

# MINUTES

**TITLE:** Environment & Planning Subcommittee  
**DATE:** Monday, 13 August 2012  
**TIME:** 9.30 am  
**VENUE:** Tasman Council Chambers, 189 Queen Street, Richmond  
**PRESENT:** Crs B W Ensor (Chair), J L Edgar, C M Maling  
**IN ATTENDANCE:** Principal Resource Consents Advisor (J Butler) (day one only)  
Co-ordinator Subdivision Consents (M Morris)  
Consent Planner (M MacKiggan)  
Consent Planner (R Squire)  
Development Engineer (D Ley)  
Executive Assistant (V M Gribble)

## 1. APPLICATION NO RM120280, RM120281, RM120282, RM120283, RM120284 – BOOMERANG FARMS LTD, AWA AWA ROAD, RUBY BAY

The application sought the following:

### **Subdivision Consent RM120280**

To develop the 80 hectare application site in eight stages of subdivision to create:

- 45 allotments with areas of between 0.4860 hectares and 11.93 hectares (Lots 1 - 42, Lots 43, 46, 49 and 50);
- Lot 44 of 4.15 hectares to vest as road;
- Lot 45 of 0.365 hectares to vest as recreation reserve and Lot 51 of 0.205 hectares to vest as walkway reserve;
- A boundary adjustment with an adjoining property (Lots 47 and 48).

Also including land use consent to waive the Tasman Resource Management Plan standards for roads and right-of-way formation (specifically for street lighting, sight distances where the new road intersects Awa Awa Road, and side drains along the rights-of-way).

### **Land Use Consent RM120281**

A land use consent to erect a dwelling on each of Lots 1 – 43, 49 and 50.

### **Land Disturbance Consent RM120282**

A land disturbance consent to carry out earthworks to form the building sites, access and installing culverts.

### **Discharge Wastewater Consent RM120283**

To discharge domestic wastewater to land within each of Lots 1 – 43, 49 and 50.

### **Discharge Stormwater Consent RM120284**

To discharge stormwater during and post-construction of the subdivision and from house sites in the development.

The application site is located at Awa Awa Road, Ruby Bay, being legally described as:

- Lot 13 Deeds Plan 1706 (CT NL65/53); and

- Lots 1 – 2 DP 429318 (CT 514850, Lot 7 DP 20366 (CT NL 13C/309) and Lot 1 DP 20366 (CT NL 13C/305) all held together under a covenant;
- Lots 2 and 3 DP 20366 (CT NL 13C/306).

The application site is zoned Rural 3 as defined by the Tasman Resource Management Plan.

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

The Committee reserved its decision.

## **RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Ensor / Maling  
EP12-08-28**

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

Boomerang Farms Ltd

**The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for 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>                |
|--|--|--|
| Boomerang Farms Ltd                                    | Consideration of a planning application                              | A right of appeal lies to the Environment Court against the final decision of Council. |

**CARRIED**

**Moved Crs Ensor / Maling  
EP12-08-29**

**THAT pursuant to Section 104B of the Resource Management Act the Committee GRANTED consent to Boomerang Farms Ltd as detailed in the following report and decision.**

**CARRIED**

**Moved Crs Edgar / Maling  
EP12-08-30**

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

**CARRIED**

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

**Meeting held in the Tasman Room, Richmond on 13 and 14 August 2012  
Site visits undertaken on 7 and 20 August 2012  
Hearing closed on Tuesday 28 August 2011**

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **Boomerang Farm Ltd** (“the Applicant”), to subdivide land at Awa Awa Road into 45 rural residential allotments, to construct dwellings, to undertake earthworks and for associated wastewater and stormwater discharge permits. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as follows:

**Subdivision Consent (Application RM120280)**

To develop the 80 hectare application site in eight stages of subdivision to create 45 allotments;

**Land Use Consent (Application RM120281)**

A land use consent to erect a dwelling on each of Lots 1-43, 49 and 50;

**Land Disturbance Consent (Application RM120282)**

A land use consent for land disturbance to carry out earthworks to form the building sites, access and installing culverts;

**Discharge Wastewater Consent (Application RM120283)**

To discharge domestic wastewater to land within each of Lots 1-43, 49 and 50; and

**Discharge Stormwater Consent (Application RM120284)**

To discharge stormwater during and post-construction of the subdivision and from house sites in the development.

**HEARING COMMITTEE:**

Cr Brian Ensor, Chairperson  
Cr Judene Edgar  
Cr Kit Maling

**APPLICANT:**

Mr Nigel McFadden (Counsel)  
Mr Matt Wratten (Applicant)  
Mr Tom Carter (Consultant Landscape Architect)  
Mr Jeff Swanney (Consultant Geotechnical Engineer)  
Mr Dave Petrie (Consultant Traffic Engineer)  
Ms Jane Hilson (Consultant Planner)

**CONSENT AUTHORITY:**

**Tasman District Council**  
Mr Mark Morris (Co-ordinator, Subdivision Consents)  
Mr Dugald Ley (Development Engineer)  
Ms Ros Squire (Forward Planner, Parks and Reserves)  
Mr Mike Mackiggan (Consent Planner, Natural Resources)

**SUBMITTERS:**

Ms Debs Martin (Royal Forest and Bird Protection Society of New Zealand Inc.)  
Mr John Nicholson (39 Foley Road)  
Mr R Martin and Ms J Hine (174 Stagecoach Road)  
Ms Francesca Menzies (175 Awa Awa Road)  
Mr Peter Wright and Alison Clarke (87 Awa Awa Road)  
Mr Anthony & Mrs Christine Scurrah-Whitton (166 Awa Awa Road)  
Mr Rory Langbridge (Consultant Landscape Architect for Mr and Mrs Scurrah-Whitton)  
Ms Carmel and Mr Alistair Hill (196 Stagecoach Road)  
Mrs Helen McDonald and Mr Paul Hill  
Ms Gillian Pollock  
Mr Trevor Riley  
Mr James Macdonald (Mapua & Districts Cycle & Walkways Group)

**IN ATTENDANCE:**

Mr Jeremy Butler (Principal Resource Consents Adviser) -  
Assisting the Committee  
Mrs Valerie Gribble (Committee Secretary)

**1. SUMMARY**

The Committee has **GRANTED** resource consents, subject to conditions, to subdivide land, construct buildings, and for other associated resource consents.

**2. DESCRIPTION OF THE PROPOSED ACTIVITY**

Boomerang Farm Limited lodged a number of resource consent applications relating to a subdivision, residential development, earthworks and associated wastewater and stormwater discharges in the Rural 3 zone. A full description of the consents applied for follows:

Subdivision Consent and Land Use Consent (Application RM120280)

To subdivide three titles into the following:

- One allotment of 4.15 hectares to vest as road (Lot 44);
- 45 rural residential allotments ranging between 0.4 and 5.58 hectares in area (Lots 1-43 and 46, 49 and 50) with Lot 43 and 46 being held together in an amalgamated title of 12.04 hectares;
- Two recreation reserves to vest in Tasman District Council (Lots 45 and 51);

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

A - Lots 1-6, 47 and 48-50

B - Lots 7-13

C - Lots 14-18

D - Lots 19-25

E - Lots 26-30

F - Lots 35-38

G - Lots 31-34, 43, 45 & 46

H - Lots 39-42 & 51.

A land use consent is also sought to construct and vest roads and construct right-of-ways that do not meet all of the permitted activity criteria of the Proposed Tasman Resource Management Plan. A 10 year lapse period is sought for the subdivision and landuse consents.

#### Land Use Consent (Application RM120281)

To construct a single dwelling and accessory buildings within a nominated building area on proposed Lots 1-43, 49 & 50 of the subdivision application described above. A total of 45 dwellings are proposed to be built. A five year lapse period is sought for this consent with the term commencing at time of the issue of title for the respective allotment.

#### Land Use Consent (Application RM120282)

To undertake earthworks and vegetation removal for the construction of roads, building platforms and stormwater devices associated with the subdivision. A 10 year lapse period is sought for this consent.

#### Discharge Consent (Application RM120283)

To discharge domestic wastewater to land within each of Lots 1-43, 49 and 50 of the subdivision. A 35 year term is sought for this consent.

#### Discharge Consent (Application RM120284)

To discharge stormwater during and post construction of the subdivision and from house sites (Lots 1-43, 49 & 50) of the subdivision. A 35 year term is sought for this consent.

### **Existing Subdivision Consent**

The application site has already been subject to a previous Rural 3 subdivision and dwelling application by Ruby Bay Developments (RBD) which applied for consent for 115 allotments (RM070416) and associated dwelling, landuse and discharge consents. These consents were approved on 27 November 2007 and, with a 10 year lapse period, will remain in effect until November 2017.

### **Features of the Proposal**

The subdivision is proposed to obtain access off Awa Awa Road, which subsequently connects to Marriages Road and Aporo Road. Upgrades to Awa Awa Road have been volunteered. The proposed access road to the subdivision then traverses the site but, in a point of difference from the RBD consents, does not connect to Stagecoach Road. However a walkway/cycleway access route is proposed to connect to Stagecoach Road.

A prominent and regionally significant wetland exists at the western margin of the site. It is proposed that this wetland is to remain in private ownership but with protection by way of a Queen Elizabeth II covenant.

Structural and amenity planting is proposed to enhance both the subdivision as a whole and also address potential effects associated with houses on specific lots.

### **3. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED**

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

Zoning: Rural 3  
 Area(s): Land Disturbance Area 1

| Activity                    | Relevant permitted rule | Applicable rule | Status                   |
|-----------------------------|-------------------------|-----------------|--------------------------|
| Subdivision in Rural 3 zone | Nil                     | 16.3.7.3        | Discretionary            |
| Dwellings                   | 17.7.3.1                | 17.7.3.2        | Controlled               |
| Discharge wastewater        | 36.1.4                  | 36.1.4.2        | Restricted Discretionary |
| Discharge stormwater        | 36.4.2.1                | 36.4.2.3        | Restricted Discretionary |
| Earthworks                  | 18.15.2.1               | 18.5.2.3        | Controlled               |

Overall the proposal is a Discretionary activity. It should be noted that the only reason it is Discretionary rather than Restricted Discretionary (16.3.7.2) is because the site is the subject of a previous Rural 3 subdivision consent (RM070146) which means that it does not comply with Rule 16.3.7.2 (b).

#### 4. NOTIFICATION AND SUBMISSIONS RECEIVED

##### Written Approvals

No written approvals were supplied with the application.

##### Notification

The application was publicly notified on 26 May 2012 and submissions closed on 25 June 2012. A total of 21 submissions were received. The following is a summary of the written submissions received and the main issues raised:

##### Summary of Submissions

###### Supporting Submissions

| Submitter                                    | Reasons and Submission Points.   |
|--|--|
| J & J Nicholson<br>39 Foley Road             | Council should be supportive of house lots and lifestyle blocks on this type of land. Good use of Moutere Hills Land   |
| Daryl Goodman<br>120 Marriages Road          | Support the proposal but want the Lot 18 building site to be set at least 30m from the boundary.<br>Need for monitoring of dust around orchards during earthworks, as it can contaminate export fruit.<br>Boundary plantings should be planted sooner rather than later. |
| J Webley, H Egger & J Day<br>205 Horton Road | Supported the proposal but want the following conditions:<br>1/ Protection of all existing trees (except pines) and the wetland vegetation.<br>2/ No relocated homes.<br>3/ Maximum 2 year use of temporary structures and containers.                                   |

###### Neutral submissions

| Submitter   | Reasons and Submission Points  |
|---|--|
| Beulah Ridge Ltd<br>C/- Jim Webley<br>205 Horton Road | Wanted the following conditions:<br>1/ Protection of all existing trees (except pines) and the wetland vegetation.<br>2/ No relocated homes.<br>3/ Maximum 2 year use of temporary structures and containers.              |
| A J Macdonald<br>38 Pine Hill Road West               | Represent the Mapua & Districts Cycle & Walkways group.<br>We appreciate the provision of subdivision roads with a 50kn/hr speed environment to accommodate cyclists and provision of walkways to accommodate pedestrians. |
| Royal Forest & Bird Society                           | Acknowledge the applicant's desire for protection of the regionally significant wetland and the provision of a cat free subdivision. However the application fails to achieve long term protection of the wetland by a     |

| Submitter                              | Reasons and Submission Points   |
|--|---|
|  | <p>reserve or QEII covenant and does not protect the tributaries of the wetland.</p> <p>The 8m buffer is insufficient to protect the vegetation in and around the wetland and should 20m.</p> <p>There should be a condition requiring 10-15m wide vegetation strip around the wetland and it associated tributaries.</p> <p>Culverts should allow for freshwater fish passage.</p> <p>Support the proposed conditions for onsite wastewater and storm water disposal, but emphasis the need for ongoing monitoring.</p>  |
| <p>A M Crosbie<br/>163 Awa Awa Rd.</p> | <p>Not opposed to the overall proposal but opposed to the road access provision of the proposal and its failure to follow quality design principles that will allow it to adapt to future access and transport requirements.</p> <p>Key concern is the lack of direct access onto Stagecoach Road and the Ruby Bay Bypass, which significantly restricts choice and connectivity for its future community.</p> <p>The longer travel time to the Ruby Bay Bypass will have an environmental and amenity cost to the wider community.</p> <p>Concerned about the increase building heights compared to the RBD proposal.</p> <p>Unusual for a wetland to be vest in private lot rather than collective ownership.</p> <p>The application does not clarify when the public walkway through Lot 1 DP450728 will be formed up.</p> |
| <p>NZ Fire Service<br/>Commission</p>  | <p>Support the volunteered condition requiring that all dwellings comply with the NZFS Fire Fighting Water Supplies Code. However the code reference should be SNZ PAS 4509:2008 not 2003 as stated in the application.</p> <p>An advice note should be added that Commission considers the optimal means of compliance with the Code is the installation of a domestic sprinkler system in accordance with NZS 4517:2010.</p>  |

### Opposing Submissions

| Submitter                                | Reasons and Submission Points   |
|--|---|
| <p>B Groenewegen<br/>43 Awa Awa Road</p> | <p>There are now 13 lots where there were only 4 on the Awa Awa road side under Ruby Bay Developments.</p> <p>The proposed lots are all small areas and do not reflect the rural character of the area.</p> <p>The proposal will concentrate a large number of properties in the Awa Awa Rd valley.</p> <p>The proposal will change the whole character of the area and have a big impact on property values.</p>                                       |
| <p>R Barnes<br/>126 Stafford Drive</p>   | <p>Do not oppose the overall development but opposed to the access provided.</p> <p>The subdivision does not provide direct access to the Stagecoach Road, which reduces connectivity in the future.</p> <p>Awa Awa road will not sustain the level of traffic that this subdivision will generate. There should be a choice of access roads to the subdivision so if Pomona road is cut off by flooding there is an alternative route.</p>             |
| <p>F Menzies</p>                         | <p>Awa Awa Road is too narrow for this type of development.</p> <p>The road upgrade does not take into account the blind spots either side of the Awa Awa Road entrance.</p> <p>Awa Awa road floods during major rainfall events.</p> <p>Awa Awa Rd should be upgraded to 6m seal width as part of the first stage.</p>   |
| <p>G Eggeling</p>                        | <p>The previous minimum building height of 5.5m and 6.5m from the RBD consent should imposed on this proposal.</p> <p>To allow a 7.5m maximum building height with buildings so close together will adversely affect the rural landscape.</p> <p>If any access is taken from Stagecoach Road, then it will need to be upgraded as was required with the RBD consent.</p> <p>Before consent is granted a detailed landscape plan and planting should</p> |

