand (BOD<sub>5</sub>) in any single sample shall not exceed 30 grams per cubic metre; and
  - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with a remote telemetry alarm system that alerts the contracted service provider (as required by condition 16 of this consent) of, as a minimum, high water level in any system chambers and pump chambers, and any pump failure.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.

**System Construction, Installation and Certification**

7. The construction and installation of the wastewater treatment plant and land application area shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent. This certificate or producer statement shall include sufficient information to enable the

Council to determine compliance with conditions 1, 3, 5, 11 and 14 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
  - b) that all components of the wastewater system are in sound condition for continued use for the term of this consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and land application area. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including sampling points required to be installed in accordance with Condition 14.
  9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
  10. A reserve land application area equivalent to 100% of the primary land application area shall be kept free from permanent buildings or any other developments that would prevent its future use for the discharge of domestic wastewater.

**Advice Note:**

The Council is able to provide advice on suitable vegetation for the disposal area.

11. The Consent Holder shall install and maintain at all times a calibrated flow meter, with an accuracy of  $\pm 5\%$ , on the outlet of the wastewater treatment system to measure the quantities of wastewater discharged to the land application area(s).
12. The flow meter required to be installed in accordance with condition 11 shall be read manually or electronically at the same time daily when the Community Centre is in use. The date and water volume shall be recorded and copies of these records shall be forwarded to the Council's Coordinator Compliance Monitoring quarterly and also upon written request.
13. Any exceedence of the authorised discharge volume specified in Condition 2 shall be reported to the Council's Coordinator Compliance Monitoring in writing within three days of the reading. This report must include any explanation of the non-compliance and an assessment of the likely effects of the functioning of the system and the receiving environment.
14. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

**Maintenance and Monitoring**

15. Samples of the treated wastewater shall be collected using laboratory provided containers at 6, 12 and 24 months following the exercise of this consent. The

samples shall be tested for BOD<sub>5</sub> and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the Community Centre is being used in a typical fashion. The samples shall be taken using appropriate procedures as directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

16. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

17. Notwithstanding Condition 16, the wastewater treatment and disposal system shall be inspected and serviced not less than every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

- a) the date the inspection was undertaken and the name of the service provider;
- b) a list of all components of the treatment and disposal systems that were inspected and the state of those components;
- c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- d) a description of the appearance of the filter/s and tanks;
- e) the location and source of any odour detected from the system; and
- f) a description of the appearance of the land application area (ponding, vegetation growth etc).

### **Review of Consent Conditions**

18. The Council may, during the month of November 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 adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the



consent, and which is therefore more appropriate to deal with at a later stage; and/or

- b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
- c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
- d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
- e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

## **Expiry**

19. This resource consent expires on 1 November 2022.

## **GENERAL ADVICE NOTES**

- 1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
- 2. It is strongly recommended that household water reduction fixtures be included in the community centre design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
- 3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
- 4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- 5. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-ordinator Compliance Monitoring.
- 6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
- 7. 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);

- b) be allowed by the Resource Management Act; or
- c) be authorised by a separate resource consent.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**

## **RESOURCE CONSENT NUMBER: RM070425**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

### **ACTIVITY AUTHORISED BY THIS CONSENT**

**RM070425:** To discharge treated domestic wastewater to land from a residential dwelling on Proposed Lot 22 of resource consent RM070416.

### **LOCATION DETAILS**

Address of property:	Awa Awa Road and Dickers Road, Ruby Bay
Legal description:	Proposed Lot 22 of resource consent RM070416.
Certificate of title:	CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

#### **Advice Note:**

This resource consent is a Discharge Permit. Section 137(2) of the Act provides for the transfer of a Discharge Permit following transfer of ownership of proposed Lot 22. The Consent Holder (the transferor) should notify the Council of any such proposed transfer following which a new resource consent on the same conditions as this Consent will be issued to the new proprietor (the transferee) of Lot 22.

### **General Conditions**

1. The design, construction and operation of the domestic wastewater treatment and disposal system shall be in general accordance with the design report prepared by Ormiston Associates Ltd (reference 1926/2707 and dated May 2007) submitted in support of the application for resource consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

#### **Advice Note:**

A copy of the Ormiston and Associates report referred to is available from the Richmond office of the Council.

2. The maximum discharge rate shall not exceed 1,200 litres per day and shall occur in the location shown on Plan K dated 27 September 2007 copy attached to this consent.