| Submitter   | Reasons and Submission Points  |
|---|--|
|   | <p>be provided together with landscaping covenant on each allotment to ensure that the rural character is retained.</p> <p>Do not want any street lighting in the development.</p> <p>Construction hours should be limited to 5 days a week, 7am to 7pm and controls put on dust and noise during construction.</p> <p>Confirmation needed whether water tanks should be buried or integrated in to a dwelling/building.</p> <p>With no Body Corp there no assurance that covenants will be complied with and Council time will be wasted following up complaints.</p> <p>The proposed walkway should not be used by any vehicles.</p> <p>A fixed development plan is required for all stages.</p> <p>What consideration has been given to the impact of the subdivision on local services and infrastructure?</p> <p>Is it the best long term protection to have the wetland in private ownership?</p> <p>The subdivision if granted will forever alter the landscape and long term consideration needs to be taken on the overall impact on the environment, landscape, community and tourism.</p>   |
| <p>HJ McDonald &amp; P H Hill<br/>186 Stage Coach Rd.</p> | <p>The 7.5m dwelling height on dwellings should be reduced to 5.5m as with RBD.</p> <p>Private ownership of the wetland (Lots 43, 45 &amp; 46) may not be conducive to long term protection of the natural wildlife and fauna.</p> <p>No access should come off Stagecoach road. The Lot 42 walkway reserve should not be used by vehicles.</p> <p>As with the RBD, Stagecoach Road should be upgraded prior to the Sec 224 for Stages F, D &amp; H.</p> <p>Support the requirement to provide detailed landscape and planting plan for each house site and this should be imposed as a covenant on each title.</p> <p>Want it confirmed that there will be no street lighting and that construction earthworks will be restricted to 5 days a week 7am to 7pm and neighbouring properties will not be adversely affected by dust from earthworks.</p> <p>What assurance is there that volunteered covenants and conditions will be complied with?</p> <p>Has consideration been given to the impact of the subdivision on local services and infrastructure?</p> <p>Is this proposal going to set a precedent for other subdivision to slowly erode away the character and diversity of the Tasman District?</p>  |
| <p>R Martin<br/>174 Stagecoach Road.</p>                  | <p>The previous minimum building height of 5.5m and 6.5m from the RBD consent should imposed on this proposal.</p> <p>To allow a 7.5m maximum building height with building close together will adversely affect the rural landscape.</p> <p>If any access is taken from Stagecoach Road, then it will need to be upgraded as was required with the RBD consent.</p> <p>Before consent is granted a detailed landscape plan and planting should be provided together with landscaping covenant on each allotment to ensure that the rural character is retained.</p> <p>Do not want any street lighting in the development.</p> <p>Construction hours should be limited to 5 days a week, 7am to 7pm and controls put on dust and noise during construction.</p> <p>Confirmation needed whether water tanks should be buried or integrated in to a dwelling/building.</p> <p>With no Body Corp there no assurance that covenants will be complied with and Council time will be wasted following up complaints.</p> <p>The proposed walkway should not be used by any vehicles.</p> <p>A fixed development plan is required for all stages.</p> <p>What consideration has been given to the impact of the subdivision on local services and infrastructure?</p> <p>Is it the best long term protection to have the wetland in private ownership?</p> <p>The subdivision if granted will forever alter the landscape and long term consideration needs to be taken on the overall impact on the</p> |



| Submitter                                    | Reasons and Submission Points  |
|--|--|
|  | environment, landscape, community and tourism.   |
| Jeanette Hine<br>174 Stagecoach Rd           | Same as R Martin submission (10)   |
| T & C Scurrah-Whitton<br>PO Box 1566 Nelson. | <p>Object to the Lot 3 Building Location Area (BLA) as it is located on a primary ridgeline which is highly visible and is located in the Awa Awa Road catchment not previously impacted by the RBD proposal. It should be deleted.</p> <p>Also the Lot 3 BLA is located in an area that could be adversely affected by pine trees planted on our property.</p> <p>Extensive earthworks are proposed on a primary skyline, without any controls, which contrary to the District Plan.</p> <p>The Lot 5 BLA is also located on a primary ridge line and is in the Awa Awa catchment. The BLA should be moved off the ridge.</p> <p>Lot 4 should have screen planting as was proposed in the RBD proposal.</p> <p>Ecological plantings that were proposed in the RBD proposal should be re-imposed.</p>  |
| C & A Hill<br>196 Stagecoach Rd              | Same as Hine (11) and Martin (10) submission.  |
| P & L Crofskey<br>136 Awa Awa                | Opposed to the building site of Lot 29 which would ruin our skyline view of Mt Arthur and disrupt our privacy. Would prefer building sites that are more sympathetic to the landscape as a whole.  |
| G Pollock<br>284 Harley Road.                | <p>Concerned about the preservation and improvement of the Awa Awa Road wetland.</p> <p>There should be 20m buffer zone around the wetland. The 8m setback from Lots 23 &amp; 24 is too small and should be at least 20m.</p> <p>Indigenous vegetation around the wetland should be protected from trampling by stock and humans.</p> <p>A 20m wide vegetated buffer should be planted around the wetland, over a period of 5 years.</p> <p>A regular monitoring programme for the wetland shall be imposed to control weed growth.</p> <p>A culvert shall be installed to allow for fish passage.</p> <p>Apart from home vegetable/fruit gardens all landscape plantings shall be local eco-sourced plants.</p>   |
| P L Wright & AM Clarke<br>87 Awa Awa Road.   | <p>Moved to 87 Awa Awa Rd because of its rural aspect, quietness and its solitude.</p> <p>We were horrified to receive notice of the subdivision that will result in the rural outlook changed with a dozen houses and hundreds of additional traffic movements accessing Awa Awa Road opposite our gate.</p> <p>Disagree with the with the Traffic Design Group report measuring 158vpd. It would be like 60vpd. The subdivision will result in overcrowding at the school bus drop off &amp; pick up times at the Aporo Road intersection.</p> <p>With a tripling of vehicle numbers it is unlikely that Awa Awa Rd would remain safe for pedestrian cyclists and horse riders.</p> <p>There surface flooding from the adjoining irrigation pond flooding Awa Awa road and preventing two way traffic.</p> <p>The proposed six-fold increase in traffic numbers and associated activities from new houses will result in unreasonable noise levels in the area.</p> <p>The provision of an intersection street light and house light will bring light pollution to the area.</p> <p>Want a reduction in the number of dwellings, especially those close to Awa Awa Road.</p> <p>Have covenants on the design and colour of buildings to minimize their visual impact.</p> <p>Prohibit street lighting in the subdivision.</p> <p>Re-site the intersection with Awa Awa Road or access it off Stagecoach Road.</p> <p>Require native planting in order to reduce visual impact.</p> <p>Impose restriction restrictions on noisy activities.</p> |
| T R Riley<br>Milnethorpe<br>Golden Bay       | <p>The 23,000 litre water storage requirement is totally inadequate for a low rainfall area.</p> <p>Developments such as this should have to pay the full burden of the cost</p>   |

| Submitter | Reasons and Submission Points   |
|-----------|---|
|           | of the Motueka water supply line rather being a burden on other ratepayers. |

## 5. PROCEDURAL MATTERS

There were no procedural matters that required consideration or a ruling.

## 6. EVIDENCE HEARD

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

### 6.1 Applicant's Evidence

#### Mr Nigel McFadden (Counsel)

Mr McFadden outlined the application and then referred to resource consent RM070416 granted to Ruby Bay Developments Ltd (RBD) in 2007. He considered it to be part of the 'consented baseline', albeit with some significant differences. Mr McFadden considered the environmental impacts of the current application to be lesser.

Mr McFadden questioned the conclusions of Mr Langbridge who pre-circulated evidence for submitters Mr and Mrs Scurrah-Whitton. He said that Mr Langbridge in reaching his conclusions had no regard for the mitigation measures proposed by the applicant. Mr McFadden also referred to previous advice that had been provided by Mr Langbridge for the subdivision which created the Scurrah-Whitton site where he stated that impacts of development would not have a significant impact. Finally, Mr McFadden dismissed Mr Langbridge's assessment of the risk of tree-fall on proposed Lot 3 as being invalid.

Mr McFadden went on to confirm that submissions by P & L Crofskey, D Goodman, and Mr and Mrs Groenewegen had been withdrawn. He also noted an agreement with Mr and Mrs P A Clark.

In addressing the Section 42A staff report Mr McFadden said that most of the conditions are accepted but sought amendment of several. Regarding roading matters, Mr McFadden submitted that the applicant opposed the construction of a footpath along Marriages Road due to impracticality and opposed the requirement for a central concrete nose isle at the intersection of the new road off Awa Awa Road.

Mr McFadden opposed the requirement for a \$100,000 performance bond to cover structural planting as being unnecessary. He said that the planting will be given effect to at each stage before a Section 224(c) certificate is issued and so the work will be done.

Mr McFadden also opposed \$2,000 bond for each individual allotment, also on the basis that the work will be done.

Finally, Mr McFadden covered Part 2 matters in the Act. He said that there is nothing in Sections 6, 7 or 8 that would be offended by a grant of consent. He reminded us that the Environment Court has ruled that the implementation of Section 5 involves an overall broad judgement in making our decision.

#### Mr Tom Carter (Consultant Landscape Architect)

Mr Carter assessed the subdivision both in comparison to the RBD consent, and also in its own right. He identified the design criteria as being to provide a range of section sizes with high amenity, comfortable homes with views and privacy; to protect the natural landforms,

drainage patterns and vegetation; and to respect the productive potential of the catchments. Mr Carter acknowledged the tensions that exist between these criteria.

Mr Carter acknowledged that in comparison to the RBD consent the clustering of houses was less pronounced. However he still considered that recognisable clusters of housing had been provided for which would be balanced by more open areas. Mr Carter said that there are no residential clusters in the Awa Awa Road catchment as this was not supported by the analysis. He recommended height controls and a comprehensive planting regime to absorb development on the Awa Awa Road catchment into the landscape.

Regarding Lots 3 and 5 which Mr Morris has recommended be declined, Mr Carter said that he did not consider that the lots would be “visually prominent” on the ridgeline. He said that the visibility analysis undertaken demonstrated that neither lot is in the highly visible area that exists further to the south.

Mr Carter presented supplementary evidence which addressed in detail the mitigation measures proposed for proposed Lots 3 and 5. For the former, a voluntary 10 metre setback from the Scurrah-Whitton boundary is imposed along with an 8 metre setback from the crest of the building platform cut. The landform on the south side of the house site will be largely left intact to provide a backdrop to the building.

Mr Carter said that the Lot 3 house will be 3.5 metres below the ground level at the Scurrah-Whitton dwelling, and that without planting only the roof will be seen from the Scurrah-Whitton dwelling.

Mr Carter volunteered similar restrictions to apply to proposed Lot 5, which he described as having even lower visibility.

Cr Ensor commented that the RBD consent, which Mr Carter had also assessed for Ruby Bay Developments Ltd, was characterised by greater development to the west of Ridgeline A above Awa Awa Road and with very little to the east of Ridgeline A. Cr Ensor asked why this has now changed. Mr Carter replied he was matching up the developer’s aspirations with what his analysis would allow him to support. In the RBD case development on the eastern side was not a priority. More eastern development was sought in this case and his analysis, and appropriate mitigation allowed him to support it.

### **Mr Jeff Swanney (Consultant Geotechnical Engineer)**

Mr Swanney said that stormwater will be controlled within the natural flow pathways utilising bio-retention planting, new plantings in the gullies that feed the wetland and placing rockwork in channels.

He concluded by saying that the development is relatively straightforward from an engineering perspective. Although he said it will be important to closely monitor silt and stormwater control both during construction and up until the exposed earthworks are re-vegetated to ensure they are maintained and working properly.

Cr Edgar queried the impact of stormwater runoff on the wetland. Mr Swanney said peak stormwater flows entering should be similar to that entering at the moment as swales and other detention measures will slow it down. He said that the intent is to have no greater peak entering the wetland than currently exists.

Cr Ensor asked about the practicality of the walking and cycling linkage through proposed Lot 51. Mr Swanney commented that he had not seen the route nor the topography but said that it may be necessary to zig zag the track.

### **Mr Dave Petrie (Consultant Traffic Engineer)**

Mr Petrie described the current traffic volumes as low and said that Awa Awa Road (with the volunteered increase in carriageway width) and Marriages Road will be adequate to carry the increase in traffic (up to 272 extra vehicle movements per day). An upgrade to the intersection of Awa Awa Road and Marriages Road is also necessary as it is currently unsafe.

At the proposed new intersection onto Awa Awa Road, Mr Petrie said that a minimum angle of 70° would be achieved. No median nose structure would be required and therefore no light would be needed for the intersection.

With regard to other transport modes, Mr Petrie did not expect there to be any significant amount of pedestrian or cyclist activity generated within or beyond this subdivision. He said that there is no need for a pedestrian path connecting the subdivision to Aporo Road. He did not expect children to walk the 2.5 to 3 kilometres to the bus stop on Aporo Road. Although he also considered that there could be an increased demand for cycling as a result of the connection to Stagecoach Road and the Great Taste Trail cycleway beyond.

Regarding the Awa Awa Road - Marriages Road intersection, Mr Petrie considered that a dividing island would be appropriate, as would lighting of the intersection. The improvements to the intersection would increase its safety.

Mr Petrie indicated that the localised flooding issues along Awa Awa Road could be to do with a blocked culvert, but that additional works to permanently solve the problem are also advisable. His preference would be to raise the road, rather than lower the inlet to the dam.

Cr Edgar asked Mr Petrie if it would be desirable for the legal road (if not the formed road) to connect through to Lot 1 DP 450728. Mr Petrie said that the connectivity would be desirable but not necessary.

### **Ms Jane Hilson (Consultant Planner)**

Ms Hilson described the application process and the features of the site and relevant planning considerations.

Ms Hilson considered that the existing RBD consent is relevant when considering the actual or potential environmental effects of this proposal.

Ms Hilson presented her analysis of the proposal against the Coastal Tasman Area Subdivision and Development Design Guide and opined that the proposal is consistent with it. This assessment and opinion was also based on the work and conclusions of Mr Carter. She commented that some degree of "conflict" may be tolerated where the overall intent of the guidelines is not undermined.

Moving to rural land fragmentation and loss of productive land values, Ms Hilson said that expert opinion in this matter has agreed that this land is of lower productive value (Class E) compared to other more productive areas of the Coastal Tasman Area and the Rural 3 Zone. She said that the proposal will not result in unacceptable rural land fragmentation or loss of productive land values.

Turning to amenity values she said that there has been some effort to protect neighbours' views. She agreed with various restrictions to reduce noise and to avoid street lighting at the new subdivision intersection.

Regarding the significant wetland, Ms Hilson said that the applicant now proposes to register a QEII open space covenant over the wetland. She said that the QEII Trust has expressed a desire to advise the applicant on appropriate weed and pest control, as well as revegetation.

While this should take into account the recommendations of the Michael North report, she considered it inappropriate to require restoration since the Trust is best positioned to determine what it wants in relation to the covenant.

Mr Hilson did not support the provision of a walkway easement through the property at the first stage due to potential conflict with other land uses. She saw it as more appropriate that the public access benefits be realised at the appropriate stage of the subdivision. Ms Hilson did not consider that a walkway along the wetland would be appropriate due to its conflict with ecological outcomes.

## **6.2 Submitters' Evidence**

### **Debs Martin (Royal Forest and Bird Protection Society of New Zealand Inc.)**

Ms Martin highlighted the importance and significance of the wetland on the subdivision site. She endorsed the report on the wetland that had previously been prepared by Mr Michael North.

Ms Martin asked that the wetland be vested in the Council as this would provide the most sustainable and relevant long term option. She said that vesting would be consistent with the TRMP and policies and methods in the TRMP (Chapters 8 and 10) provide a clear indication that it is appropriate to take reserves as a result of identification of significant natural values.

Ms Martin stated concerns with the applicant's proposal to register a QEII covenant as a means of protection. She said that a QEII covenant does not bind the land owner to any action unless agreed under a management plan with the landowner and QEII. It therefore relies upon motivation and goodwill on behalf of both parties to ensure that appropriate work is done. She said that the report by Mr North outlined a number of weed issues that need addressing and it is important there is a degree of compliance to ensure that the wetland is restored and maintained.

Ms Martin said that if a QEII covenant is implemented we (the decision making committee) are within our rights to impose requirements as to the future management of the wetland. Indeed this is necessary as there is no legal enforcement under the QEII covenant system.

Ms Martin recommended tighter conditions on the earthworks that will take place around the wetland as part of the development of the subdivision.

Finally, Ms Martin said that Forest and Bird supports the "no cats" covenant and seeks a 20 metre buffer area around the wetland with fencing to exclude stock. She outlined the conditions sought in the event that a QEII covenant is put in place instead of the vesting of the wetland with the Council.

Cr Edgar asked if the area was to be vested to Council as reserve, then would it be open to public access. Ms Martin said it would be up to the Council to determine in a reserves management plan. She considered unless there is a walkway people will not visit.

Cr Maling asked for Ms Martin's experience with the long-term sustainability of volunteer groups helping with wetlands. Ms Martin said that volunteerism is growing and can be successful. She said that what tends to happen is initial clean up and then replanting, then it's mainly maintenance. A lot of groups might go for yearly maintenance checks on reserve areas to check weeds have not invaded and that plants are surviving. Groups can be sustained in the long term, particularly if guided through Council or Forest & Bird.

Cr Maling asked about differences between private and Council reserves. Ms Martin said Council reserves are better because the community feel they can visit. There are instances of working on QEII covenants but organisations are less likely to get involved.

### **Mr John Nicholson (39 Foley Road)**

Mr Nicholson expressed his support for the proposal. He said that the lifestyle blocks have been complementary to the area. He said that the land is not fertile and denser housing is preferable to allow the more fertile soils on the Motueka plains and elsewhere to be kept intact.

Mr Nicholson supported the provision of rainwater and on-site wastewater treatment and discharge systems.

Mr Nicholson said that the access to the subdivision should be from Stagecoach road to give easy access to the new main highway. He said that there have always been problems at the bottom of Marriages Road.

### **Mr R Martin and Ms J Hine (174 Stagecoach Road)**

Mr Martin stated concerns with the small sizes of some lots which will limit the productiveness of the remaining land. He was also concerned that roof heights have not been lowered sufficiently to avoid negative impacts on the current rural landscape. He considered that the development could result in an inappropriate and disproportionate buildings-dominated landscape.

Mr Martin considered that a detailed landscape plan should be provided before consent is granted in order to ensure that it is appropriate.

### **Ms Francesca Menzies (175 Awa Awa Road)**

Ms Menzies was primarily concerned with the width of Awa Awa Road. She said that it is quite suitable for 19 households but that it must be widened to 6 metres to accommodate the subdivision. She considered that it should be done after the first stage when the first six lots have been sold. Ms Menzies identified the problem that the road will need to accommodate larger vehicles necessary for earthworks to be carried out and houses to be built. She was also concerned about the flooding on Awa Awa Road and sight lines.

### **Mr Peter Wright and Alison Clarke (87 Awa Awa Road)**

Mr Wright considered his property to be the most affected by the development. He supported the amalgamation of Lots 3 and 5 as recommended by Mr Morris to avoid any development on the skyline as viewed from his property.

Mr Wright sought that the new intersection onto Awa Awa Road be as far from his property entrance as possible. He proposed an amended road layout that would achieve this. He supported the recommendation for no street lighting.

Regarding the flooding on Awa Awa Road, Mr Wright recommended that the road should be raised and a bigger culvert installed. Mr Wright observed few school children walking but there are pedestrians and horses regularly travelling along the edge of Awa Awa Road.

Cr Edgar asked if he could be satisfied by the evidence of Mr Carter. Mr Wright replied that yes, if Mr Carter was correct about the mitigation measures and effects that he could be satisfied.

### **Mr Anthony and Mrs Christine Scurrah-Whitton (166 Awa Awa Road)**

Mr Scurrah-Whitton stated that his property is surrounded on three sides by the application site. He said that some of the information provided by the applicant has yielded possibilities. He said that there will be an immediate and adverse impact on their section as a result of the

development of proposed Lot 3. He sought that Lot 3 and its building location area be deleted as he did not feel that the effects could be avoided, remedied or mitigated.

Cr Ensor asked if the evidence from Mr Carter has changed their thinking or level of concern. Mr Scurrah-Whitton said they now have a level of detail that they had not been privy to previously. He said that he'd like a clear definition of where the house would be. He was also concerned that the building footprint used by Mr Carter is the same as their own house; that is a relatively small building.

It was clarified that the proposed Scurrah-Whitton lounge and conservatory would look towards the north to north-west generally away from proposed Lot 3. The master bedroom would be the closest part of the house to the BLA of proposed Lot 3.

### **Mr Rory Langbridge (Consultant Landscape Architect for Mr and Mrs Scurrah-Whitton)**

Mr Langbridge suggested that much of his concern about the development arose from a lack of detail in the application. He said that much of that detail had now been provided.

Mr Langbridge still held concerns about the visibility and increased density of houses and additional structures (including sheds) on the Awa Awa Road side of Ridgeline A.

Turning to the Lot 3 building site, Mr Langbridge said that much of his concern arose out of the lack of precision of the BLA. The BLA was shown as quite large and taking in the high-point on the ridge and coming quite close to the Scurrah-Whitton property. He said that Mr Carter has provided further refinement of this, but Mr Langbridge remained unsure of the status of those plans. He was not sure whether they yet formed part of the application.

In response to a query from Mr McFadden, Mr Langbridge said that defining the BLA according to the plans provided by Mr Carter would provide greater certainty and would address many of Mr Langbridge's concerns.

### **Ms Carmel and Mr Alistair Hill (196 Stagecoach Road)**

Mrs Hill recognised that the intensity of development has been decreased from what was consented under the RBD consent. However she still held concerns.

Mrs Hill said that roof heights are allowed to be higher than what was required for the RBD consent. She said that some proposed lots have been limited but she sought that roof height restrictions be applied to other lots such as 38, 39 and 42.

She was also concerned that lots 39 to 42, which are in close proximity, will be significantly smaller than many properties in the area and together may adversely affect the rural landscape.

Mrs Hill raised concerns about the impacts of noise and the lack of a comprehensive planting plan. She was concerned that the final species used would cast shade and block views of existing residents.

In response to a question from Cr Ensor, Ms Hill said that they are comfortable with 5.5 metre building heights, but are concerned about 7.5 metre high buildings.

### **Mrs Helen McDonald and Mr Paul Hill**

Ms McDonald echoed Mrs Hill's concerns about the height limits for many of the proposed lots being raised from 5.5 metres (under the RBD consent) to 7.5 metres. She outlined specific controls sought on proposed Lots 26, 27 (5.5 metres) and proposed Lots 30, 31, 33 - 35, 38, 39, and 42 (6.0 metres). She said that these lots will fill their current rural outlook and

landscape. She said the request to reduce to 6.0 metres only recognised that there is a lesser density compared to the RBD consent.

### **Mrs Gillian Pollock**

Ms Pollock supported the cat-free proposal for the subdivision. She went on to state the every wetland is unique and the wetland on this site is of regional significance and should be accorded the highest level of care. She said that this is a rare opportunity for the Council to acquire the wetland reserve and form a community partnership for the care of it. She considered it should be a community asset for controlled visits by interest groups and for education.

Ms Pollock said that QEII covenants are usually sought by landowners who recognise the natural values of the areas they own. In this case there is no guarantee that the future owner will look after the wetland. She considered that a community group would ensure that weeds are controlled and a planting programme carried out. As plant cover increased the initial high level of care necessary would decrease.

Ms Pollock sought that a 20 metre buffer be provided to shelter the wetland and provide a wildlife corridor. She said that contributing streams should be similarly protected.

Finally, Ms Pollock sought that silk trees, blackwoods, and acacia be removed from any planting list as they can be invasive.

Cr Edgar asked if it is common for community groups to assist a landowner with managing such projects when a landowner is not compelled to do anything. Ms Pollock responded that if the landowner is willing to have community group help it can work. She said that for one person it is expensive, but that a community group formed into a trust can apply for funding.

### **Mr Trevor Riley**

Mr Riley raised concerns with the availability and sustainability of the water resource on the subdivision site. For this site he recommended supply from rainwater via storage, but at a significantly greater volume than 23,000 litres in order to maintain a sustainable and reliable water supply.

Mr Riley then discussed the matter of a pipeline from Motueka. We note that this is beyond the scope of this hearing and is better addressed through the process of revising the Long Term Plan.

### **Mr James Macdonald (Mapua & Districts Cycle & Walkways Group)**

We also received a written statement tabled by Mr James Macdonald for Mapua and Districts Cycle and Walkways Group. Mr Macdonald had previously filed a written submission.

Mr Macdonald noted the disagreement between Council staff and the applicant over the timing of the walkway linkage through the site. He supported the requirement for this linkage to be achieved as part of the first stage.

Mr Macdonald urged that wherever walkways are to be provided, that they be sufficiently wide to permit joint use by both cyclists and walkers.

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

### **Ms Ros Squire**

Ms Squire said that according to the Council's desired level of service it is appropriate that a reserve be vested as proposed. She said that the size and location is appropriate, but that it would be preferable if the final position of the boundaries be further discussed on-site.



Ms Squire supported the provision of an access link where proposed Lot 51 is shown but said that the position of the link is not ideal. On that basis she confirmed the need for Lot 45 to extend to the boundary of the land to the west to enable a more suitable connection to Stagecoach Road at a later date.

Ms Squire said that a pedestrian easement could be created instead of the vesting of Lot 51 as reserve. It is difficult to dispose of reserve once created and this may be necessary if a better public access route is obtained.

Ms Squire also recommended that a public access easement be created over the full length of the proposed road at the first stage of the subdivision; thereby enabling public access much sooner. She was not concerned about the practicalities raised by Ms Hilson as she said that no particular formation or fencing is needed and the route can be closed for events such as lambing.

Ms Squire said in her report that a connection down the wetland towards Mamaku Road would improve the walkway/cycle access within the Rural 3 zone. She said that such a condition was required as part of the previous subdivision.

Ms Squire addressed Ms Martin's and Ms Pollock's submissions. She said that requiring the vesting of the wetland is an option, and one that would be supported by the policies of the TRMP. However it is not particularly desired due to the cost.

### **Mr Dugald Ley**

Mr Ley considered that allowances need to be made for cyclists and walkers in the area and considered that a footpath down Marriages Road, potentially only 1.2 metres wide, was appropriate and necessary given the considerable increase in traffic caused by the subdivision. He said that strictly speaking an upgrade of Marriages Road could be warranted but Mr Ley did not consider it fair to impose this on a single development.

Regarding the localised flooding on Awa Awa Road, Mr Ley said that the Council would accept either the raising of the road or the lowering of the dam spill level. He also considered that Awa Awa Road should be widened with a seal width of 6 metres provided along with a half metre shoulder on each side.

Mr Ley agreed that a nose and lighting is not required at the new subdivision intersection on Awa Awa Road.

Mr Ley suggested that a future connection to Stagecoach Road would be desirable but raised questions over the upgrade of the road and who would fund it.

### **Mr Mike Mackiggan (Consent Planner, Natural Resources)**

Mr Mackiggan did not consider the earthwork volumes or cut heights to be significant, or any more than what would be expected of a development of this sort.

He considered that there would be sufficient space for wastewater disposal given that sizings are very conservative.

### **Mr Trevor James (Resource Scientist, Environmental)**

Mr James said the wetland has been acknowledged as one of significance in the district. He said that it has serious threats to it from weeds and without good management the values of the wetland will be eroded. He believed a management plan of significant rigour is needed as a QEII covenant will not provide enough protection. While it is a legal document the QEII Trust is not resourced or prepared to act legally if there is a transgression of the conditions of

the covenant. On this basis he supported the conditions of the management of the wetland being brought into the consent.

Mr James supported the buffer strips being planted up into the contributing gullies as they are ephemeral wetlands that contribute to the main wetland. They are also corridors for the movement of birds and other wildlife through to other catchments. Mr James considered that an 8 metre planted buffer would be the minimum necessary to protect the wetland. A 20 metre boundary setback from the edge of the wetland would also allow space for sediment control and setback of incompatible activities on adjacent lots.

In response to Cr Ensor, Mr James said that he supports the principle of eco-sourcing of plants and supports the planting of the gullies leading into the wetland.

Cr Edgar asked about Mr James's preference for protection of the wetland. Mr James indicated that he is concerned for the ongoing health of the wetland. He said that the QEII process is not enough on its own and conditions on the consent are needed to require that the expert report (Mr North's report) be implemented.

Mr James said that the particular need is for weed control which requires a sustained effort. There are continuing emergent weeds that might take several years to get on top of. There is also need for management in terms of releasing plantings and replacement of plants that die.

#### **Mr Mark Morris (Co-ordinator, Subdivision Consents)**

Mr Morris said that his main concern and issue was the matter of inclusion or otherwise of proposed Lots 3 and 5 within the subdivision. He accepted Mr Carter's contention that the policy is against "visually prominent" development. Therefore if development on ridges can be seen but the visual effects are minimised then it may be acceptable. Based on the measures in Mr Carter's supplementary evidence it is possible and achievable to set dwellings back and into the landscape and Mr Morris accepted that dwelling sites on proposed Lots 3 and 5 could be accepted if strict conditions are imposed to ensure the outcome sought is achieved. Mr Morris tabled some additional recommended conditions for these proposed lots.

Mr Morris said that the bond for plantings is necessary to ensure that the three year maintenance programme is effectively carried out so that the plantings survive and thrive, since maintenance is just as important as the planting itself. After a Section 224(c) certificate has been issued it is difficult to ensure compliance with maintenance requirements, particularly when there is no management body being created for the subdivision.

Turning to the wetland, Mr Morris was satisfied that there be a written undertaking from the consent holder that the QEII covenant will be created as part of Stage G of the subdivision. He said the issue is primarily that a QEII covenant is a protection mechanism, but there is also a current restoration and management issue. He accepted that the covenant will be a positive step for protection, but some requirements on the landowner would be appropriate to avoid a weed problem. He noted that such a restoration was volunteered as part of the Ruby Bay Developments application and consent.

Regarding the creation of a public access through the site, Mr Morris still considered this to be appropriate at Stage 1 or 2 of the subdivision. He said that there can be no certainty that the last stage will ever be implemented.

Cr Maling asked Mr Morris's opinion on submissions seeking further restrictions on the building heights on certain lots. Mr Morris said that the TRMP anticipates rural-residential development of this type in this area. He said he did not see them being particularly adversely affected as the larger lots proposed will better moderate the impact of larger dwellings.

## 6.4 Applicant's Right of Reply

Mr McFadden described how the Rural 3 zone was specifically created to allow rural-residential and residential subdivision. He considered it a nonsense that some submitters should benefit from the Rural 3 zone in being able to live in this location, but then oppose further development. He reminded us that this proposal is lesser in scale than the current consent in place.

Mr McFadden did not consider the lots proposed to be too small because that is the intention of the Rural 3 zone; to create a range of lot sizes and to cluster lots. Mr McFadden went on to say that the design guide is only a guide not a rule of the TRMP. He said it is something to have regard to when making a decision.

Mr McFadden said that our decision needs to be based on evidence and that substantial evidence was presented from Mr Carter regarding proposed Lots 3 and 5. He said that people have asserted that aspects of the development will affect them, but few analyse why or to what extent. Usually there is no evidence to support the effects asserted. Regarding Mr and Mrs Scurrah-Whitton, he said that their concerns about the development of Lot 3 have been addressed. He also pointed out that a contributing factor to the closer proximity between the proposed Scurrah-Whitton house and the house on proposed Lot 3 is due to the former not being on the consented building location area.

Regarding the wetland, Mr McFadden reemphasised the significance and effectiveness of protecting the wetland by way of a QEII covenant. He did not consider that requiring more work to be done was necessary or appropriate. He said that the applicant opposed the suggestion of vesting the wetland with the Council. Mr McFadden indicated in response to Ms Pollock's submission that the applicant would accept a 20 metre boundary separation from the wetland around the eastern side of the wetland, except between proposed lots 24 and 25 where it would be 8 metres.

Mr McFadden did not accept the earlier formation of public access across the land. He considered this to be an opportunity to "clip the ticket" and impose restrictions on the applicant.

He said that generally matters between traffic engineers were agreed. He did not consider that there was a need for the footpath down Marriages Road as a result of the subdivision.

## 7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

### a) **To what extent is the existing RBD consent applicable to our consideration of this application?**

As stated in the introductory section of Mr Morris's staff report there are significant differences between the applications that limit the extent to which the RBD consent can be considered as a true "consented baseline".

For example, the significant difference in the number of residential sites (more than 100% difference) and the lower density means that more land is being used for less benefit in terms of creation of high amenity residential activities that will contribute to the local economy. Similarly, giving effect to the the RBD consent would mean realisation of a number of positive effects such as a comprehensive rehabilitation, and ongoing active care, of the wetland whereas that is not volunteered in this case. The RBD consent also provides for connectivity to, and an upgrade of Stagecoach Road, which is not a part of the current application.

These differences all limit the relevance of the RBD consent. Given that our decision must be made on an 'overall broad judgement' basis it is not appropriate to cherry-pick aspects of the new proposal that are similar and then discount the differences between the applications as being immaterial.

But, balancing those differences, it is clear that the RBD consent allows the land to be developed. Therefore when considering the application from the point of view of nearby submitters we are cognisant that land use change can be expected.

**b) Should proposed Lots 3 and/or 5 be retained or deleted?**

Mr Morris originally sought that these two lots be deleted from the subdivision plan as being inappropriate development on the ridgeline and thereby inconsistent with the Coastal Tasman Area Subdivision and Development Design Guide. However, based on supplementary evidence from Mr Carter he changed this recommendation, subject to the imposition of additional conditions on the resource consent.

Amongst submitters, Mr and Mrs Scurrah-Whitton remained opposed particularly to proposed Lot 3 due to its proximity and effects upon their property. Mr Langbridge who appeared for them initially opposed the proposed lots, principally due to the uncertainties or lack of information about earthworks, location of buildings, design and mitigation. Our understanding is that Mr Langbridge was satisfied by the evidence of Mr Carter to some extent and, by the conclusion of the hearing, was no longer entirely opposed.

Mr Wright who lives close to Awa Awa Road was also initially opposed to what he considered to be skyline development when viewed from his dwelling. Mr Wright softened his opposition somewhat in the light of Mr Carter's supplementary evidence, but only on the basis that conditions be imposed requiring the implementation to be as per Mr Carter's evidence.

Our finding is that we agree with Mr Carter's and, in the finish, Mr Morris's assessment of the effects of development on the proposed lots. The proposal to maintain the ridgeline landform on proposed Lot 3 and bench the BLA platform in front of this landform is critical to avoid a visually prominent outcome from the likes of Mr Wright's property. Retention of this landform is also important for creating a separation and avoiding more than minor effects on the Scurrah-Whitton property.

The plan submitted as part of the original resource consent application had none of the refined detail that came with the Carter supplementary evidence at the hearing. The plan simply showed a large oval Building Location Area that encompassed the entire ridgeline hillock immediately adjacent to the Scurrah-Whitton boundary. While there was a description in the text there was little certainly or clarity given to demonstrate that the hillock would not entirely removed and that suitable mitigation would be implemented. With the benefit of that information now we are comfortable that development of the site will not be visually prominent or inappropriate.