#### **Advice notes:**

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council. The relevant Lot for this consent is Lot 22 on the Plan.

The daily discharge volume is that anticipated from a three–four bedroom house which, for wastewater design purposes, has a maximum occupancy of six persons. Any increase in the number of bedrooms and/or the inclusion of potential bedrooms

(e.g. offices, rumpus rooms) proposed to be built will need to be authorised by a variation to this resource consent which the Consent Holder can apply for pursuant to section 127 of the Act.

### **Treatment and Disposal System**

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application area shall be no less than 600 square metres in area and incorporate at least 600 lineal metres of pressure-compensating drip irrigation line. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Lateral lines shall be laid at no more than 1 metre spacing.
4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
  - a) the five day biochemical oxygen demand (BOD<sub>5</sub>) in any single sample shall not exceed 30 grams per cubic metre; and
  - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, nor any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1 and 3 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
  - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and disposal system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.

9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
10. The reserve land application area equivalent to at least 50% of the primary land application area shall be kept free from permanent buildings or any other developments that would prevent its future use for the discharge of domestic wastewater.

**Advice Note:**

The Council is able to provide advice on suitable vegetation for the disposal area.

11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

### **Maintenance and Monitoring**

12. Samples of the treated wastewater shall be collected using laboratory provided containers at 6, 12 and 24 months following the exercise of this consent. The samples shall be tested for BOD<sub>5</sub> and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. Typical fashion means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than 1 person from the number of people that normally reside in the dwelling. The samples shall be taken using appropriate procedures as directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

14. Notwithstanding Condition 13, the wastewater treatment and disposal system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

- a) the date the inspection was undertaken and the name of the service provider;

- b) a list of all components of the treatment and disposal systems that were inspected and the state of those components;
- c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- d) a description of the appearance of the filter/s and tanks;
- e) the location and source of any odour detected from the system; and
- f) a description of the appearance of the land application area (ponding, vegetation growth etc).

### **Review of Consent Conditions**

15. The Council may, during the month of November 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 adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
  - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
  - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
  - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
  - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

### **Expiry**

16. This resource consent expires on 1 November 2022.

### **GENERAL ADVICE NOTES**

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.

4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
7. 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**





## **RESOURCE CONSENT NUMBER: RM070426**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

### **ACTIVITY AUTHORISED BY THIS CONSENT**

**RM070426:** To discharge treated domestic wastewater to land from a residential dwelling on Proposed Lot 34 of resource consent RM070416.

### **LOCATION DETAILS**

Address of property:	Awa Awa Road and Dickers Road, Ruby Bay
Legal description:	Proposed Lot 34 of resource consent RM070416.
Certificate of title:	CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

#### **Advice Note:**

This resource consent is a Discharge Permit. Section 137(2) of the Act provides for the transfer of a Discharge Permit following transfer of ownership of proposed Lot 34. The Consent Holder (the transferor) should notify the Council of any such proposed transfer following which a new resource consent on the same conditions as this Consent will be issued to the new proprietor (the transferee) of Lot 34.

### **General Conditions**

1. The design, construction and operation of the domestic wastewater treatment and disposal system shall be in general accordance with the design report prepared by Ormiston Associates Ltd (reference 1926/2707 and dated May 2007) submitted in support of the application for resource consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

#### **Advice Note:**

A copy of the Ormiston and Associates report referred to is available from the Richmond office of the Council.

2. The maximum discharge rate shall not exceed 1,200 litres per day and shall occur in the location shown on Plan K dated 27 September 2007 copy attached to this consent.

#### **Advice notes:**

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council. The relevant Lot for this consent is Lot 34 on the Plan.

The daily discharge volume is that anticipated from a three–four bedroom house which, for wastewater design purposes, has a maximum occupancy of six persons.

Any increase in the number of bedrooms and/or the inclusion of potential bedrooms (e.g. offices, rumpus rooms) proposed to be built will need to be authorised by a variation to this resource consent which the Consent Holder can apply for pursuant to section 127 of the Act.

### **Treatment and Disposal System**

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application area shall be no less than 600 square metres in area and incorporate at least 600 lineal metres of pressure-compensating drip irrigation line. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Lateral lines shall be laid at no more than 1 metre spacing.
4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
  - a) the five day biochemical oxygen demand (BOD<sub>5</sub>) in any single sample shall not exceed 30 grams per cubic metre; and
  - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, nor any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1 and 3 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
  - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and disposal system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all

structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.