From our understanding of Mr Carter's evidence, it seems that the dwelling and buildings on proposed Lot 5 will be more set above the ridgeline than those on Lot 3. While the ridgeline is much lower in absolute terms (RL87 versus RL81 metres for proposed Lots 3 and 5, respectively) the difference between the excavated bench and the top of the ridge is only 2.5 metres for Lot 5. However, when the lower visibility of the ridgeline is factored in we are satisfied that, as for proposed Lot 3, the site will not be visually prominent or inappropriate.

Given the orientation of the Scurrah-Whitton dwelling, the fact that they have chosen to build further to the north, and the mitigation measures volunteered for proposed Lot 3 we were not persuaded that the effects on them will be any more than minor.

**c) Should there be additional building height restrictions to address the concerns of the Stagecoach Road residents who submitted?**

Following the hearing we specifically visited the properties of all Stagecoach Road residents who submitted and viewed the subdivision from their dwellings<sup>1</sup>.

We found that we were not persuaded that there would be any effects on these properties that would be more than only very minor. The properties would all be observed from a substantial distance and none of the proposed BLAs would give rise to skyline development. We agree with Mr McFadden that development in this location is anticipated and should be expected. Further, we were persuaded by Mr Morris who contended that the fewer height restrictions imposed on this subdivision would be visually offset by the larger lot sizes and consequent lower building densities of this subdivision in comparison to that authorised by the RBD consent.

We consider that building colour is a critical matter when deciding how visually intrusive a building is in the environment. There will be far better controls on colour than can be seen in other prominent examples in the immediately surrounding area.

**d) To what extent is the development in the Awa Awa Road catchment (to the West of Ridgeline A) appropriate?**

Mr Wright was the submitter principally concerned with the extent of development on the slope facing Awa Awa Road. Mr Wright and Mr Morris noted the increase in the number of building sites as compared to that authorised by the RBD consent.

We accept Mr Carter's explanation of the difference being partially attributed to developers' preferences. We recognise that it is not appropriate to set the RBD consent as standard of what is appropriate. Instead we must assess the new application on its merits.

We have reviewed the plans and overall we find that the density of housing in the current proposal will not be inappropriate. We believe that the applicant and its advisers have appropriately accommodated the proposed dwellings into the topography of the slope.

**e) What wetland restoration and protection measures are appropriate?**

The applicant has not proposed as much work, restoration and management of the wetland as was proposed under the RBD consent. Ms Martin and Ms Pollock presented strong submissions calling for greater levels of care and management of the wetland. The evidence of Mr James for the Council was also in support of these outcomes.

Mr McFadden emphasised the value of registering a QEII covenant to provide protection for the wetland. We agree that this is an appropriate step and note that this was seen as appropriate by Mr North in his report for RBD. However, we also agree with Ms Martin that this, in itself, is not sufficient. The QEII covenant will certainly protect the wetland in its current form but it will not require anything pro-active to be done. The wetland may continue to degrade due to the gradual, but inevitable, infiltration of weeds and due to the lack of a sufficient vegetative buffer around its margins.

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<sup>1</sup> We had previously asked that the BLAs of certain strategic lots, such as proposed Lot 26, be physically marked.

Given the significance of the wetland, the relatively modest cost of basic weed management and buffer planting, and that the applicant is establishing a substantial number of new residential activities in the wetland catchment, some pro-active restoration and management of the wetland is appropriate. We are also conscious that the sooner this work is done the better the outcome and the lower the cost and effort required.

**f) What public access requirements are appropriate?**

There seemed to be no disagreement between parties at the hearing that public pedestrian, cycling and riding access is important through this site. There were, however, three matters of particular contention:

1. Timing of the provision of public access between Stagecoach Road and Awa Awa Road;
2. Extension of public access down past the wetland towards the head of Mamaku Road; and
3. The appropriateness of a footpath down Marriages Road.

Firstly, regarding the timing of access through the site, we have decided upon a compromise position. The Council's planners recommended that the access be provided at the first or second stage but the applicant highlighted practical concerns and sought access be provided at the time of completion of the last stage. We agree with both parties to some extent. Providing public access earlier than the last stage is appropriate, but if it is too early then there will be practical constraints and hazards. We are most concerned about construction hazards and heavy vehicles. Therefore, we have decided that public access through the site should be provided with the completion of the fourth stage<sup>2</sup>. Completion of this stage will mean that the road is formed through more than half of the subdivision. It also means that public access should be secured within an acceptable time frame. In the event that the applicant chooses to construct the formation of the road right through then public access should also be established at that time.

We have decided against requiring a public access right down the length of the wetland. Section 8.1 of the TRMP encourages the provision of access to and along wetlands, but in this case we see some conflict with its conservation values. The policy framework seeks "*adequate public access*" and we believe that this outcome is provided for by the provision of the reserve to be vested in the Council. Public access is also often incompatible with private ownership.

We carefully considered the matter of a footpath down Marriages Road. Mr Petrie opined that there is little demand these days for children to walk or cycle to the school bus at the end of road. He felt that the subdivision would not warrant the construction of a footpath. We preferred the argument put forward by several other participants to the hearing that there is demand for safe walking and cycling facilities and that the provision of facilities such as a footpath will encourage people to undertake these activities. We are very conscious of not imposing conditions that cannot be fairly related to the effects of the proposal, but we consider that the subdivision, when entirely developed, will increase the flow of traffic and people along Marriages and Awa Awa Road considerably. On this basis we believe that it is appropriate that a walkway be formed but at a later time in the sequence of the subdivision so that footpath will be serving an existing demand, not a future projected one when the subdivision is completed. We find that at the completion of Stage E is the appropriate time to

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<sup>2</sup> We initially intended this public access to be provided as part of Stage D. However we recognise that the applicant has sought to be able to complete the stages in any order. Therefore, we have no certainty about when Stage D may be implemented. Therefore it is more appropriate that it be required as part of the fourth stage to be completed and that the consent holder plan the completion of stages on this basis.

construct the footpath as this stage will occur towards the end of the development and will add more dwellings than any other stage.

**g) What road connectivity requirements are appropriate?**

We considered the merits of requiring that the legal boundaries of proposed Lot 44 (road to vest) be required to be extended to the boundary of Lot 1 DP 450728. We considered this as we were concerned that future connectivity opportunities may be wasted if and when that neighbouring block is subdivided. The currently proposed legal boundaries of the road will not allow any new lots that may be created to the west to access the new road or Awa Awa Road beyond. There will also be no opportunity for the lots of this subdivision to gain access to Stagecoach Road in the future, even in the event that it is upgraded either by the Council or as part of future development works.

However, in the finish we found that to require this connection to the boundary would be too presumptuous. We did not have enough evidence about the possible positive effects and potential drawbacks or unforeseen implications. We expect that the applicant considered this option but chose not to pursue it for good reason. However, we would recommend that the applicant review its decision not to allow for future connectivity to the Lot 1 DP 450728 block.

## **8. RELEVANT STATUTORY PROVISIONS**

### **8.1 Policy Statements and Plan Provisions**

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

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

The proposed activity contravenes Section 15 of the Act, and therefore we have also had regard to the matters outlined in Sections 105 and 107 of the Act.

### **8.2 Part 2 Matters**

In considering this application, we have 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**

Pursuant to Section 104B of the Act, we **GRANT** all consents sought, subject to conditions.

## **10. REASONS FOR THE DECISION**

### **Effects on the Environment**

We are satisfied that, subject to the recommended and volunteered conditions, the effects on the environment will be minor. The three biggest potential adverse effects of the subdivision are (a) an adverse effect on the landscape values and rural amenity of the Awa Awa Road valley and the rural residential area at the north end of Stagecoach Road; (b) the increased traffic effects on Awa Awa Road; and (c) the construction effects that may affect amenity and the wetland for a considerable period of time.

Clearly, a landscape planting plan which sets out the structural and amenity planting of the subdivision and the building platforms is important in avoiding and mitigating the potential adverse effects on rural landscape values and character. We are satisfied that the information submitted to date, which the eventual landscape plan must be consistent with, will appropriately achieve this. We acknowledge that there will be a change in the landscape character for a number of nearby and adjoining residents, particularly Mr and Mrs Scurrah-Whitton. However, we do not see this change as necessarily being adverse, and certainly not more than minor. Further, given the Rural 3 zoning of the land, change is provided for in the TRMP.

The potential traffic effects will be appropriately avoided and remedied by the widening of Awa Awa Road, the creation of an appropriate new intersection onto Awa Awa Road, and the substantial improvement of the Awa Awa Road and Marriages Road intersection. The construction of a footpath down Marriages Road is also considered to be necessary to address the effects of the subdivision.

We are satisfied that the construction sedimentation effects can be appropriately controlled through the conditions of consent.

The subdivision will create some fantastic living environments for the people that buy into the development. Tremendous views and amenity are present on the site and we expect a good range of opportunities to eventuate from the proposed layout.

The proposal will contribute to the conservation values of the large and significant wetland on the site. Planting in the gullies that feed into the wetland has been volunteered and we support this. The planting proposed will give a more natural amenity to the overall site and will provide more ecological linkages between catchments.

Public access between Stagecoach Road and Awa Awa Road will be improved through provision of a public easement. A future more desirable linkage may be established through the wetland (we understand a track and culvert already exist) and into the as yet undeveloped land to the west. The provision of a reserve will allow for opportunities for the public to view and appreciate the wetland. The reserve may also serve as a public space for recreation within easy walking and cycling distance where currently one does not exist.

### **Objectives and Policies of the TRMP**

Having compared the proposed subdivision to the Design Guide we find that the process outlined principally by Mr Carter, but also by Ms Hilson is generally consistent with that set out in Chapter 2. Mr Carter was able to demonstrate the steps that have been followed to identify the landscape, character, drainage features and other such patterns to guide development.

Turning to Chapter 3 which sets out the guidelines, the lots are larger and less clustered than is encouraged by the Design Guide. The pattern is more rural-residential or 'lifestyle-block' in nature and appearance and does not general match the pictorial outcomes shown. However, looking further into this relieves some concern. The patterns shown in the design guide arise from an intention to protect the more productive land within a subdivision site and to create clustered development on the less productive areas. In this case we have had no evidence to suggest that the land in question has any particularly productive values. The only conservation value to be particularly considered is the wetland and we are satisfied that the appropriate drainage pathways will be respected. We are also confident that the structural and amenity planting proposed by Mr Carter will achieve the outcomes sought to satisfy Section 3.12.

Some effort has also been made to provide for the recreation, conservation and open-space outcomes sought by Section 3.8 by providing walking and cycling access to Stagecoach



Road, and by providing a reserve near to the wetland which is likely to be of considerable public interest.

We note that the proposal is for each lot to catch, store and use rainwater as sought by Section 3.7 of the Design Guide. We understand that this is consistent with the outcomes sought by Mr Riley in his submission. Given that this was part of the proposal as it was notified we do not understand the level of concern expressed by Mr Riley.

In his Section 42A staff report Mr Morris provides a thorough assessment of the proposal as it relates to the relevant policy framework of the TRMP. We generally agree with and, pursuant to Section 113(3) of the Act, adopt Mr Morris's assessment of the application against the Policies and Objectives of the TRMP. However, there are several topics upon which we do not fully agree and we specifically discuss these.

In Section 6.2 of Mr Morris's report he finds three specific guidelines for Landscape Sub-unit 6B which he considers the proposal not to be consistent with. The first is "*(a) Avoiding visually prominent development on the main ridges and internal spurs*". We were persuaded by Mr Carter in this regard, as was Mr Morris at the hearing. We find that proposed developments on Lots 3 and 5 will not be visually prominent.

The second guideline of Landscape Sub-unit 6B is "*(d) Focusing development opportunities west of the ridge above Awa Awa Road*". We agree more with Mr Morris on this point. In comparison with the RBD consent there is an increase in the level of development on the east side of Ridgeline A. It is fair to say that development has been "focussed" on the west side of Ridgeline A but there remain a substantial number of houses proposed within the Awa Awa Road catchment. However, as stated previously, given the design of the subdivision we do not see any significant adverse effects resulting from this.

The third guideline is "*(e) Generally keeping development below spurs and ridgelines within the subunit*". Again, we do not see this guideline as being met, but we see the effects as being acceptably low. Strictly speaking there is some development on the ridgelines, but it has been appropriately treated so as to reduce the visual impacts.

In Section 6.7 of Mr Morris's report he refers to Policy 7.3.3.15 which relates to the wetland. The context has changed somewhat as the applicant has now committed to a QEII covenant. However, as stated above we consider that a somewhat higher commitment to the wetland is appropriate given the scale of the subdivision and the values of the wetland. We do not consider it appropriate for the subdivision to proceed and, as a worst case scenario, the wetland continue to go backwards through lack of a vegetative buffer and gradual weed infestation.

### **Purpose and Principles of the Act**

We find the following matters of national importance to be relevant:

- S.6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
- S.6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Section 6(a) places a high emphasis on the importance of the wetland on this property. As we have previously stated we see a need for a greater level of restoration and enhancement of the wetland as a result of this consent process. We find sufficient support for this position in Section 6(a). We do not find the subdivision to be inappropriate, but find that preservation will depend upon active restoration, rather than just protection (Section 6(c)). From the

evidence presented we understand that the level of restoration necessary is relatively low and that the prospects for the wetland thereafter are very good.

We find the following other matters to be relevant:

- S.7(b) the efficient use and development of natural and physical resources.
- S.7(c) the maintenance and enhancement of amenity values.
- S.7(d) intrinsic values of ecosystems.
- S.7(f) maintenance and enhancement of the quality of the environment.

In making our decision on Lots 3 and 5 and on the extent of development in the Awa Awa Road catchment, we are conscious that if the land is to be subdivided and thereby lost to productive use then it is a more efficient to utilise the land as intensively as possible within the allowable limits of adverse effects and with the policy framework of the TRMP. Given the high quality sites on offer and the general avoidance of adverse effects on the environment we are satisfied that allowing the proposed development in the Awa Awa Road catchment and on Ridgeline A is an efficient use of the land resource available.

We are satisfied that amenity values both within and around the subdivision will be maintained.

Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

## **11. COMMENTARY ON CONDITIONS OF CONSENT**

The recommended conditions of consent were originally provided as part of the MR Morris's Section 42A report. Mr McFadden then presented an amended set of conditions incorporating some agreed changes and some changes sought by the applicant. In this section we summarise the reasons for the changes we have made to those conditions as they were presented to us by Mr McFadden. However, the reader should be aware that this commentary is not exhaustive and minor changes and refinements of the conditions have been made throughout the consent documents. The reader should thoroughly read all conditions of consent.

The applicant originally sought that proposed Stages A to H could be completed in an order. The problem with this is that a number of important works and mitigation measure have been tied to certain stages of the subdivision. Therefore we have seen appropriate to require Stages A and B to be completed first and thereafter allow some freedom.

We have imposed tighter conditions for Lots 3 and 5 in general alignment with the additional conditions sought by Mr Morris.

We have introduced the need to produce a Wetland Management Plan for the reasons discussed earlier.

In Condition 36 of the subdivision consent we have required that a footpath along Marriages Road be required, but that this shall be done as part of the completion of Stage H. Stage H contains more lot that any other stage and is likely to occur towards the end of the subdivision. We do not see construction of the footpath as being appropriate until the demand actual exists.

The recommended conditions included the requirement for the consent holder to plan and plant out Lot 45 which is the reserve to be vested in the Council. We have deleted this requirement and only require that the reserve be vested and that the most appropriate boundaries be decided on site. We believe that the Council is better placed to undertake its

own landscaping in accordance with its priorities. The applicant's efforts would be better directed towards the wetland as we have required.

We had some concerns with the condition of consent RM120282 (earthworks) which authorised removal of wetland vegetation for the purposes of development of the subdivision (now Condition 24). We considered this condition to be too permissive and have further restricted earthworks which may remove, damage or destroy wetland vegetation.

Finally, regarding the discharge permits for wastewater and stormwater, we have implemented a structure where two such discharge permits have been granted for each lot. The discharge permits are to be transferred to the new owners of lots when they are purchased from the developer. To do this, but still retain a stormwater consent to be in place during the construction and earthworks period, we have had to create a new reference RM number. This new number (RM120707) relates to the stormwater discharges from the individual lots.

## **12. LAPSING OF CONSENT(S)**

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then. In this case the applicant has sought a lapse period of 10 years. We accept the reasons given for the need for this longer period to give effect to the all stages of the subdivision.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM120280), this consent is given effect to when a Survey Plan is submitted to the Council for the subdivision under Section 223 of the Act.

Land Use Consent, (RM120281) will lapse five years after the issue of each of the certificates of title for the respective allotments (Lots 1 to 43, 49 and 50) inclusive. This is a pragmatic approach to ensure that delays with the subdivision do not compromise the effective 'life' of the land use consent for the dwellings to be erected on the titles created by the subdivision.

## **13. EXPIRY OF CONSENTS**

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided.

The land use consent for earthworks has a term of 10 years to allow the works authorised by the resource consent to be undertaken.

The discharge permit for stormwater (RM120284) expires in 35 years, which the maximum permissible under the Act.

The discharge permit for wastewater (RM120283) has no current expiry date specified as new resource consents with the same conditions as this consent will be issued for each lot as it is transferred to a purchaser. A 15 year expiry date will be applied to each discharge permit at the time it is transferred. A 15 year term is the standard term for wastewater discharge permits in the Coastal Tasman Area.

Consents that have a set duration have the relevant date of expiry recorded on each consent.

Issued this 18<sup>th</sup> day of September 2012



**Councillor Brian Ensor**  
**Chair of Hearings Committee**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM120280

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

**Boomerang Farm Ltd**  
(hereinafter referred to as “the Consent Holder”)

### ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide three titles into the following:

- One allotment of 4.15 hectares to vest as road (Lot 44);
- 45 rural residential allotments; and
- A recreation reserve to vest in Tasman District Council (Lot 45).

### LOCATION DETAILS:

Address of property: Awa Awa Road, Ruby Bay  
Legal descriptions: Lot 13 Deeds Plan 1706 (CT NL65/53)  
Lots 1-2 DP 429318 (CT514850), Lot 7 DP20366 (CT NL13C/309) and  
Lot 1 DP20366 (CT NL13C/305), all held together;  
Lots 2 and 3 DP20366 (CT NL13C/306)  
Valuation number: 1928080102 and 1938001700  
Easting and Northing: 2514911E 5998348N

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

### CONDITIONS

#### Amended Subdivision Plan

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan entitled “Resource Consent Application Plan” Job No. 0413, dated April 2012, prepared by Planscapes (NZ) Ltd, and attached to this consent. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.
2. Notwithstanding Condition 1, the survey plan submitted for the purposes of Section 223 of the Act shall be amended as follows:
  - (a) Lot 51 (Reserve to vest) shall be deleted and a public access easement shall be created in its stead in accordance with Condition 22;
  - (b) The thin leg of Lot 45 that crosses the wetland shall be shown as 5 metres wide.
  - (c) The boundaries of Lot 45 (reserve) shall be agreed onsite between Council’s Parks and Reserves staff and the consent holder and agreed boundaries shall be shown on the Survey Plan.

- (d) Lot 3 and 5 BLAs shall be amended as per Condition 5
- (e) The alignments of the western boundaries of Lots 15, 8, 23 and 24 shall be amended so that wherever practicable they are 20 metres from the margin of the wetland. Where this is not practicable good reason shall be provided. No boundaries shall be closer than 8 metres to the wetland.

### **Staging**

3. The subdivision shall be completed in stages as follows:

**STAGE A:**

Lots 1, 2, 3, 4, 5, 6, Lots 47 and 48, ROW A, 49 & 50 and associated road to vest (8 lots)

**STAGE B:**

Lots 7-13, ROW G and associated cul-de-sac to vest (7 lots)

**STAGE C:**

Lots 14-18 and ROW E and F (5 lots)

**STAGE D:**

Lots 19-25, ROW D and associated road to vest (7 lots)

**STAGE E:**

Lots 26-30 and associated cul-de-sac to vest (5 lots)

**STAGE F:**

Lots 35-38 and ROW B (4 lots)

**STAGE G:**

Lots 31-34, Lots 43, 45 and 46, ROW I and associated cul-de-sac to vest (5 lots)

**STAGE H:**

Lots 39-42 and ROW C (4 lots)

Stages A and B shall be completed as the first and second stages of the subdivision. Thereafter, the remaining stages may occur in any order, subject to legal and practicable access being provided to each stage.

4. For each stage of the subdivision the wastewater and stormwater discharge consents approved under RM120283 (wastewater) and RM120284 (stormwater) shall be transferred to the individual respective properties with a separate consent number for each new residential title. Consent notices on each title shall require compliance with the respective wastewater and storm water discharge consent.

### **Building Location Areas for Lots 3 and 5**

- 5. The building location areas (BLAs) and associated earthworks shall be in general accordance with Tasman Carter Plan 2 (10 August 2012) for Lot 3 and Tasman Carter Plan 6 (10 August 2012) for Lot 5. Both plans are attached to this consent.
- 6. The landscaping and earthworks required to form the access and the BLAs for Lots 3 and 5 shall be fully completed prior to the signing of the Section 224C Certificate for the respective allotments.
- 7. An As-built Plan shall be provided from a registered surveyor for Lots 3 and 5 showing that the BLAs have been formed to a finished ground level of 85 metres for Lot 3 and a finished ground level of 79 metres for Lot 5 in accordance with LIDAR data.

8. Consent Notices shall be imposed on Lots 3 and 5 restricting any buildings on Lots 3 and 5 to no more than 5 metres above the finished ground level of the BLA.

### **Lapsing of consent**

9. Each stage of this subdivision shall lapse 10 years after the date of commencement unless the stage has been given effect to, or unless the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

#### **Advice Note:**

This consent commences when it can legally be given effect to. Each stage is deemed to have been given effect to when the Section 223 Survey Plan is submitted for that stage.

### **Building Location Plan**

10. Subject to any recommended conditions resulting from the Engineering Reports required under Condition 53, and subject to Condition 5, a confirmed Building Location Area (BLA) plan for each of the allotments 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.
11. The BLAs shall, in all other respects, be in the respective location for each allotment shown on the plan specified in Condition 1 of this consent.

### **Landscape Planting and Management Plan**

12. A Landscape Planting and Management Plan (the LPMP) shall be submitted for the approval of the Council's Environment and Planning Manager covering all stages of the development. The LPMP shall be prepared by a qualified Landscape Architect and shall be submitted at the same time as engineering approval is sought or before. The LPMP shall be in general accordance with the Tasman Carter Landscape Report dated 14 March 2012, the evidence and supplementary evidence presented by Mr Tom Carter (dated 10 August 2012) at the hearing, and the Plan Sheet entitled "Planting Mitigation Annexure D" Sheet 1 dated 6 August 2012, and attached to this consent. The species shall be as listed in that report. Where the above documents are inconsistent with the information requirements below, the information and work required below shall prevail.

The Landscape Planting and Management Plan shall detail the following information:

- i) The overall "structural" planting that will be completed as part of the completion of each stage of the subdivision;
- ii) The specific "amenity" planting requirements that are to be implemented with the development of particular allotments.
- iii) The landscaping of Lots 3 and 5 in accordance with the supplementary evidence presented by Mr Tom Carter (dated 10 August 2012) at the hearing.
- iv) 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.
- v) The planting species for a hedge of 2m-4m height within Lots 17 and 18 along the boundary with Lot 1 DP 17278 and Pt Sec 86A.
- vi) The Plan shall provide for continuous ecological corridors with locally indigenous plantings within each of the gullies that drain into the wetland.
- vii) The Land Management Controls contained in the Tasman Carter report.
- viii) Establishment works required to implement the Planting plan.
- ix) Staging of planting in accordance with the subdivision staging.
- x) The plantings are in accordance with the Tasman Carter Plan.
- xi) Pest plant and animal controls and ongoing maintenance schedules, together with stock proof fencing to avoid stock damage where appropriate, including for the waterbodies running through Lots 49 and 50.

- xii) Replacement planting.
- xiii) Ongoing maintenance requirements of planted areas (developer and future owners).
- xiv) Landscaping areas to be subject to land covenants to ensure their ongoing existence.

**Advice Note:**

A separate condition (Condition 15) requires that a Wetland Restoration Plan be prepared and implemented. Therefore the LPMP need not specifically address wetland matters although should address relevant matters such as the volunteered planting of the gullies that drain into the wetland.

13. The planting required by the Landscape Planting and Management Plan shall be fully completed 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, confirming that the plantings have been fully completed in accordance with the Landscape Planting and Management Plan referred to in condition 12 and thereafter maintained.
14. The Consent Holder shall be responsible for maintenance, pest control, replacement and management of planting required by the Landscape Planting and Management Plan within the development for a minimum of three (3) years following the completion of this planting for each stage. The responsibilities thereafter shall devolve to the lot owners of Lots 1 - 45, 49 and 50 or, in the case of road reserve, to the Council.

**Advice Note:**

Condition 62 requires that a bond be entered into to provide security for the plantings and the maintenance thereof as required by this condition.

**Wetland Restoration Plan**

15. In addition to the LPMP above, a Wetland Restoration Plan (WRP) shall be submitted for the approval of the Council's Environment and Planning Manager at or before the time that the LPMP is submitted for approval.

The WRP shall be prepared by an appropriately qualified or experienced Ecologist and shall be consistent with the report entitled "*Botanical /Ornithological Assessment of Lands within Proposed Rural Residential Development of Lot 7 DP20366, Lot 13 Deeds Plan 1706 and Lot 1 DP20366*" written by Michael North and dated 9 March 2007. The WRP shall include:

- i) A programme of work for the removal of weeds (to be completed within 18 months of the date of first giving effect to the subdivision [lodgement of the first survey plan]);
- ii) A programme of weed maintenance inspections and removal for three years following the completion of the initial weed removal programme;
- iii) A requirement to visually set aside (by pegging or other means) a 20 metre buffer strip around the wetland to ensure that separation distances are maintained through development of the subdivision (prior to the completion of Stage B);
- iv) A programme of planting of the buffer margins (required as part of the completion of Stage G or earlier) with native eco-sourced pioneer species from local provenances;
- v) A species list and planting methodology for the buffer margin plants; and
- vi) A maintenance and replacement requirements schedule for the buffer margin plantings.

The wetland shall be restored and managed in accordance with the WRP.

16. A written statement shall be provided to the Council's Environment and Planning Manager, from an ecological professional, confirming that each stage of the work required in the WRP have been fully completed in accordance with the WRP.

**Advice Note:**

Condition 62 requires that a bond be entered into to provide security for the plantings and the maintenance thereof as required by this condition and Condition 15.

**Consent Notices**

17. 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 Act.

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.

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 1-43, 49 and 50 shall be restricted to the Building Location Area (BLA) shown on the Building Location Plan and all buildings shall be fully contained within each Building Location Area.

**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 53 of resource consent RM120280

**C. Maximum Building Heights**

Buildings shall not exceed the following heights:

- a) Any dwelling and accessory buildings on Lot 13 shall have a maximum height restriction of 5.0 metres above the finished building platform level, and shall be located at least 10m back from the bench crest above Awa Awa Road.
- b) Any dwelling and accessory buildings on Lot 11 shall have a maximum height restriction of 5.0 metres above the finished building platform level, and shall be located at least 5m back from the bench crest above Awa Awa Road.
- c) Dwellings and accessory buildings on Lots 32, 36 and 37 shall have a maximum height restriction of 6.0 metres above the finished building platform level.
- d) Dwellings and accessory buildings on Lots 20, 21, 28 and 29 shall have a maximum height restriction of 6.0 metres above the finished building platform level.
- e) Any buildings on Lots 3 and 5 shall be no more than 5 metres above the finished ground level of the Building Location Area.

**Advice Note:**

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

**D. 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.

**E. 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:

| 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 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 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.

**F. Prohibition on Domestic Cats**

No cats may be kept or housed by any of the owners, occupiers, guests or users of any of the dwellings or buildings on Lots 1-45, 49 and 50. For the avoidance of doubt, this advice note was agreed to by the applicant at the time of subdivision.

**G. Prohibition on Dogs on Lots 43 and 46**

No dogs (except for guide dogs) may be kept or housed by any of the owners, occupiers, guests or users of any of the dwellings or buildings on Lots 43 and 46.

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

All residential allotments in the subdivision shall comply on an ongoing basis with the approved Landscape Planting and Management Plan prepared in accordance with Condition 12 of subdivision consent RM120280. The landscaping obligations for each allotment from the Landscape Planting and Management Plan shall be listed, together with relevant plans in this consent notice.

**I. Wetland on Lot 43**

The wetland in Lot 43 shall be managed and maintained in general accordance with the recommendations of the report titled "*Botanical /Ornithological Assessment of Lands within*

*Proposed Rural Residential Development of Lot 7 DP20366, Lot 13 Deeds Plan 1706 and Lot 1 DP20366*” written by Michael North and dated 9 March 2007, particularly with regard to the ongoing control of weeds. The wetland shall also be managed and maintained in accordance with the Wetland Restoration Plan prepared in accordance with Condition 15 of subdivision consent RM120280. However, the management and maintenance of the wetland as required above shall not be inconsistent with any requirement of the Queen Elizabeth II covenant required to be entered into by Condition 18.

Notwithstanding the above, stock shall be permanently excluded from the wetland.

#### **J. Water Storage**

Each dwelling shall be provided with a water supply system that complies with SNZ PAS 4509:2008 - The NZFS Fire Fighting Water Supplies Code of Practice.

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.

#### **K. Transfer of wastewater and stormwater consents**

At the time when each lot is transferred from the consent holder or RM120280 to a new owner the corresponding wastewater and stormwater consents shall be transferred to the new proprietors in accordance with the directions provided in resource consents RM120284 and RM120707, and in the Schedule A attached thereto.

#### **L. Wastewater Disposal**

On-site wastewater disposal on Lot... DP..... shall comply with the requirements of discharge consent RM.....

#### **M. Stormwater Disposal**

All stormwater from buildings and hard surface areas on Lot ... DP..... shall comply with the requirements of discharge consent RM.....

#### **N. Dwellings**

The construction of any dwelling shall comply with the requirements of land use consent RM120281.

#### **O. Earthworks on Lots 3 and 5**

No earthworks of more than 0.5 metres cut or fill may be carried out outside of the Building Location Area.

### **Wetland**

18. The wetland on Lot 43 shall be the subject of a covenant of the QEII National Trust being created and the Consent Holder shall provide a written undertaking that such covenant shall be registered against the title to issue for Lot 43.

### **Easements**

19. The Consent Holder shall provide that a ‘Rural Emanations’ easement be registered over Proposed Lots 9-13, 17 and 18 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.

20. Easements shall be created over any Rights-of-Way and services located outside the boundaries of the lots that they serve, appurtenant to the appropriate allotment. 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.
21. Reference to easements shall be included in the Council resolution on the Section 223 certificate and shown in a memorandum of easements on the survey plan required by section 223 of the Act.

**Advice Note:**

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

22. An easement shall be provided for access on foot, bicycle and by horse over the unvested sections of the main access road up to and over the proposed Lot 51. The easement shall be required as part of the completion of the fourth stage of the subdivision that is completed, or at the time of the completion of the road through to proposed Lot 51, whichever is the sooner. The easement shall be no less than 5 metres in width and shall be greater than 5 metres in width where necessary to provide a walkway/cycleway formation at a grade of not more than 1:6.

The easements shall be extinguished as the remaining sections of road are vested in subsequent stages. However the easement that covers proposed Lot 51 shall not be extinguished unless and until an alternative and more practicable public walkway/cycleway is formed through to Stagecoach Road.

**Advice Notes:**

1. For the avoidance of doubt, Condition 2 of this consent requires that proposed Lot 51 is not created. Proposed Lot 51 is referred to in this condition simply to provide clarity as to the implementation of the condition. Public access over proposed Lot 51 is instead achieved by the permanent creation of a public easement.
2. This condition requires the public easement to be created as part of "the fourth stage of the subdivision" as it is intended that it be created at Stage D. However, Condition 3 allows stages to be completed in any order (except for stages A and B) and therefore this wording ensures that the public access is created at around the midpoint of the subdivision and it cannot be left to the very end of the staging sequence.
3. It is expected that an easement width of 5 metres will be sufficient over much of the route. However it is likely that a wider width is required to accommodate a 1:6 graded path over some or all of the land between the end of the road to vest and Stagecoach Road. The final alignment should be agreed onsite with the Council's Development Engineer or his/her nominated representative.

**Power and Telephone**

23. Full servicing for live power and telephone cables shall be provided underground to the boundary of Lots 1 - 45, 49 and 50.
24. 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. 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.

25. All servicing shall be in accordance with Tasman District Engineering Standards and Policies 2008 and subsequent amendments, unless otherwise specified in this consent.
26. 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.

### Stormwater

27. All stormwater measures shall be fully completed prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for their respective stage, and in accordance with RM120284

### Earthworks

28. All construction earthworks, including the formation of building platforms if that is to occur prior to building site certification under condition 21b), should be in accordance with the conditions of Land Disturbance consent RM120282

### Road Formation within the Subdivision

29. The road within Lot 44, to vest in Tasman District Council on completion of each stage, shall be formed to at least the specifications below.

| Road Section:                   | Class of Road                 | Road Reserve Or Access Lot legal width (m) | Formation (carriageway width) (m) | Footpath number and width (m) |
|---------------------------------|-------------------------------|--|-----------------------------------|-------------------------------|
| From Awa Awa Road to Lots 26/43 | Access Road                   | 18   | 2 lanes @ 3m each                 | 1 @ 1.4m                      |
| Cul-de-sacs (3)                 | Access Place                  | 18   | 2 lanes @ 2.5m                    | 1 @ 1.4m                      |
| Road Section:                   | Min. Side Drain and width (m) | Road Edge number and depth                 | Min. Shoulder width (m)           | Maximum Gradient              |
| From Awa Awa Road to Lots 26/43 | 2 @ 2m                        | 2 @ 150mm concrete                         | 2 @ 600mm grass berms             | 1:7                           |
| Cul-de-sacs (3)                 | 2 @ 2m                        | 2 @ 150mm concrete                         | 2 @ 600mm grass berms             | 1:6                           |

30. The road and footpath shall be permanently surfaced with a minimum requirement of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.
31. The road access shall join Awa Awa Road as close as practicable to a right angle and not less than 70 degrees, with appropriate signage and paint marking installed depending on sight distance requirements. The access shall be in general accordance with the attached plan entitled "Boomerang access".
32. The road through the subdivision shall be designed to a 50km/hr speed environment and any grades steeper than 1 in 8 shall be formed in asphaltic concrete.