9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
10. The reserve land application area equivalent to at least 50% of the primary land application area shall be kept free from permanent buildings or any other developments that would prevent its future use for the discharge of domestic wastewater.

**Advice Note:**

The Council is able to provide advice on suitable vegetation for the disposal area.

11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

**Maintenance and Monitoring**

12. Samples of the treated wastewater shall be collected using laboratory provided containers at 6, 12 and 24 months following the exercise of this consent. The samples shall be tested for BOD<sub>5</sub> and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. Typical fashion means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than 1 person from the number of people that normally reside in the dwelling. The samples shall be taken using appropriate procedures as directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

14. Notwithstanding Condition 13, the wastewater treatment and disposal system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

- a) the date the inspection was undertaken and the name of the service provider;
- b) a list of all components of the treatment and disposal systems that were inspected and the state of those components;
- c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- d) a description of the appearance of the filter/s and tanks;
- e) the location and source of any odour detected from the system; and
- f) a description of the appearance of the land application area (ponding, vegetation growth etc).

### **Review of Consent Conditions**

15. The Council may, during the month of November 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 adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
  - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
  - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
  - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
  - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

### **Expiry**

16. This resource consent expires on 1 November 2022.

### **GENERAL ADVICE NOTES**

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.

3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
7. 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**



**RESOURCE CONSENT NUMBER: RM070427**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:**

**RM070427:** To discharge treated domestic wastewater to land from a residential dwelling on Proposed Lot 35 of resource consent RM070416.

**LOCATION DETAILS**

Address of property:	Awa Awa Road and Dickers Road, Ruby Bay
Legal description:	Proposed Lot 35 of resource consent RM070416.
Certificate of title:	CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

**Advice Note:**

This resource consent is a Discharge Permit. Section 137(2) of the Act provides for the transfer of a Discharge Permit following transfer of ownership of proposed Lot 35. The Consent Holder (the transferor) should notify the Council of any such proposed transfer following which a new resource consent on the same conditions as this Consent will be issued to the new proprietor (the transferee) of Lot 35.

**General Conditions**

1. The design, construction and operation of the domestic wastewater treatment and disposal system shall be in general accordance with the design report prepared by Ormiston Associates Ltd (reference 1926/2707 and dated May 2007) submitted in support of the application for resource consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

**Advice Note:**

A copy of the Ormiston and Associates report referred to is available from the Richmond office of the Council.

2. The maximum discharge rate shall not exceed 1,200 litres per day and shall occur in the location shown on Plan K dated 27 September 2007 copy attached to this consent.

**Advice notes:**

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council. The relevant Lot for this consent is Lot 35 on the Plan.

The daily discharge volume is that anticipated from a three–four bedroom house which, for wastewater design purposes, has a maximum occupancy of six persons.

Any increase in the number of bedrooms and/or the inclusion of potential bedrooms (e.g. offices, rumpus rooms) proposed to be built will need to be authorised by a variation to this resource consent which the Consent Holder can apply for pursuant to section 127 of the Act.

### **Treatment and Disposal System**

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application area shall be no less than 600 square metres in area and incorporate at least 600 lineal metres of pressure-compensating drip irrigation line. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Lateral lines shall be laid at no more than 1 metre spacing.
4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
  - a) the five day biochemical oxygen demand (BOD<sub>5</sub>) in any single sample shall not exceed 30 grams per cubic metre; and
  - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, nor any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1 and 3 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
  - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and disposal system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all



structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.

9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
10. The reserve land application area equivalent to at least 50% of the primary land application area shall be kept free from permanent buildings or any other developments that would prevent its future use for the discharge of domestic wastewater.

**Advice Note:**

The Council is able to provide advice on suitable vegetation for the disposal area.

11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

**Maintenance and Monitoring**

12. Samples of the treated wastewater shall be collected using laboratory provided containers at 6, 12 and 24 months following the exercise of this consent. The samples shall be tested for BOD<sub>5</sub> and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. Typical fashion means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than 1 person from the number of people that normally reside in the dwelling. The samples shall be taken using appropriate procedures as directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

14. Notwithstanding Condition 13, the wastewater treatment and disposal system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

- a) the date the inspection was undertaken and the name of the service provider;
- b) a list of all components of the treatment and disposal systems that were inspected and the state of those components;
- c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- d) a description of the appearance of the filter/s and tanks;
- e) the location and source of any odour detected from the system; and
- f) a description of the appearance of the land application area (ponding, vegetation growth etc).