#### Advice Notes:

If any private pipelines or structures are contemplated to be located on existing or future road reserve (such as water pipes) then appropriate approval (i.e. 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.

### Right-of-Way Formation

33. Rights-of-Way A - H as shown on Plan A shall be constructed to meet the following standards:

- a) minimum lane width of 4.5m;
- b) two-chip seal 5.0m into the site;
- c) two 500mm wide metal shoulders;
- d) minimum legal width of 6.5m.

### **Off-Site Road Upgrades**

34. The Consent Holder shall, as part of Stage A in the subdivision, upgrade the intersection of Awa Awa Road and Marriages Road in accordance with the Traffic Design Group Figure 5 titled "*Boomerang Farms Subdivision, Ruby Bay, Nelson Indicative Layout: Awa Awa Road Intersection*" dated 26 July 2012 and attached to this consent.
35. The Consent Holder shall, as part of Stage B of the subdivision, widen Awa Awa Road to a minimum 6 metre sealed width, with additional two 0.5 metre shoulders, in accordance with NZS4404:2010.
36. The consent holder shall, as part of Stage H, construct a 1.2 metre wide metalled footpath on the west side of Marriages Road from Awa Awa Road intersection to the intersection with Aporo Road. The surfacing of the footpath shall be to the satisfaction of the Council's Engineering Manager.
37. In order to prevent the flooding of Awa Awa Road **EITHER**:
- (a) The road formation shall be lifted so that there is a smooth road gradient from the existing road to the top of the existing low crest immediately to the north of the area that floods; **OR**
  - (b) The spillway of the irrigation dam on Lot 50 shall be cleared and permanently lowered so that the maximum level of the pond is at least 1 metre lower than the immediately adjoining lowest section of the Awa Awa Road formation.

As-built plans from a suitably experienced chartered professional engineer or registered professional surveyor shall be provided to Council's Engineering Manager confirming compliance with this condition. This shall be completed as part of Stage B.

#### **Advice Note:**

The option adopted for satisfaction of the above condition shall be at the discretion of the Consent Holder.

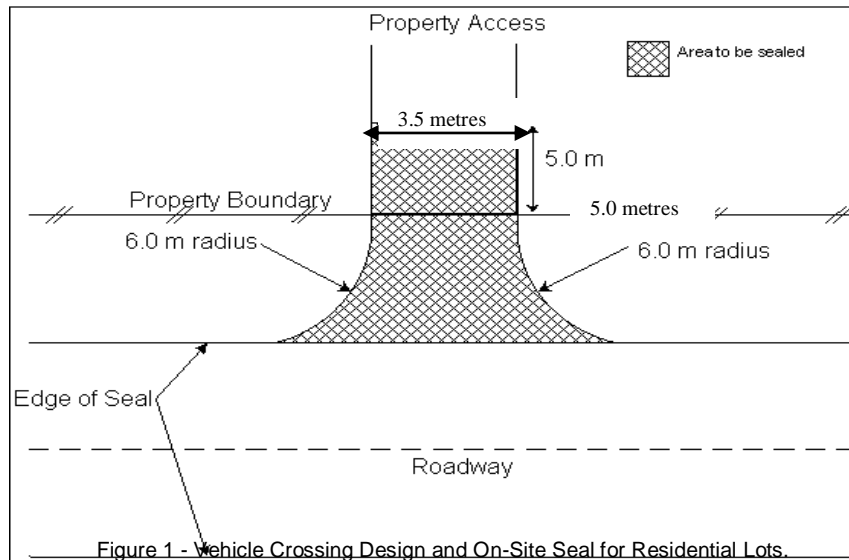
### **Amalgamation**

38. Lots 43 and 46 shall be held together and one certificate of title shall issue.
39. Lot 42 and Lot 4 DP 450628 shall be held together and one certificate of title shall issue.
40. Lot 47 shall be held together with CT 11B/716, and one certificate of title shall issue.
41. Lot 48 shall be held together with CT 108/95, and one certificate of title shall issue.

### **Vehicle Crossings and On- Site Access**

42. 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:
- (a) 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;

- (b) the first 6 metres in from the road carriageway formation shall be more or less level with the road carriageway formation;
- (c) a minimum 300mm culvert drain shall be provided where the access is crossing a roadside drain.
- (d) 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.



### Road Numbers

- 43. 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

- 44. 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.
- 45. The cost of name plates shall be met by the Consent Holder.

### Engineering Plans

- 46. Engineering Plans detailing the road and Right-of-Way design and formation within the subdivision, the footpath design and formation, the vehicle access crossing designs, stormwater management within road reserve, and any public services, and road upgrading proposed for Awa Awa Road and its intersection with Marriages Road, and the Marriages Road footpath 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 2008 and subsequent amendments, unless otherwise specified in this consent.
- 47. 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.

48. As-built plans detailing roads, Rights-of-Way and vehicle crossing accesses, 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**

49. 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.
50. No works shall commence on-site until the Engineering Plans have been approved by the Council's Engineering Manager and the Construction, Erosion and Sediment Management Plan (RM120282) has been approved by the Council's Coordinator Compliance Monitoring.

### **Engineering Works**

51. All public works and Rights-of-Way shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2008 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)**

52. 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.
53. 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 2008 and subsequent amendments, unless otherwise specified in this consent.
54. 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 2008 and subsequent amendments, unless otherwise specified in this consent and shall be provided to the Council's Engineering Manager.
55. 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 17B 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**

56. Lot 45 shall be vested in the Tasman District Council as Local Purpose Reserve (Recreation).
57. The Consent Holder shall provide and form two parking spaces for Lot 45 within the road reserve adjoining the reserve. The formation costs of this parking will be being credited against reserve fund contributions, subject to a quote acceptable to Council's Community Services Manager.
58. The survey plan submitted pursuant to Section 223 shall show the area of reserve land to be set aside.

### **Advice Note:**

Condition 2(c) requires that the boundaries of the reserve be agreed upon on-site with the Reserves Manager.

59. The land value of the Local Purpose Reserve (Recreation) as required in Condition 56 may be credited against the Financial Contributions referred to under Condition 63 of this consent. The value of the proposed reserve shall be as assessed in a valuation report commissioned by the Council. The amount of this, and the formation of parking required under Condition 57, shall be payable prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for Stage G.

## **Maintenance Performance Bonds**

60. 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.
61. The Bond shall cover maintenance attributable to defects and the remedy of defects arising from defective workmanship or materials.
62. A performance bond of \$80,000 (comprised of eight times \$10,000; one for each stage of the subdivision) shall be paid prior to the Section 224(c) certificate for the first stage of the subdivision to cover the completion and performance of the structural landscaping required by Condition 13 (and Condition 15 in the case of Stage G) of this consent. Three years after the completion of each of the eight stages of the subdivision the consent holder may apply to discharge \$10,000 of the bond. Each \$10,000 portion will be entirely or partially discharged if the plantings for that stage have been adequately maintained.

### **Advice Note**

For the avoidance of doubt, the full \$80,000 bond must be paid prior to the Section 224(c) certificate for the first stage of the subdivision. \$10,000 portions of the bond can then be discharged as the three year maintenance period for each stage expires, subject to performance.

## **Financial Contributions (Based on 45 Additional Residential Lots)**

63. 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

5.62% of the assessed market value of the area of a notional 2,500 square metre building site within each of Lots 1 - 43, 49 and 50, less one existing title.



**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 Plan (LTP) 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 44 allotments (credit given for existing title) in respect of roading and water.

**GENERAL ADVICE NOTES**

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  2. be allowed by the Resource Management Act; or
  3. be authorised by a separate resource consent.
3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such subdivision 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.
4. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Issued this 18<sup>th</sup> day of September 2012



Councillor Brian Ensor, **Chair of Hearings Committee**

## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM120281

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

**Boomerang Farm Ltd**  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THIS CONSENT:

to erect a dwelling on each of Lots 1-43, 49 and 50.

### LOCATION DETAILS:

Address of property: Awa Awa Road, Ruby Bay  
Legal descriptions: Lot 13 Deeds Plan 1706 (CT NL65/53)  
Lots 1-2 DP 429318 (CT514850), Lot 7 DP20366 (CT NL13C/309) and  
Lot 1 DP20366 (CT NL13C/305), all held together;  
Lots 2 and 3 DP20366 (CT NL13C/306)  
Valuation number: 1928080102 and 1938001700  
Easting and Northing: 2514911E 5998348N

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

### CONDITIONS

#### Commencement Date and Lapsing of Consent

1. The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotments at their respective stage in the development.
2. This consent lapses five years after the issue of the certificate of title for the respective allotments unless given effect to.

#### Building Location Restrictions

3. The construction of buildings on Lots 1 - 43, 49 and 50 inclusive shall be restricted to the Building Location Areas (BLAs) identified on the Survey Plan provided pursuant to Section 223 of the Act (required by Condition 10 of subdivision consent RM120280), and all buildings shall, subject to any recommended conditions noted on each title (if any), be fully contained within each BLA.

#### Building Height

4. Any dwelling and accessory buildings on Lot 3 shall have a maximum height restriction of 5.0 metres above the finished building platform level, and shall be located at least 8m back from the bench crest above Awa Awa Road.
5. Any dwelling and accessory buildings on Lot 5 shall have a maximum height restriction of 5.0 metres above the finished building platform level, and shall be located at least 10m back from the bench crest above Awa Awa Road.
6. Any dwelling and accessory buildings on Lot 13 shall have a maximum height restriction of 5.0 metres above the finished building platform level, and shall be located at least 10m back from the bench crest above Awa Awa Road.

7. Any dwelling and accessory buildings on Lot 11 shall have a maximum height restriction of 5.0 metres above the finished building platform level, and shall be located at least 5m back from the bench crest above Awa Awa Road.
8. Dwellings and accessory buildings on Lots 32, 36 and 37 shall have a maximum height restriction of 6.0 metres above the finished building platform level.
9. Dwellings and accessory buildings on Lots 20, 21, 28 and 29 shall have a maximum height restriction of 6.0 metres above the finished building platform 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**

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

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**

12. Each dwelling shall be provided with an on-site water storage tank(s) with a total capacity of not less than 23,000 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, Consent Holder intends to encourage purchasers to use water conservation methods.

13. 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.
14. 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.

15. Any dwelling to be erected on Lots 10, 11, 17 and 18 shall, in addition to the water filtration and disinfection system referred to in Condition 14 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 agricultural spray use from the adjoining orchard to the east of these properties.
16. The dwelling shall be provided with a water supply system complies with SNZ PAS 4509:2008 - The NZFS Fire Fighting Water Supplies Code of Practice.

## **Landscaping**

17. The dwelling site shall be landscaped in general accordance with any onsite "amenity" requirements specified in the Landscape Planting and Management Plan required under the conditions of subdivision consent RM120280.
18. The amenity 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 and Management Plan.
19. The Consent Holder shall pay a cash bond to Council prior to uplifting any Building Consent for the construction of the dwelling. This bond shall cover the maintenance and monitoring of the Landscape Plantings required by Conditions 17 and 18 above, and:
  - (a) the value of the Landscape Planting Bond shall be \$1,000;
  - (b) Council will deduct any actual and reasonable costs with respect to the landscape plantings, and if necessary arrange for works to be carried out and the cost of these works to be deducted from the bond;
  - (c) the bond shall be returned to the Consent Holder two years after the uplifting of building consent for each respective Lot subject to the implementation of the relevant parts of the Landscape Planting and Management Plan, less any costs outlined in (b) above.
20. The Council may, during the month of September each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act 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 practicable option to remove or reduce any adverse effect on the environment; and/or
  - c) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

## **GENERAL ADVICE NOTES**

### **Council Regulations**

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

### **Other 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: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

### **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 is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Plan (LTP). 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.

### **Monitoring**

5. Monitoring of this resource consent will be undertaken by the Council as provided for by section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimized by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

### **Archaeological**

6. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

### **Interests Registered on Property Title**

7. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Issued this 18<sup>th</sup> day of September 2012



Councillor Brian Ensor  
**Chair of Hearings Committee**

## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM120282

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

**Boomerang Farm Ltd**  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THIS CONSENT:

To undertake earthworks for the construction of roads, building platforms and stormwater devices associated with subdivision consent RM120280

### LOCATION DETAILS:

Address of property: Awa Awa Road, Ruby Bay  
Legal descriptions: Lot 13 Deeds Plan 1706 (CT NL65/53)  
Lots 1-2 DP 429318 (CT514850), Lot 7 DP20366 (CT NL13C/309) and  
Lot 1 DP20366 (CT NL13C/305), all held together;  
Lots 2 and 3 DP20366 (CT NL13C/306)  
Valuation number: 1928080102 and 1938001700  
Easting and Northing: 2514911E 5998348N

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 Swanney Geotechnical and Civil Engineering dated February 2012.

If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

#### Advice Note:

A copy of the Swanney Geotechnical and Civil Engineering report referred to is available for viewing at the Richmond Office of the Council.

2. A copy of this resource consent shall be provided to contractors undertaking the works, and shall be produced without reasonable delay upon request from a servant or agent of the Council.
3. The Consent Holder shall appoint a representative(s) prior to the exercise of this resource consent, who shall be the Council's principal contact person(s) in regard to matters relating to this resource consent. At least 10 days prior to beginning the works authorised by this consent, the Consent Holder shall inform the Council's Co-ordinator of Compliance Monitoring of the representative's name and how they can be contacted within the works period. Should that person(s) change during the term of this resource consent, the Consent Holder shall immediately inform the Coordinator and shall also give written notice to the Coordinator of the new representative's name and how they can be contacted.
4. The Consent Holder shall carry out operations in accordance with the provisions of the approved Construction, Erosion and Sediment Management Plan (Condition 30).

5. If excavations reveal adverse ground conditions, such as the presence of soft and/or water saturated ground or layers of plastic clay, a chartered professional engineer practising in geotechnical engineering or an experienced engineering geologist must be engaged to evaluate ground conditions.
6. All the works shall be supervised by a Chartered Professional Engineer.
7. Contractors and staff carrying out the work shall be experienced and trained in erosion and sediment control.

**Advice Note:**

Contractors and staff should be familiar with guidelines of the Technical Publication No. 90 "Erosion and Sediment Control" (Auckland Regional Council) or other similar guidelines.

**Contaminant Management**

8. The Consent Holder shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.
9. The Consent Holder shall ensure that any discharge of contaminants onto or into land or water from any activity is avoided, remedied or mitigated to ensure no contaminants are present at a concentration that is, or is likely to have, a more than minor effect on the environment.
10. No petrochemical or synthetic contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the activity and no machinery shall be cleaned, stored, or refuelled within 5 metres of any watercourse or 20 metres of the wetland.
11. Only fuels, oils and hydraulic fluids associated with the operation, and in the volumes required, may be stored on-site. Such substances shall be stored in a secure and contained manner in order to prevent the contamination of adjacent land and/or waterbodies.
12. The Consent Holder shall notify the Council as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Consent Holder shall, within 7 days of the incident occurring, provide a written report to the Council, identifying the causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.
13. Should the Consent Holder cease or abandon work on-site, it shall first take adequate preventative and remedial measures to control sediment discharge, and shall thereafter maintain these measures for so long as necessary to prevent sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of Council's Coordinator of Compliance Monitoring.
14. Prior to bulk earthworks commencing for each construction phase within the subdivision, the Consent Holder shall submit to the Council's Co-ordinator Compliance Monitoring, a certificate signed by an appropriately qualified and experienced engineer to certify that the appropriate erosion and sediment control measures have been constructed in accordance with the Construction, Erosion and Sediment Control Plan (Condition 30) and the conditions of this consent. The certified controls shall include, where relevant, diversion channels, sediment fences, decanting earth bunds and sediment retention ponds. The certification for these measures for each construction phase shall be supplied to the Council's Coordinator Compliance Monitoring.

15. All disturbed vegetation, soil or debris shall be handled so that it does not result in diversion or damming of any river or stream. All stockpiled material shall be banded to protect against stormwater erosion.
16. All disturbed vegetation, soil or debris shall be disposed of off site or stabilised to minimise the risk of erosion. All other waste materials shall be disposed of off site at premises licensed to receive such materials.
17. All practical measures shall be taken to ensure that any dust created by operations at the site and vehicle manoeuvring (in accessing the site and driving within it) shall not, in the opinion of Council's Co-ordinator Regulatory Services, become a nuisance to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.
18. Topsoil shall and subsoil shall be stripped and stockpiled separately. This shall then be re-spread at completion of the works.
19. The Consent Holder shall take all practical measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the earthworks.

**Advice Note:**

In particular, the key earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

20. The Consent Holder shall monitor weather patterns during the construction phase and works shall be discontinued and appropriate protection and mitigation measures put in place prior to heavy rainfalls and floods reaching the site works. The Consent Holder shall stop construction in heavy rain when the activity shows sedimentation that is more than minor in the view of the Council's Compliance Officer.
21. Sediment controls shall be implemented and maintained in effective operational order at all times.

**Advice Note**

Appropriate sediment control equipment including erosion protection matting and batter covers should be kept on site for use in minimising potential sedimentation problems from areas of exposed soil.

22. All erosion and sediment control measures shall be inspected after any major rainfall event and any problems shall be rectified within 24 hours required.
23. All exposed ground shall be re-vegetated within 12 months of completion of the works so that erosion/downhill movement of soil is limited as much as is practical. This may include supplemental planting of appropriate vegetation that enhances the stability and minimises surface erosion.

**Vegetation**

24. The Consent Holder shall not remove, damage or destroy any wetland vegetation during the development of the site. In the event that final engineering plans or constraints on-site require any wetland vegetation to be removed, damaged or destroyed then expressed permission must be provided in writing from the Council's Co-ordinator Compliance Monitoring.

Existing vegetation should also be retained in the gullies and hollows that feed the wetland as much as is practicable. Enhancement and restoration of vegetation in these areas shall be in



accordance with the Landscape Planting and Management Plan and the Wetland Management Plan required by subdivision consent RM120280.

### **Culverts**

25. All culverts within drains shall be armoured at the outlet to protect against erosion.
26. No significant erosion, scour or deposition shall result from the placement of culverts.
27. The Consent Holder shall ensure that for the duration of this consent any debris build-up is removed and ensure scour protection measures are installed and maintained at the inlet and outlet of all culverts.
28. Any culverts within water courses shall be constructed in accordance with RM120284.

### **Roading and Access Tracks**

29. The water table, cut-offs and culverts shall be constructed and installed to prevent scour, gullyng or other erosion for the formed or constructed surface. All batters shall be constructed to avoid batter failure.

### **Construction, Erosion and Sediment Management Plan**

30. Prior to undertaking any activities authorised by these consents, the Consent Holder shall prepare a Construction, Erosion and Sediment Management Plan. Works shall not commence before these plans have been approved by the Council's Coordinator Compliance Monitoring.
31. The management plan required by Condition 30 shall comply with the relevant conditions of the resource consents RM120280 & RM120284. The management plan may be amended as the Consent Holder considers appropriate during the period of these consents. Any changes to the management plan shall be made in accordance with the methodology and approved procedures in that plan and shall be confirmed in writing by the Consent Holder following consultation with the Council's Coordinator of Compliance Monitoring. Changes to the management plan shall not be implemented until authorised by the Coordinator Compliance Monitoring.
32. At any time during the period of these consents, a copy of the Construction, Erosion and Sediment Management Plan shall be on site and available to all relevant staff.
33. The Construction, Erosion and Sediment Management Plan required by Condition 30 shall set out the practices and procedures to be adopted in order that compliance with the conditions of the this consent can be achieved, and in order that the effects of the activity are minimised to the greatest extent practical. This plan shall, as a minimum, address the following matters:
  - a) Description of the works;
  - b) Engineering design details;
  - c) Silt and dust control during earthwork stages;
  - d) Temporary activities and equipment storage in specified areas;
  - e) Construction programme including timetable, sequence of events and duration; including any landscaping;
  - f) Construction methods and equipment to be used;
  - g) Dust sources and potential impact during construction;
  - h) Methods used for dust suppression during construction activities;
  - i) Location, design operation and maintenance of stormwater runoff controls and sediment control facilities;

- j) Detailed specifications of the diversion of any water bodies including channel configurations and rehabilitation measures;
- k) Detailed specifications of the spoil storage and stabilisation;
- l) Construction method for watercourse crossings;
- m) Staff and contractor training;
- n) Traffic management and property access management;
- o) Contingency plans (e.g., mechanical failures, oil/fuel spills, flooding, land slips);
- p) Public access, community information and liaison procedures;
- q) Complaints and reporting procedures;
- r) Cultural and archaeological protocols (including discovery protocols);
- s) Assessment and monitoring procedures;
- t) Methodology and approval procedures for making changes to the Construction, Erosion and Sediment Management Plan.

The following are the objectives and outcomes that should be sought when writing and implementing the Construction, Erosion and Sediment Management Plan:

1. Minimise the disturbance to land
2. Stage construction
3. Protect steep slopes
4. Protect water courses
5. Stabilise exposed areas as soon as possible
6. Minimise the runoff velocities
7. Revegetate as soon as possible
8. Install perimeter controls and protect disturbed areas from runoff sourced above site
9. Employ detention devices
10. Take the season and weather forecast into account
11. Use trained and experienced contractors and staff
12. Update the plan as the project evolves
13. Assess and monitor
14. Keep on site runoff velocities low by the use of the following: contour drains, retention of natural vegetation, provision of buffer strips of vegetation, low gradients and short slopes, control anticipated erosion and prevent sediment from leaving the site.

### **Monitoring**

34. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
35. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.

### **Review Condition**

36. The Council may, during the month of September each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act 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 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
  - c) to review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate;

- d) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

## Noise

37. Noise generated by the activity on the site, when measured at or within the notional boundary of any dwelling on any adjacent site in a rural zone, or at or within the boundary of any site within the residential zone, does not exceed:

|                               | Day      | Night | Saturdays 6.00 pm to 9.00 pm | Sundays and Public Holidays |
|-------------------------------|----------|-------|------------------------------|-----------------------------|
| L <sub>Aeq</sub><br>(15 mins) | 55d<br>B | 40dB  | 40dB                         |                             |
| L <sub>AFmax</sub>            |          | 70dB  |                              |                             |

### Note:

Night = 9.00 pm to 7.00 am inclusive.

Day = all other times but excluding Saturdays 6.00 pm to 9.00 pm, Sundays and Public Holidays.

Noise must be measured and assessed in accordance with the provisions of NZS6801:2008 Acoustics -measurement of environmental sound and NZS6802:2008 Acoustics - environmental noise.

For the avoidance of doubt "notional boundary", in relation to noise means:

- (a) a line 20 metres from the façade of any rural dwelling that is most exposed to the noise source; or
- (b) the legal boundary of the site of the dwelling, where this is closer to the dwelling than (a)."

## Expiry

38. This consent shall expire 13 years from the date that it is first given effect to.

### Advice Note:

The consent is given effect to once excavations commence. An expiry timeframe of 13 years allows this consent to be used for the duration of the expected subdivision development period.

Issued this 18<sup>th</sup> day of September 2012



Councillor Brian Ensor  
Chair of Hearings Committee

## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM120284

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

**Boomerang Farm Ltd**  
(hereinafter referred to as "the Consent Holder")

## ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge stormwater from any land disturbed during construction of the subdivision authorised by subdivision consent RM120280, and to discharge stormwater from roads and other areas to be vested in the Council after completion of the subdivision authorised by subdivision consent RM120280.

## LOCATION DETAILS:

Address of property: Awa Awa Road, Ruby Bay  
Legal descriptions: Lot 13 Deeds Plan 1706 (CT NL65/53)  
Lots 1-2 DP 429318 (CT514850), Lot 7 DP20366 (CT NL13C/309) and  
Lot 1 DP20366 (CT NL13C/305), all held together;  
Lots 2 and 3 DP20366 (CT NL13C/306)  
Valuation number: 1928080102 and 1938001700  
Easting and Northing: 2514911E 5998348N

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

## CONDITIONS

### General

1. The discharge of stormwater shall be carried out in general accordance with the details contained in the Engineering Report prepared by Swanney Geotechnical and Civil Engineering and submitted with resource consent applications RM120280, RM120282 and R120284. 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 Design

4. The stormwater disposal system will be designed in accordance with Council's Engineering Standards and Policies 2008 (or the most recent edition). If the Consent Holder chooses to install a system that does not comply with Council's Engineering Standards and Policies 2008 (or the most recent version) then written approval to do so must be obtained from the Council before the design is submitted for approval. Detailed design of the stormwater for each allotment shall be supplied with any building consent application for each lot.
5. The discharge of stormwater shall not contribute to or cause in receiving waters or the wetland any of the following:

- a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
  - b) any emission of objectionable odour;
  - c) any adverse effect on aquatic life.
6. The discharge of stormwater shall not cause or contribute to the erosion of land, including the bed or any stream or drain.
  7. The discharge of stormwater shall not cause or contribute to any damage caused by flooding that may affect adjoining properties or the wetland.

### **Construction, Erosion and Sediment Management Plan**

8. Prior to discharging collected stormwater associated with construction activities authorised by this consent, the Consent Holder shall have implemented any stormwater management controls required under the Construction, Erosion and Sediment Management Plan prepared in accordance with Condition 30 in RM120282 Sediment controls shall be implemented and maintained in effective operational order at all times.

### **Review of Consent Conditions**

9. Pursuant to Section 128 of the Act, the Consent Authority may review the conditions of these consents by serving notice during the month of September 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**

10. This resource consent expires on 1 September 2047.

Issued this 18<sup>th</sup> day of September 2012



Councillor Brian Ensor  
**Chair of Hearings Committee**

## RESOURCE CONSENT

**RESOURCE CONSENTS NUMBER:** RM120283

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

**Boomerang Farm Ltd**  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THESE CONSENTS:

To discharge treated domestic wastewater to land from each of Lots 1-43, 49 and 50

### LOCATION DETAILS:

Address of property: Awa Awa Road, Ruby Bay  
Legal descriptions: Lot 13 Deeds Plan 1706 (CT NL65/53)  
Lots 1-2 DP 429318 (CT514850), Lot 7 DP20366 (CT NL13C/309) and  
Lot 1 DP20366 (CT NL13C/305), all held together;  
Lots 2 and 3 DP20366 (CT NL13C/306)  
Valuation number: 1928080102 and 1938001700  
Easting and Northing: 2514911E 5998348N

### TRANSFER OF THESE CONSENTS:

This consent document authorises a separate discharge permit for the discharge of wastewater from each of the above mentioned lots. Each consent (along with the corresponding stormwater discharge permit) shall be transferred to the new proprietor of each lot in accordance with Schedule A and as required by Condition 4 of subdivision consent RM120280.

### CONDITIONS

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 The Drainman 2012 Ltd submitted in support of the application for resource consent, unless inconsistent with the conditions of these consents, in which case these conditions shall prevail.

#### Advice Note:

The Drainman Ltd report refers to the Ormiston Associates Ltd report (ref 1926/2707 dated May 2007) that accompanied the Ruby Bay Developments subdivision consent. The location of effluent disposal fields on each of the lots within the Boomerang Farm Ltd subdivision shall take into account the identified areas where no waste water disposal is permitted, and the identified waste water disposal fields, recommended under the Ormiston report.

2. The maximum discharge rate shall not exceed 1,200 litres per day.

#### Advice Note:

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 disposal field shall be located at least:
  - a) 20m from any surface water body, including the margin of the wetland, but not including any stormwater drain that diverts water from the disposal field constructed as part of the treatment system;
  - b) 20m from any bore used for potable supply;
  - c) 5m from any adjoining property or road boundary;
  - d) 20m from the edge of any other domestic wastewater disposal field unless than field was existing as at 3 December 2005.
5. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 13, shall comply at all times with the following limits:
  - a) the five day biochemical oxygen demand (BOD5) 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.
6. Overland stormwater flows shall be diverted away from the disposal field.
7. The wastewater treatment system shall be fitted with an audible and visual alarm.
8. There shall be no ponding of wastewater on the ground surface, nor any direct discharge or run-off of wastewater to surface water.
9. 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, 3 and 4 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.
10. 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 13.

11. 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.
12. 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.

13. 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**

14. 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 BOD5 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.

15. 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.

16. Notwithstanding Condition 15, 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

17. The Council may, during the month of September each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act 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. These resource consents expire on [date] [month] 20[.], being a maximum of 15 years from the date that each lot is transferred from the holder of subdivision consent RM120280 to the new proprietor.

## GENERAL ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. 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.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. 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 & Planning Manager, and the New Zealand Historic Places Trust.
6. 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 Tasman Resource Management Plan (TRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

Issued this 18<sup>th</sup> day of September 2012



Councillor Brian Ensor, **Chair of Hearings Committee**

## RESOURCE CONSENT

**RESOURCE CONSENTS NUMBER:** RM120707

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

**Boomerang Farm Ltd**  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THESE CONSENTS:

To discharge stormwater from buildings and hardstand areas to land and surface water from each of Lots 1-43, 49 and 50, post-construction of the subdivision authorised by subdivision consent RM120280

### LOCATION DETAILS:

Address of property: Awa Awa Road, Ruby Bay  
Legal descriptions: Lot 13 Deeds Plan 1706 (CT NL65/53)  
Lots 1-2 DP 429318 (CT514850), Lot 7 DP20366 (CT NL13C/309) and  
Lot 1 DP20366 (CT NL13C/305), all held together;  
Lots 2 and 3 DP20366 (CT NL13C/306)  
Valuation number: 1928080102 and 1938001700  
Easting and Northing: 2514911E 5998348N

### TRANSFER OF THESE CONSENTS:

This consent document authorises a separate discharge permit for the discharge of stormwater from each of the above mentioned lots. Each consent (along with the corresponding wastewater discharge permit) shall be transferred to the new proprietor of each lot in accordance with Schedule A and as required by Condition 4 of subdivision consent RM120280.

### CONDITIONS

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

#### General

1. The discharge of stormwater shall be carried out in general accordance with the details contained in the Engineering Report prepared by Swanney Geotechnical and Civil Engineering and submitted with resource consent applications RM120280, RM120282 and R120284. 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 Design**

4. The stormwater disposal system will be designed in accordance with Council's Engineering Standards and Policies 2008 (or the most recent edition). If the Consent Holder chooses to install a system that does not comply with Council's Engineering Standards and Policies 2008 (or the most recent version) then written approval to do so must be obtained from the Council before the design is submitted for approval. Detailed design of the stormwater for each allotment shall be supplied with any building consent application for each lot.
5. The discharge of stormwater shall not contribute to or cause in receiving waters or the wetland any of the following:
  - a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
  - b) any emission of objectionable odour;
  - c) any adverse effect on aquatic life.
6. The discharge of stormwater shall not cause or contribute to the erosion of land, including the bed or any stream or drain.
7. The discharge of stormwater shall not cause or contribute to any damage caused by flooding that may affect adjoining properties or the wetland.

### **Construction, Erosion and Sediment Management Plan**

8. Prior to discharging collected stormwater associated with construction activities authorised by this consent, the Consent Holder shall have implemented any stormwater management controls required under the Construction, Erosion and Sediment Management Plan prepared in accordance with Condition 30 in RM120282 Sediment controls shall be implemented and maintained in effective operational order at all times.

### **Review of Consent Conditions**

9. Pursuant to Section 128 of the Act, the Consent Authority may review the conditions of these consents by serving notice during the month of September 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**

10. These resource consents expire on [date] [month] 20[.], being a maximum of 15 years from the date that each lot is transferred from the holder of subdivision consent RM120280 to the new proprietor.

## GENERAL ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. 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.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. 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 & Planning Manager, and the New Zealand Historic Places Trust.
6. 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 Tasman Resource Management Plan (TRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

Issued this 18<sup>th</sup> day of September 2012



Councillor Brian Ensor  
**Chair of Hearings Committee**

## **SCHEDULE A** **RM120283 and RM120707**

The resource consents referenced as RM120283 and RM120707 authorise the discharges of wastewater and stormwater, respectively, from Lots 1 to 43, 49 and 50. As lots are sold by the consent holder the discharge permits shall be transferred to each new landowner for their corresponding lot. Each consent is subject to the same consent conditions. This is to allow for appropriate compliance action and personalisation of discharge permits as necessary.

Only one RM reference number has been provided for the collective consents stated above. Future RM numbers will be assigned as set out below. Eventually separate consents with individual RM numbers and individual expiry dates will exist. This Schedule specifies the current consent numbers and holder for each lot.