### **Review of Consent Conditions**

15. The Council may, during the month of November 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 adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
  - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
  - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
  - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
  - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

### **Expiry**

16. This resource consent expires on 1 November 2022.

### **GENERAL ADVICE NOTES**

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.

3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
7. 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**



**RESOURCE CONSENT NUMBER: RM070428**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:**

**RM070428:** To discharge treated domestic wastewater to land from a residential dwelling on Proposed Lot 41 of resource consent RM070416.

**LOCATION DETAILS**

Address of property:	Awa Awa Road and Dickers Road, Ruby Bay
Legal description:	Proposed Lot 41 of resource consent RM070416.
Certificate of title:	CTs NL13C/309 Ltd, NL65/53 and NL 13C/305

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

**Advice Note:**

This resource consent is a Discharge Permit. Section 137(2) of the Act provides for the transfer of a Discharge Permit following transfer of ownership of proposed Lot 41. The Consent Holder (the transferor) should notify the Council of any such proposed transfer following which a new resource consent on the same conditions as this Consent will be issued to the new proprietor (the transferee) of Lot 41.

**General Conditions**

1. The design, construction and operation of the domestic wastewater treatment and disposal system shall be in general accordance with the design report prepared by Ormiston Associates Ltd (reference 1926/2707 and dated May 2007) submitted in support of the application for resource consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

**Advice Note:**

A copy of the Ormiston and Associates report referred to is available from the Richmond office of the Council.

2. The maximum discharge rate shall not exceed 1,200 litres per day and shall occur in the location shown on Plan K dated 27 September 2007 copy attached to this consent.

**Advice notes:**

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council. The relevant Lot for this consent is Lot 41 on the Plan.

The daily discharge volume is that anticipated from a three–four bedroom house which, for wastewater design purposes, has a maximum occupancy of six persons. Any increase in the number of bedrooms and/or the inclusion of potential bedrooms (e.g. offices, rumpus rooms) proposed to be built will need to be authorised by a variation to this resource consent which the Consent Holder can apply for pursuant to section 127 of the Act.

### **Treatment and Disposal System**

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application area shall be no less than 600 square metres in area and incorporate at least 600 lineal metres of pressure-compensating drip irrigation line. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Lateral lines shall be laid at no more than 1 metre spacing.
4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
  - a) the five day biochemical oxygen demand (BOD<sub>5</sub>) in any single sample shall not exceed 30 grams per cubic metre; and
  - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, nor any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1 and 3 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
  - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and disposal system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to

scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.

9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
10. The reserve land application area equivalent to at least 50% of the primary land application area shall be kept free from permanent buildings or any other developments that would prevent its future use for the discharge of domestic wastewater.

**Advice Note:**

The Council is able to provide advice on suitable vegetation for the disposal area.

11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

**Maintenance and Monitoring**

12. Samples of the treated wastewater shall be collected using laboratory provided containers at 6, 12 and 24 months following the exercise of this consent. The samples shall be tested for BOD<sub>5</sub> and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. Typical fashion means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than 1 person from the number of people that normally reside in the dwelling. The samples shall be taken using appropriate procedures as directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

14. Notwithstanding Condition 13, the wastewater treatment and disposal system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance

Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

- a) the date the inspection was undertaken and the name of the service provider;
- b) a list of all components of the treatment and disposal systems that were inspected and the state of those components;
- c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- d) a description of the appearance of the filter/s and tanks;
- e) the location and source of any odour detected from the system; and
- f) a description of the appearance of the land application area (ponding, vegetation growth etc).

### **Review of Consent Conditions**

15. The Council may, during the month of November 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 adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
  - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
  - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
  - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
  - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

### **Expiry**

16. This resource consent expires on 1 November 2022.

### **GENERAL ADVICE NOTES**

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The



measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.

3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
7. 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**



## **RESOURCE CONSENT NUMBERS: (As detailed in Schedule A of this Consent)**

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

**Ruby Bay Developments Ltd**  
(hereinafter referred to as “the Consent Holder”)

### **ACTIVITY AUTHORISED BY THIS CONSENT**

To discharge treated domestic wastewater to land from a residential dwelling as **detailed in Schedule A of this Consent**

### **LOCATION DETAILS**

Address of property:                      Awa Awa Road and Dickers Road, Ruby Bay  
Legal description:                        (As detailed in Schedule A of this Consent)  
Certificate of title:                        (As detailed in Schedule A of this Consent)

#### **Advice Note:**

These resource consents are Discharge Permits. Section 137(2) of the Act provides for the transfer of a Discharge Permit following transfer of ownership of any Lot (specified in Schedule A herein). The Consent Holder should notify the Council of any such proposed transfer following which an amended Schedule A will be issued to the Consent Holder (the transferor) and a new resource consent will be issued on the same conditions as this resource consent will be issued to the new proprietor (the transferee) of the relevant Lot.

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

#### **General Conditions**

1. The design, construction and operation of the domestic wastewater treatment and disposal system shall be in general accordance with the design report prepared by Ormiston Associates Ltd (reference 1926/2707 and dated May 2007) submitted in support of the application for resource consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

#### **Advice Note:**

A copy of the Ormiston and Associates report referred to is available from the Richmond office of the Council.

2. The maximum discharge rate shall not exceed 1,200 litres per day and shall occur in the location shown on Plan K dated 27 September 2007 copy attached to this consent.

#### **Advice notes:**

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council. The relevant Lot for this consent is shown on the Plan.

The daily discharge volume is that anticipated from a three–four bedroom house which, for wastewater design purposes, has a maximum occupancy of six persons. Any increase in the number of bedrooms and/or the inclusion of potential bedrooms (e.g. offices, rumpus rooms) proposed to be built will need to be authorised by a variation to this resource consent which the Consent Holder can apply for pursuant to section 127 of the Act.

### **Treatment and Disposal System**

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application area shall be no less than 600 square metres in area and incorporate at least 600 lineal metres of pressure-compensating drip irrigation line. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Lateral lines shall be laid at no more than 1 metre spacing.
4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
  - a) the five day biochemical oxygen demand (BOD<sub>5</sub>) in any single sample shall not exceed 30 grams per cubic metre; and
  - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, nor any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1 and 3 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
  - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and disposal system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to

scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.

9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
10. The reserve land application area equivalent to at least 100% of the primary land application area shall be kept free from permanent buildings or any other developments that would prevent its future use for the discharge of domestic wastewater.

**Advice Note:**

The Council is able to provide advice on suitable vegetation for the disposal area.

11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

**Maintenance and Monitoring**

12. Samples of the treated wastewater shall be collected using laboratory provided containers at 6, 12 and 24 months following the exercise of this consent. The samples shall be tested for BOD<sub>5</sub> and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. Typical fashion means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than 1 person from the number of people that normally reside in the dwelling. The samples shall be taken using appropriate procedures as directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

14. Notwithstanding Condition 13, the wastewater treatment and disposal system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

- a) the date the inspection was undertaken and the name of the service provider;
- b) a list of all components of the treatment and disposal systems that were inspected and the state of those components;
- c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- d) a description of the appearance of the filter/s and tanks;
- e) the location and source of any odour detected from the system; and
- f) a description of the appearance of the land application area (ponding, vegetation growth etc).

### **Review of Consent Conditions**

15. The Council may, during the month of November 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 adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
  - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
  - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
  - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
  - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

### **Expiry**

16. This resource consent expires on 1 November 2022.

### **GENERAL ADVICE NOTES**

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.

3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
7. 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

Issued this 27<sup>th</sup> day of November 2007



Commissioner E M O'Regan  
**Chair of Hearings Committee**





## SCHEDULE A

### Consent Details and Changes Following Transfer(s) of Discharge Permit(s)

<b>Proposed Number(s):</b>	<b>Lot</b>	Proposed Lots 1-21, 23-33, 36-40, 42-104 and 200-213
<b>Consent Number(s)</b>		RM070424-539
<b>Legal Description</b>		Lots 1 and 2 DP20366, Lot 13 Deeds Plan 1706 and proposed Lots 1 and 2 RM010679A
<b>Title References</b>		CTs NL13C/309 Ltd, NL65/53 and NL 13C/305
<b>Consent(s) Cancelled Following Transfer</b>		

### Resource Consents Manager

Dated at Richmond this 27<sup>th</sup> day of November 2007

---

**Date Confirmed:**

---

**Chair:**