Section 137(2) of the Act provides for the transfer of a discharge permit following transfer of ownership of any lot. The following process should be used:

- (a) The Consent Holder shall notify the Council's Consents Administration Officer (CAO) of the sale of any of Lots 1 to 43, 49 and 50 and seek a transfer of each of a wastewater discharge permit and a stormwater discharge permit;
- (b) The CAO shall create new consent documents and assign new RM numbers as reference numbers for the consents to be transferred. The new documents with unique RM numbers shall have identical conditions to the parent documents (RM120283 and RM120707) with the exception of the expiry dates which shall be 15 years from the date that the new wastewater consent document is issued, and 35 years from the date that the new stormwater consent document is issued;
- (c) The CAO will amend the table in this Schedule for the relevant lot by: changing the RM numbers, changing the name of the holder of the discharge permits, entering the expiry dates, and entering the date that the consents are transferred to the new proprietor (the transferee);
- (d) The CAO shall issue the amended Schedule A to the Consent Holder (the transferor); and
- (e) The CAO will issue the resource consents with their new RM reference numbers to the new proprietor (the transferee) of the relevant Lot.

| Lot number | Discharge Permit Holder | Wastewater consents |             |                  | Stormwater consents |             |                  |
|------------|-------------------------|---------------------|-------------|------------------|---------------------|-------------|------------------|
|            |                         | RM number           | Expiry date | Date of Transfer | RM number           | Expiry date | Date of Transfer |
| 1          | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 2          | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 3          | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 4          | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 5          | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 6          | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 7          | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 8          | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 9          | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 10         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 11         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 12         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 13         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 14         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 15         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 16         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 17         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 18         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 19         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 20         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 21         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 22         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 23         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 24         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 25         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 26         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 27         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 28         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 29         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 30         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 31         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 32         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 33         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 34         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 35         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 36         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 37         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 38         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 39         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 40         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 41         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 42         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 43         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 49         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |
| 50         | Boomerang Farm Ltd      | RM120283            |             |                  | RM120707            |             |                  |





**Boomerang access**



This map is an aerial photograph overlaid with a digital map. It is not a true aerial photograph. The map is a digital representation of the terrain and is not a true aerial photograph. The map is a digital representation of the terrain and is not a true aerial photograph. The map is a digital representation of the terrain and is not a true aerial photograph.

[www.topofthesouthmaps.co.nz](http://www.topofthesouthmaps.co.nz)





Thursday, 26 July 2012

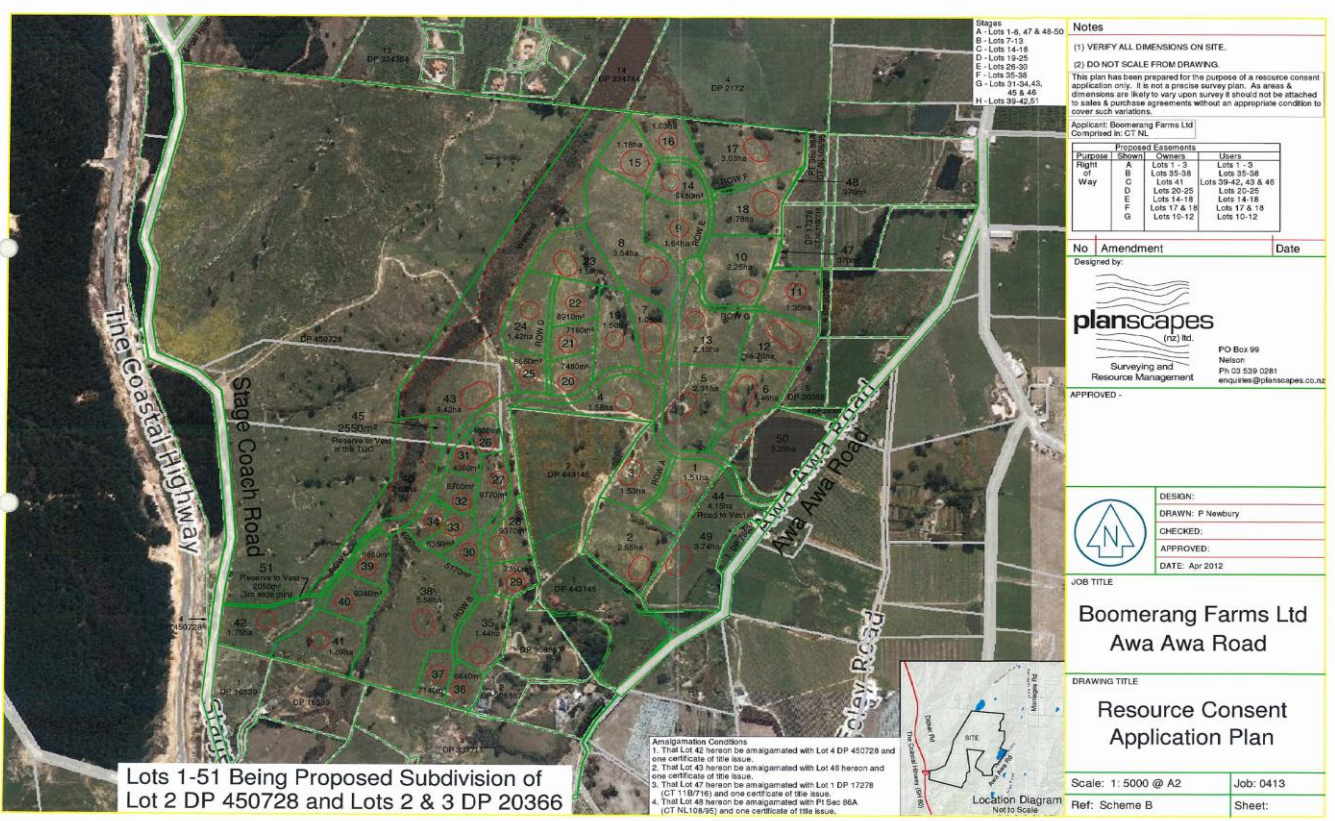
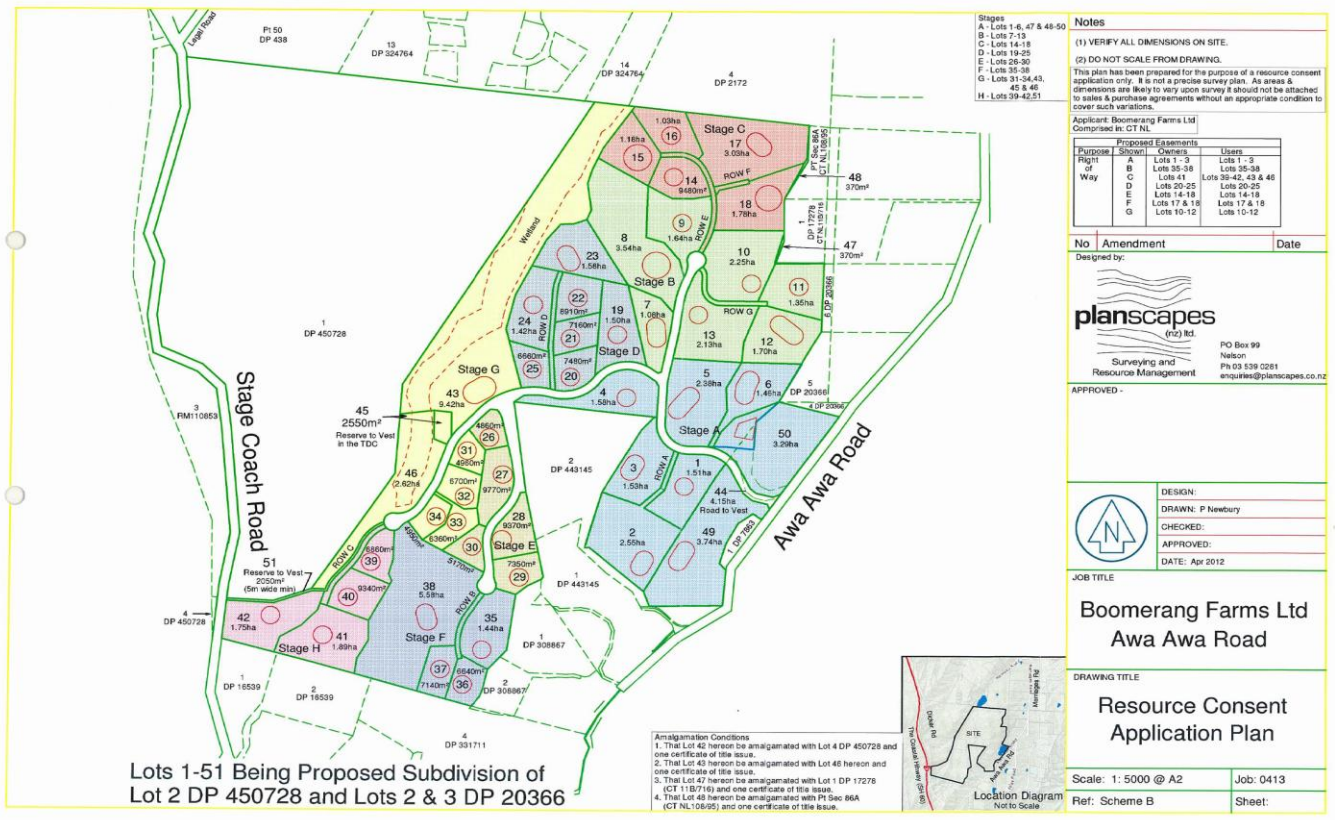
Boomerang Farms Subdivision, Ruby Bay, Nelson  
 Indicative Layout: Awa Awa Road Intersection

Traffic Design Group

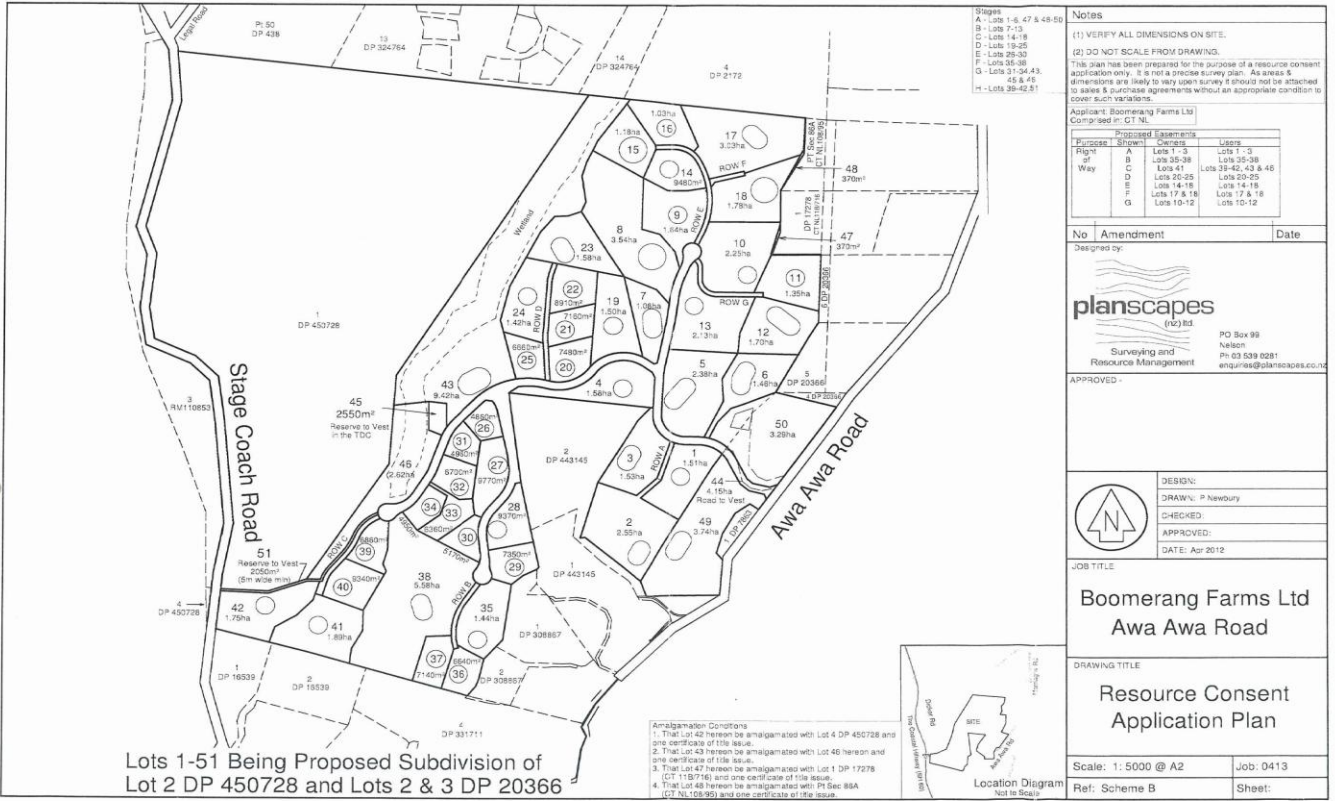
**5**  
 SCALE: 1:1,000

J:\Acad Current\11538\11538w2a.dwg





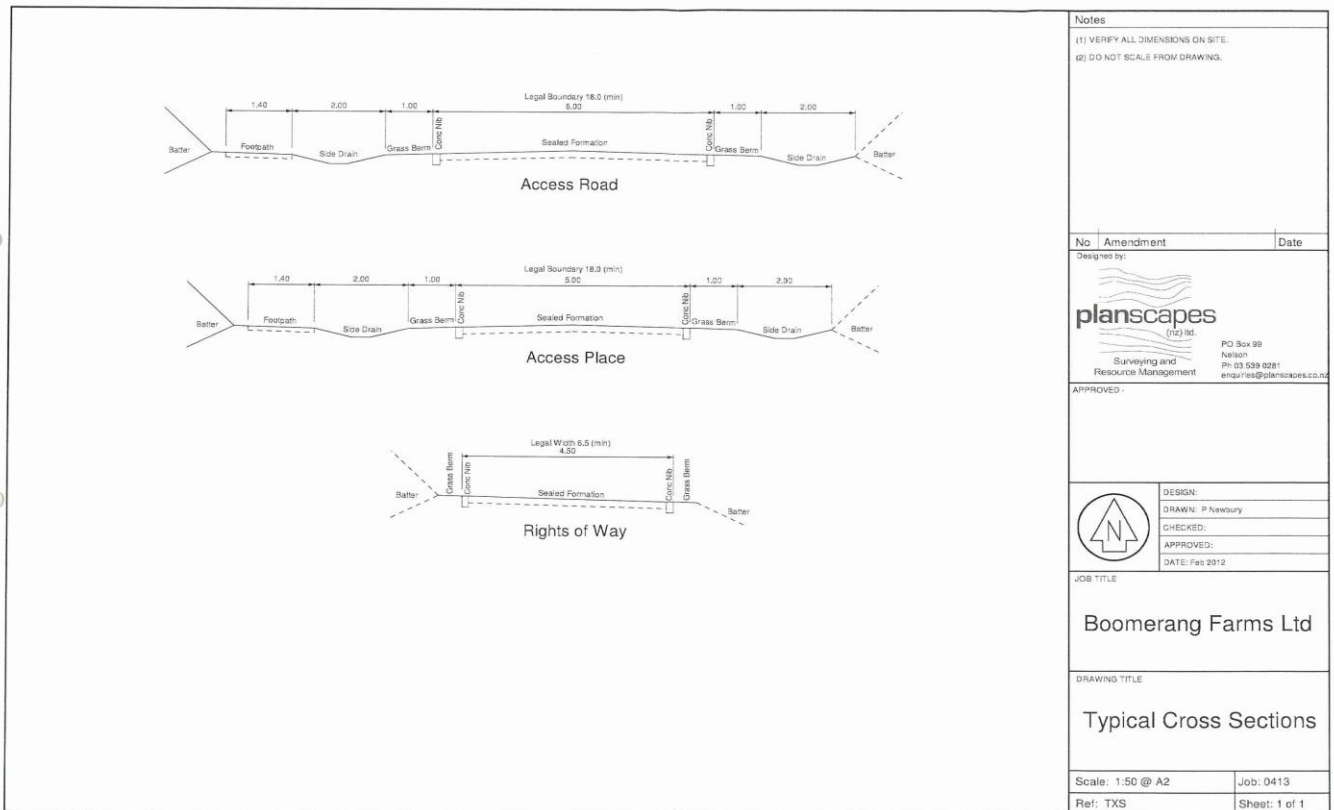




Lots 1-51 Being Proposed Subdivision of Lot 2 DP 450728 and Lots 2 & 3 DP 20366



Lots 1-51 Being Proposed Subdivision of Lot 2 DP 450728 and Lots 2 & 3 DP 20366



**Notes**  
 (1) VERIFY ALL DIMENSIONS ON SITE.  
 (2) DO NOT SCALE FROM DRAWING.

|    |           |      |
|----|-----------|------|
| No | Amendment | Date |
|----|-----------|------|

Designed by:  
 planscapes (NZ) Ltd  
 PO Box 99 Nelson  
 Ph: 03 539 0281 enquiries@planscapes.co.nz

APPROVED -

|                  |  |
|------------------|--|
| DESIGN:          |  |
| DRAWN: P Newbury |  |
| CHECKED:         |  |
| APPROVED:        |  |
| DATE: Feb 2012   |  |

JOB TITLE  
**Boomerang Farms Ltd**

DRAWING TITLE  
**Typical Cross Sections**

Scale: 1:50 @ A2 Job: 0413  
 Ref: TXS Sheet: 1 of 1





PLAN 2



PLAN 3









Date Confirmed:

Chair: