



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Paul Gibson, Consent Planner

REFERENCE: RM080175 (Subdivision) and RM080360 (Land Use)

SUBJECT: **BROWN ACRE VILLAGE LIMITED - REPORT EP09/01/01** - Report prepared for hearing of 12 January 2009

1. INTRODUCTION

The following report is my assessment of the subdivision application and associated land use application to construct 69 dwellings as a comprehensive residential development at Parker Street, Motueka.

Discharge consent RM080361 to discharge stormwater onto land was also applied for. As a result of submissions received and addition discussions with Council staff the applicant subsequently changed the stormwater design, directing all stormwater on the site directly into the Council's reticulated system or into the same system via an on site detention pond. Consequently no stormwater discharge to land is now proposed. Megan Kennedy, Council's Consent Planner, Natural Resources confirms that the development now meets the permitted activity standards for the stormwater discharge to land rules so no discharge consent is required (attached as [Appendix 6](#) to this report).

1.2 Proposal

The applicant seeks resource consents to undertake a comprehensive residential development (CRD).

1.3 Subdivision Application

To subdivide two titles (Pt Lot 10 DP 3266 (CT 417538) and Lot 1 DP 6563 (CT NL5C/209) into 5 freehold titles being:

- proposed Lot 1 of 720 square metres;
- proposed Lot 2 of 720 square metres;
- proposed Lot 3 of 660 square metres;
- proposed Lot 4 of 2.45 hectares;
- and proposed Lot 5 of 8 square metres.

Proposed Lots 1 – 3 are for residential purposes, and proposed Lot 5 is to be amalgamated with Lot 1 DP 4252 (12 Wilkie Street) as part of their existing driveway is constructed over proposed Lot 5. Proposed Lot 4 is to be further subdivided by unit title as part of a comprehensive residential development (CRD) to create 69 Principal Units for residential use, 4 Accessory Units (garages) accessory to Principal Unit 69, and an area of Common Property including vehicle access and an open area. Each Principal Unit will be between 66.5 square metres and 150 square metres in area.

Services

A vehicle crossing for each of Lots 1 – 3 in Stage 1 is proposed to be constructed from Wilkie Street. No vehicle crossing is proposed for Lot 4 (the site of the comprehensive residential development for 69 dwellings) until Stage 2 when the Unit titles will be created and the dwellings constructed.

Power and telephone services are to be reticulated underground to each of Lots 1 -3 at Stage 1 and to principal units 1 – 69 at Stage 2.

At Stage 1 each of the three freehold residential titles are proposed to be connected to the Council water mains in Wilkie Street. At Stage 2 a principal main into the development is proposed to be connected to the existing water mains services from Council's supply via the Lot 4 CRD entrance off Parker Street.

Existing stormwater lines are in place in both Parker and Wilkie Street outside the subdivision that are proposed to service Lots 1 to 3 at Stage 1 of the subdivision. Stormwater from Stage 2 (the 69 dwelling CRD) would be directed to a new pipe connecting to the existing 825mm diameter pipe on Parker Street outside Te Maatu Drive. Secondary flows will be directed to the low flow swales in the locality. As a result of the development parts of the existing pipe reticulation network are proposed to be upgraded.

Part of the stormwater runoff is sought to be detained on site. The applicant has confirmed that stormwater disposal can be achieved and pipe design, reticulation, and detention designs would be confirmed at engineering plan submission stage and certified by a chartered professional engineer.

Wastewater reticulation is available in both Wilkie Street (for Lots 1 – 3 to connect to at Stage 1) and Parker Street (for the 69 dwellings at stage 2 to connect to). The applicant is proposing provision of a new private pump station within the property and discharging via gravity to Council's wastewater reticulation infrastructure.

1.4 Land Use Application

To undertake a comprehensive residential development consisting of 69 new dwellings, one on each of the Principal Units described in the subdivision application above and to construct a garage able to house four cars.

1.4.1 Staging of the Development

Two main stages are proposed:

Stage 1: The two titles are proposed to be subdivided into Lots 1 to 5 in fee simple tenure.

Stage 2: Lot 4 is to be subdivided by unit title into 69 principal units (each to have one dwelling constructed, most with attached single garages and six with no garage) and four accessory units (AU 1 – 4) each with a single garage on it, being accessory to PU 69 the managers' residence. The 69 dwellings and one building comprising four garages will be constructed.

1.5 Further Information Received Since Submissions Closed

On 7 November 2008 the applicant provided further information in relation to stormwater and sewer servicing. The changes are discussed in the Connell Wagner Limited letter dated 5 November 2008 and the servicing plans attached to that letter. This information is attached to this report as **Appendix 8**.

Instead of directing some stormwater to the Council system and discharging the remainder onto the site, the applicant has amended the stormwater design to convey the stormwater (a maximum of 324 litres/second) from the site to the Council reticulated system (existing 825 mm diameter culvert) in Parker Street East.

The stormwater not able to be drained to the Council reticulation will be detained on site by a 25m by 25m detention area within the Village Green located centrally on the site. This will attenuate 61 litres/second (stormwater) within the site in a Q20 event and have a storage capacity of 200 m³.

The secondary flow path for stormwater is proposed along the internal roading on the site which will fall from a south to north direction (towards Parker Street).

The proposed sewer pump station has been repositioned. It is no longer proposed on proposed Lot 5 along Wilkie Street, but is repositioned in the centre of the property adjacent to the Village Green, over 50 metres from the perimeter of the CRD property.

These changes to the applications have been proposed by the applicant as a result of additional information regarding effects and taking into account matters raised in submissions. As the changes do not in any way increase the scale of the proposal, or change the nature of the development, nor do they result in greater effects than the original applications as notified, it was determined that the applications need not be renotified.

1.6 Site Description

The subject site is located at Parker Street, Motueka. An aerial photograph is attached as **Appendix 1** of this report.

The site is generally rectangular in shape with a "bite" out of it on both the south eastern corner and the north eastern corners as apparent from the photograph in Appendix 1. The land's topography is generally flat with a general fall in slope down towards Parker Street to the north and northeast.

At present the property contains the remnants of a hops garden with a hops canopy over most of the site.

A range of different residential style fences are located on or about the southern and western boundaries while post and batten farm fencing runs along the northern boundary with Parker Street and the eastern Wilkie Street boundary.

The site is free of buildings and does not display any significant geographical features or constraints.

The site is bounded by residential sections, most containing one dwelling on the western and southern boundaries. The north eastern corner of the site adjoins two undeveloped rectangular shaped sections while the southeastern corner adjoins two properties accessed off Wilkie Street. Parker Street adjoins the property along the northern boundary.

2. STATUS UNDER THE PLAN

2.1 Tasman Resource Management Plan

Due to the advanced stage of the Tasman Resource Management Plan (The Plan/TRMP) through the planning process, having become partially operative on 1 November 2008, pursuant to Section 19 of the Resource Management Act 1991, the Tasman Resource Management Plan is the dominant Plan for these applications to be assessed under, and no weight needs to be attributed to the Transitional District Plan.

The property is legally described as Pt Lot 10 DP 3266 and Lot 1 DP 6563 and is held in certificates of title 417538 and NL5C/209 respectively.

The entire site is zoned Residential and is within Land Use Disturbance Area 1 under the Tasman Resource Management Plan (The Plan/The TRMP). There are no archeological sites known to Council on the site.

The section of Parker Street adjacent to the property is identified as a Collector Road and Wilkie Street is classed as an Access Road in the Plan Road Hierarchy. Both roads have a posted speed limit of 50 km/h.

Certificate of title 417538 displays three Building Line Restrictions: Order in Council 111, 1111, and 1453. Order in Council 1111 is also noted as an interest on CT NL5C/209.

2.1.1 Land Use Application

The Land Use application is for the construction of 69 dwellings on proposed Lot 4 as part of a Comprehensive Residential Development. The proposal to construct 69 dwellings does not meet the following Plan standards:

a) Residential Zone Permitted Activity Standards:

17.1.3.1(d)(v) sites have a net area of at least 350 square metres for each dwelling in Motueka on allotments not adjoining an Industrial zone;

17.1.3.1(e) Building coverage - building coverage of 33 percent;

17.1.3.1(h) Maximum dwellings per site – one dwelling per site;

17.1.3.1(i) Outdoor living space – each dwelling has an area of outdoor living space for the exclusive use of the occupants of that dwelling which has a minimum area of 60 square metres, contains a circle with a diameter of at least six metres, is located to receive sunshine in mid winter, and is readily accessible from a living area of the dwelling;

17.1.3.1(l) Walls – an offset of at least 2.5 metres is required at intervals no greater than 15 metres along any wall;

17.1.3.1(n) Daylight over – no building projects beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries;

17.1.3.1(q) Height – the maximum height of buildings is 5 metres on sites of less than 400 square metres net area;

17.1.3.1(r) Setbacks – building are setback at least 4.5 metres from road boundaries;

17.1.3.1(s) Setbacks – buildings are set back at least 1.5 metres from the internal boundaries on one side and at least three metres from all other internal boundaries;

17.1.3.1(v) Setbacks – dwellings are set back at least 25 metres from a rural zoned boundary.

b) Residential Zone Restricted Discretionary Activity Standards:

17.1.3.4(a) Building coverage – building coverage does not exceed 35 percent;

17.1.3.4(f)(ii) Maximum dwellings per site – where there are three or more dwellings on one site the minimum net area for each unit is 280 square metres in Motueka;

17.1.3.4(f)(iii) Maximum dwellings per site – where there are three or more dwellings on one site building coverage does not exceed 40 percent;

c) Transport Permitted Activity Standards:

16.2.2.1(b) Access – the site of the activity is provided with an access in the Residential zone with a maximum of six users (Figure 16.2A);

16.2.2.1(q) Vehicle crossings – Not more than one vehicle crossing is provided per site;

16.2.3.1(d) Parking – two parking spaces per dwelling are provided at all times within the net area of the site

Overall, the land use application constitutes a **Non-Complying Activity** in accordance with Rule 17.1.3.5 due to the building coverage proposed.

2.1.2 Subdivision Application

The proposal to subdivide two titles into five titles and then further subdivide Lot 4 into 69 unit titles with common area does not meet the following TRMP standards:

Residential Zone Controlled Activity Subdivision Standards:

16.3.3.1(d) Motueka – for subdivision in Motueka where the land to be subdivided comprises more than one hectare at least 20 percent of residential allotments have a net area of 400 square metres or more, at least 60 percent of residential allotments have a net area between 550 and 800 square metres, and not more than 20 percent of residential allotments have a net area of 550 square metres or less;

16.3.3.1(h) Shape factor – every allotment is capable of containing, within its net area, a circle with a diameter of 16 metres;

16.3.3.1(k) Comprehensive residential development – the subdivision is not part of a comprehensive residential development.

The Subdivision application constitutes a Discretionary Activity under rule 16.3.3.3 of the Plan as it does not meet the above rules.

As all applications take on the most restrictive activity classification, overall the suite of applications needs to be assessed as **Non-Complying Activities**.

3. NOTIFICATION AND SUBMISSIONS

Under Section 93 (1) of the Resource Management Act, it was necessary to publicly notify the application as the adverse environmental effects were considered to be more than minor. A total of eight submissions were received with two neutral and six in opposition. A map showing the location of submitters within the vicinity of the site is attached as **Appendix 2**.

Late Submission

The closing date for submissions was 30 June 2008. The Council received a submission from Erin Hawke on 1 July 2008, this being one working day outside the formal submission period. In accordance with Tasman District Council delegations, Dr Rob Lieffering, Council's Resource Consents Manager, assessed whether the late submission should be accepted. Dr Lieffering determined that under Sections 37 and 37A of the Resource Management Act 1991 it was appropriate to extend the time limit specified in Section 97 of the Act by one day for this submission so that it could be accepted. Factors in the decision were that the submission contains important material which the Council should take into account when making its decision. In making this determination Dr Lieffering took into account the interests of the applicant and the interests of the community in achieving an adequate assessment of the effects of the proposed activity.

3.1 Summary of Submissions

Submission 1: Shane Burke, 12A Wilkie Street, Motueka

Opposed to the proposal for the following reasons:

- The location of the proposed sewer pump station is within metres of the dwelling on 12A Wilkie Street. This location is not in accordance with the TDC Engineering Standards and Policies. Adverse effects of odour and noise.

Decision Sought: Decline the applications or locate the pump station well away from 12A Wilkie Street.

(Note: the sewer pump station has been moved to the centre of the subject site.)

Submission 2: New Zealand Fire Service Commission

Requests that if consent is granted a condition be imposed requiring a consent notice on the new certificates of title requiring compliance with the New Zealand Fire Service Code of Practice for fire fighting water supply SNZ PAS 4509:2003.

Submission 3: New Zealand Historic Places Trust

Requests that if consent is granted an advice note be placed on the decision to ensure that the applicant is aware of their responsibilities under the Historic Places Act 1993 if any archeological material is encountered during earthworks.

Submission 4: Wakatu Incorporation

Opposed to the proposal for the following reasons:

- Raising of the land has the potential to divert or hinder existing overland flows thereby creating potential for inundation on surrounding properties.
- Part on-site stormwater disposal is considered inappropriate in such an intense development. The applicant should be required to upgrade the downstream reticulation system.
- No details provided of how potential contamination of the underlying aquifer system will be controlled.
- Council's rules require that where properties border two streets that access to the property should be from the road of the lesser roading hierarchy. In this case the access should be off Wilkie Street, not Parker Street.
- Council's rules require 138 parking spaces for the development, 84 spaces are proposed. Evidence from a Traffic Engineer or similar has not been provided to justify such a drastic reduction.
- No evidence has been provided to show the soils are not contaminated.

- Expert evidence should be provided that it is possible to construct dwellings on these sites.
- Will balance areas be on separate titles that will require alteration at every stage and if so will they be serviced?
- The dwelling owner may not have control over access to their property due to the unit title areas following the footprint of each dwelling.
- Conflict of use for stormwater to be disposed of to ground within the Village Green when this is also to be available for the residents as “open space”.
- The frontages of both Wilkie Street and Parker Street must be upgraded to Council’s standards.
- Calculations have not been provided to show that the sewer downstream reticulation system can handle the increased loading, particularly given the intensity of the development.
- Standard residential amenity requirements (site coverage, setbacks, daylight angles, outdoor living areas) are not met by this proposal.

Decision Sought: Decline the applications.

Submission 5: Pauline Gilmer, 67 Parker Street, Motueka

Opposed to the proposal for the following reasons:

- The openness of the property will be lost
- The ground level being raised 0.4 metre will mean the 1.8 metre high fence will tower over the section, destroy our lifestyle, and shade our vegetable garden out of existence.

Decision Sought: Decline the applications or if approved require that the fence height be not more than 1.8 metres above the existing ground level and at least have a see-through netting fence construction.

Submission 6: Keith and Mary Dowie, 5 Hulbert Street, Motueka

Opposed to the proposal for the following reasons:

- The development is too dense and exceeds the requirements in too many areas.
- The boundary fence will exceed the height once ground level development has happened.
- Stormwater drainage may increase the risk of contamination of local drinking water bores.

Decision Sought: Decline the applications or if approved require that consultation over the fence structure takes place, provide assurance of water quality, and set maximum building heights.

Submission 7: Miriam Burling-Gratton, 24 Fry Street, Motueka

Opposed to the proposal for the following reasons:

- Contamination from the development's stormwater which is to go into on-site detention will soak into groundwater potentially adversely affecting our own bore water quality.
- Concerned that the positioning of any fence along 24 Fry Street's northern boundary will shade an already cold, wet, damp area.
- Concern that any raising of the ground level on the adjacent site would further worsen the flooding-ponding that occurs during rainfall at 24 Fry Street.

Decision Sought: Decline the applications or if approved require that the bore water is not contaminated in any way by the onsite stormwater detention, impose conditions to ensure the drainage of 24 Fry Street is not made worse by the filling of the site, and reduce the height of any fence lower than the proposed 1.8 metres to allow maximum sunlight onto an already wet and damp site.

Submission 8: Erin Hawke, 8 Parker Street, Motueka

Opposed to the proposal for the following reasons:

Concerned about the increase of traffic on Parker Street, especially since the road is narrow – when people park on it, it is reduced to one lane and the intersection of Parker Street and High Street does not meet the standard of the proposed traffic on it. The discharge of stormwater into groundwater that could potentially affect my well.

Decision Sought: Decline the applications.

4. PRINCIPAL ISSUES

The main issues I consider relevant, taking into account the submissions and the TRMP provisions are:

- a) Will the development density of the residential development (310 m² of land per dwelling) result in an acceptable level of residential character and amenity that is anticipated by its Residential zoning?
- b) Can the site be appropriately serviced?
- c) Are the traffic effects acceptable?

5. ASSESSMENT

5.1 Section 104 RMA

When considering applications for a resource consent, and any submissions, the following matters under Section 104(1) of the Resource Management Act must be had regard to, subject to Part 2 of the Act:

- “a) any actual or potential effects on the environment of allowing the activity; and*
- b) (iii) any relevant regional policy statement, and proposed regional policy statement; and*
- b) (iv) any relevant provisions of a plan or the Plan; and*
- ...*
- c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.”*

Having considered these matters the applications may be declined or granted consent, with conditions if necessary (Section 108).

The following sections of this report address the three main matters listed in Section 4 of this report. Firstly the TRMP provisions and the effects on the environment are assessed. Then the particular restrictions for non-complying activities are considered. Thirdly, in section 5.4 the purpose and principles of the RMA are addressed. Finally other relevant matters are discussed.

5.2 Plan Provisions and Actual and Potential Effects on the Environment

Under Section 104 of the Act, the actual or potential effects on the environment must be considered in the context of the requirement under Section 5, to avoid, remedy or mitigate adverse effects in the management of a natural or physical resource.

5.2.1 Permitted Baseline

When forming an opinion as to whether an effect can be taken into account, section 104 (2) of the Act states that the Council may disregard an adverse effect of the activity if the Plan permits an activity with that effect.

5.2.2 Written Approvals

Section 104(3)(b) specifies that a consent authority must not have regard to any effect on a person who has given written approval to the application. No specific written approvals have been provided by the applicant.

The matters of restricted discretion contained in rule 17.1.3.4 of the TRMP (for the land use application) and schedule 16.3A (for the subdivision) relate to the relevant environmental effects of the proposal.

Principal Issue A: Residential Character and Amenity

A number of TRMP objectives and policies set out what is sought to be achieved for urban development:

5.1.2 Objective (Adverse off-site effects)

Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

Policies

5.1.3.1 *To ensure that the adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.*

5.2.2 Objective (Amenity Values)

Maintenance and enhancement of amenity values on-site and within communities, throughout the District.

Policies

5.2.3.1 *To maintain privacy in residential properties, and for rural dwelling sites.*

5.2.3.2 *To ensure adequate daylight and sunlight to residential properties and rural dwelling sites.*

5.2.3.3 *To promote opportunity for outdoor living on residential properties including rural dwelling sites.*

5.2.3.4 *To promote amenity through vegetation, landscaping, street and park furniture and screening.*

5.2.3.7 *To enable a variety of housing types in residential areas.*

5.3.2 Objective (Visual and Aesthetic Character)

Maintenance and enhancement of the special visual and aesthetic character of localities.

Policies

5.3.3.1 *To maintain the low or medium density character within the existing urban areas, except where higher residential density is provided for in specified development areas.*

5.3.3.4 *To avoid, remedy or mitigate the adverse effects of activities on the character and sets of amenity values in specific urban locations.*

6.1.2 Objective (Sustainable Urban Design and Development)

Urban buildings, places, spaces, and networks that together, by design, sustain towns as successful places to live, work, and play.

Policies

6.1.3.1 To encourage subdivision and development to incorporate sustainable urban design principles by:

- (a) *encouraging a sense of place and identity;*
- (b) *working with the natural characteristics of sites;*
- (c) *creating opportunities to enhance natural values;*
- (d) *providing a high degree of connectivity within road networks;*
- (e) *providing for safe walking and cycling;*
- (f) *designing local roads to ensure a safe low traffic speed environment on local streets and accessways;*
- (g) *creating a streetscape which enhances perceptions of safety;*
- (h) *managing stormwater run-off on site where possible, and ensuring off-site stormwater run-off does not increase flood risk nor adversely affect water quality in waterways and the coastal marine area for aquatic ecosystems and recreation; and*
- (i) *locating and designing development to address cross-boundary effects between land uses*

6.2.2 Objective (Land Effects from Urban Growth)

Urban growth that avoids or mitigates the loss of land of high productive value and the risks of extending onto land subject to natural hazards.

Policies

6.2.3.1 *To allow infill development of existing allotments in the serviced townships that have an urban zoning as a means of minimising encroachment on the most versatile land in the District.*

6.2.3.2 *To permit smaller residential lot sizes in the townships of Motueka and Richmond.*

Objectives 5.1.2 and 5.2.2 of the TRMP and their supporting policies aim to allow development which can avoid, remedy or mitigate adverse amenity effects on the surrounding area.

Objective 6.2.2 encourages urban growth that minimises the loss of land of high productive value and avoids extending onto land subject to natural hazards. Stated policies to achieve the above include allowing infill development of existing allotments in the serviced townships with Residential zoning such as Motueka, as a means of minimising encroachment on the most versatile land in the District. The Plan also recognizes that in order to achieve this, smaller residential allotment sizes in the townships of Motueka and Richmond may be allowed. As one of the key issues for future development in Motueka is avoiding urban sprawl onto the highly productive

surrounding land, consolidation of development in the Residential zone, such as proposed by this comprehensive residential development is favoured rather than expanding the town into the rural areas.

Matters of Discretion

Open Space

Matter 17.1.3.4 (1) The extent to which the character of the site will remain dominated by open space and vegetation, rather than buildings.

Although the site is zoned Residential it is currently grazed and has hops structures over the bulk of the property. Some submitters are concerned that this open space will be lost. If the site is to be developed in a residential manner, as anticipated by this Residential zoning, then inevitably some open space character will be lost. Over the entire area of stage 2 of the subdivision (the comprehensive residential development site) the building coverage will be 33% which is the level of building coverage anticipated in the Residential zone. This is calculated by the site coverage of the housing being 6996 m² divided by 21391 m² of land (Lot 4 less the road area). Building coverage will increase as a result of the development but over the whole site the permitted standard allows 33 percent of the site to be covered as of right. This is not considered to have a negative effect on amenity as it is anticipated in the TRMP.

Schedule 16.3A (2) The potential effects of the subdivision on the amenity values and the natural and physical character of the area.

The physical character of the site will change from open pasture with hops canopies to a housing development. However the village will be in keeping with the residential use provided for in the Residential zone.

A condition is recommended, should the Committee grant consent, that prior to construction beginning on any dwelling, all existing hops canopies shall be removed from the site.

Density

Matter 17.1.3.4 (3) The extent to which the scale, design, and appearance of the proposed buildings will be compatible with the locality.

The surrounding area is residential in nature comprised predominantly of single dwellings with established gardens and landscaping. The Rural 1 zoned land on the northern side of Parker Street creates a clear edge between the residential zone and the surrounding area and provides open space in the vicinity. The site is close to many amenities, most notably the central business area of Motueka to the east. The proposed dwellings are of a standard residential design and will complement the surrounding area. The new dwellings will also be in tidy condition by the on site manager, and will be constructed of low maintenance materials being brick cladding, aluminium joinery, and tile roofing. The scale of the buildings will be similar to typical residential dwellings with each building consisting of two small dwellings.

Construction of the 1.8 metre high screening on the boundaries of the proposed allotments is recommended as a condition of consent. This fencing will be useful in providing privacy and screening the buildings such that it will not have any more than a minor effect on the character and amenity of the area. Some submitters are concerned that the fence will be too high as it could be located on top of the proposed maximum of 400mm of fill on some parts of the site. In order to allay this potential amenity and shading effect, it is recommended that the condition of consent state that any fence on or about the boundary shall be 1.8 metres above the current ground level at the boundary. If consent is granted this is also recommended by Pauline Gilmer of 67 Parker Street, in her submission.

Matter 17.1.3.4 (2) The extent to which there is a need for the decreased site size or increased building coverage in order to undertake the proposed activities on the site.

The application is for a Unit Title subdivision creating 69 principal units and associated accessory units and common area. The definition of "site" in Chapter 2 of the TRMP states "in the case of land subdivided under the Unit Titles Act 1972 ... site means an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units." As the TRMP rules relating to density and building coverage relate to the site, and the dwelling is designed to cover the entire unit title principal unit, it follows that each "site" will be the same size as the dwelling on it, and building coverage will be 100 percent of each principal unit, or "site."

In assessing the overall density of the development is it more helpful to determine the average land area per dwelling over the entire property.

The entire land area of Lot 4 which will contain the comprehensive residential development of 69 dwellings is 24501 m². When the road area is excluded (as road area does not form part of dwelling site areas) the land available for the 69 dwellings is 21391m² (i.e. total area of Lot 4 minus the internal road area of 3110m²).

So the average area of land for each of the 69 dwellings in the CRD is 310 m² of land per dwelling (i.e. 21391m² of land divided by 69 dwellings = 310m²). This exceeds the 280 m² net site area specified for comprehensive residential developments in the Residential zone. It will be appropriate for this site as:

- The site will be surrounded by a 1.8 metre high solid fence which will provide a suitable level of privacy.
- Dwellings are located 4.5 metres from side and rear boundaries which exceeds the permitted setback in the Residential zone.
- Although there are 69 dwellings on Lot 4, all dwellings except the manager's residence have only two bedrooms so it is expected that each dwelling will have fewer occupants than a typical three bedroom dwelling.

The overall building coverage is 33 percent over the entire Lot 4 less the internal road area. This is calculated at the building coverage area of 6996 m² divided by 21391 m². The overall building coverage meets the permitted standard of 33 percent. That is, if the development proposed was a conventional fee-simple subdivision rather than the unit title subdivision proposed, the same building areas

could be constructed on the site and would actually comply with the building coverage threshold of 33 percent.

Matter 17.1.3.4 (5) The adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and daylight, and loss of opportunities for views.

Although there will be many more buildings on the site than at present, the property will not be unduly dominated by buildings. This is due to the comprehensive design of the dwellings, their generous side and rear setbacks and compliance with daylight angles, and the screen fencing proposed.

The new buildings will be obscured from all adjoining properties by screen fencing on all boundaries. The privacy of residents of adjoining properties will not be adversely affected due to the solid fences and the large building setbacks proposed – 4.5 metres, where 1.5 metres is permitted in the Residential zone.

Access to daylight will not be adversely affected as the dwellings fit within the daylight recession planes specified in the TRMP.

Due to the flat contour of the land and surrounding properties there are no significant views that will be blocked by the dwellings. Four submitters are concerned that the openness of property will be lost. However any incidental current views from adjoining properties into the hops and pasture site has been an additional benefit to neighboring properties as the Residential zoning of the subject site means that some sort of residential development can reasonably be expected at some point on the site. Over the whole site the coverage of buildings will be less than 33 percent which is anticipated in the Residential zone.

Matter 17.1.3.4 (7) The ability to mitigate any adverse effects of increased coverage or site density.

The density of development will be effectively mitigated by the visual compatibility of the dwellings, being of the same architectural style and constructed of the same building materials. They are positioned on the site to comply with all setback and daylight angle provisions and will be screened on the site perimeter by 1.8 metre high solid board timber fences. The majority of the profile of the dwellings (i.e. much of the walls) will not be visible from adjoining sites.

The Village Green common area located centrally on the site is proposed to be landscaped. This is expected to provide an area for residents of the Village to congregate. In addition it will give a pleasant view of vegetation from outside of the property. A condition of consent is recommended if the applications are granted that a Planting Plan detailing the planting proposed in the Village Green be provided to the Council.

Setbacks

Matter 17.1.3.4 (8) The extent to which the intrusions towards the boundary is necessary in order to allow more efficient, practical, and pleasant use of the remainder of the site.

All side and rear boundary setbacks will be provided from the dwellings to the perimeter of Lot 4 where the CRD is proposed to be constructed. However, as the application is for a unit title subdivision each principal unit is defined as a site. The boundaries of each principal unit are designed to match the exterior walls of the dwellings. This means that technically the building setback on each principal unit is zero. The TRMP specifies a building setback of 1.5 metres for one boundary and 3.0 metres for the other side and rear boundaries. This is a technical breach as the applicant could choose to move the boundaries and comply with the setbacks but instead has chosen a conventional unit title configuration where the Principal Units (PUs) follow the shape of the buildings. The important setback is the distance between the dwellings and the perimeter of the site (i.e. the boundaries with the neighboring properties on Hulbert, Fry, and Wilkie Streets). All these exterior setbacks are easily met with dwellings being 4.5 metres from the perimeter of the site.

The caretaker's residence on PU 69 will be 1.0 metre from the Parker Street boundary where the permitted standard specifies 4.5 metres from the front boundary. The dwelling on PU 9 will be 4.0 metres from the road boundary. The location of the caretaker's residence towards the front of the site will allow the preferred building design to be sited in the location sought by the applicant. The three bedroom dwelling with an attached single garage with additional storage is likely to be an appropriate dwelling design for a Village caretaker. The extra area in the garage is likely to be necessary to accommodate the tools and equipment required to care for the property.

The dwellings along the Parker Street frontage will not meet the permitted activity standard of a 25 metre setback from the Rural 1 zone which starts along the centre of Parker Street. The closest of these dwellings will be the caretakers residence on PU 69 at 8.0 metres (7.0 metres on the Parker Street plus a 1.0 m setback from the front site boundary) and the dwelling on PU 9 located 11.0 metres from the Rural 1 zone boundary (7.0 metres on the Parker Street plus a 4.0 m setback from the front site boundary). A number of other dwellings in the Te Maatu subdivision to the east of the subject site and other dwellings on the southern side of Parker Street have been allowed to be closer than 25 metres from the Rural zone through resource consents. This site has distinctive mitigation from the 1.8 metre high closed boundary and brick wall spanning the Parker Street frontage. In addition, the property of the opposite side of Parker Street has an established shelter belt which will afford some protection from rural sprays and noise.

Matter 17.1.3.4 (9) The extent to which alternative practical locations are available for the building.

Meeting the 25 metre rural setback would result in the dwellings being setback at least 18 metres from the Parker Street boundary of the site (as the Rural 1 zone edge sits 7.0 metres from the property boundary).

Matter 17.1.3.4 (10) The extent to which the proposed buildings detract from the pleasantness, coherence, openness and attractiveness of the site when viewed from the street and adjoining sites.

The 1.8 metre high wall along the front of the Village will obscure most of the northern wall of the dwelling leaving little more than the roof visible above the boundary wall.

The 1.8 metre high wall along the front of the property will also provide significant screening from the streetscape of the other dwellings which meet the 4.5 metre setback along Parker Street.

Matter 17.1.3.4 (11) The adverse effects of the building intrusion on the outlook and privacy of people on adjoining sites, including loss of access to daylight on adjoining sites.

All dwellings will be at least 4.5 metres from the side and rear boundaries of Lot 4 where a 1.5 metre setback is permitted. To this extent all side and rear boundaries are exceeded and all daylight angles will be met so there will be no loss of access to daylight above what is allowed and anticipated within the Residential zone.

Matter 17.1.3.4 (13) The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity from boundaries, its external materials and colour.

The proposed dwellings will be compatible with the appearance of other dwellings in the local area, being single or double storeyed, constructed of standard residential materials including brick cladding, aluminium joinery, and tile roofing, with 15 degree and 45 degree hip and gable roofs.

The buildings will be of a similar scale to most residential buildings being two or three bedroomed dwellings, 5.5m or 6.5 metres in height, most with attached single garages.

The layout of the Village will be consistent with the layout of the general area, with some dwellings being orientated parallel with the boundary and others at an angle to the boundaries. Outdoor living areas will be provided and "front yards" fronting onto the internal double loop access road.

Matter 17.1.3.4 (14) The ability to mitigate any adverse effects of the proposal on adjoining sites and the street scene, including by planting and landscaping.

Mitigation is proposed with regard to the construction of a 1.8 metre high solid boundary fence around the perimeter of the CRD site. The wall along Parker Street will present a tidy profile to the streetscape. It will be constructed of timber palings relieved by brick pillars. The wall is to be curved in towards the entrance of the Village. A metal sign adjacent to the entrance will delineate the name of the Village.

Matter 17.1.3.4 (15) Adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.

The proposed setbacks will not affect access to the dwellings. Sufficient access for maintenance will be provided around all buildings and vehicle access is provided via the double loop road on the site.

The vehicle door of the garage attached to the caretakers residence will be stepped back 8.35 metres from the front setback which will leave sufficient space for parking and access.

Matter 17.1.3.4 (16) The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of noise, smell, dust, glare or vibration.

Normal residential activity noise is expected from the Village. It is possible that given the nature of the dwellings and the marketing being for over 50 year old residents the Village may be quieter than general residential areas. The standard nature of the residential activity and the lack of large workshops or garages in the development means that no smell, dust, glare, or vibration is anticipated. All areas not built upon will be either sealed as road or parking areas, concreted, or landscaped in lawn or garden so there will be no dust effects.

Height

Matter 17.1.3.4 (18) The extent to which there is a need for the increased height or intrusion through the recession lines, in order to undertake the proposed activities on the site.

The dwellings with mezzanine floors will be a maximum height of 6.5 metres while the single storey dwellings will be 5.5 metres in height. The applicant has not specified which units will be single storey and which will have mezzanine floors but requests that this is left up to the market demand. However four of the units closest to the southern boundary are volunteered by the applicant to be single storey only with no mezzanine floor in order to comply with daylighting provisions.

Mr and Mrs Dowie of 5 Hulbert Street consider that if the consents are granted then maximum building heights should be set. I recommend that if consent is granted a condition should be imposed limiting the maximum height of dwellings to 6.5 metres. The permitted activity height of 5.0 metres for a dwelling on a site of less than 400 m² in the Residential zone is not proposed to be met. In order to provide mezzanine floors with the design proposed by the applicant it is not possible to meet the 5.0 metre height.

The principal units do not technically comply with daylight angles only because the boundary of the unit title follows the footprint of the building. In relation to the relevant daylight measurement on each external boundary, daylight angles will be met for all units. In order to ensure this, the applicant volunteers that Units 29, 30, 40, and 41 are a maximum of 5.5 metres in height and do not have mezzanine floors.

Matter 17.1.3.4 (19) The extent to which the character of the site and the surrounding area remains dominated by open space, rather than by buildings, with buildings at low heights and low densities of building coverage.

As discussed earlier, if the property is to be developed in line with its Residential zoning then some open space (currently pasture and hops canopies) will be lost. As the overall building coverage over the entire site is 33 percent, as explained earlier in their report, I consider that the level of built to unbuilt area on the site is acceptable.

Matter 17.1.3.4 (21) The effect on other sites, roads and public open space of the increased height, in terms of visual dominance, which is out of character with the local environment.

Matter 17.1.3.4 (22) The extent to which the proposed building will shade adjoining sites and result in reduced sunlight and daylight admission beyond that anticipated by the daylight admission angle requirements for the area.

As discussed earlier, all daylight angles on the external boundaries of the subject site will be met so sunlight admission will not be reduced beyond that anticipated by the Plan.

Matter 17.1.3.4 (23) The effect of the increased height on other sites in terms of loss of privacy through being overlooked from neighbouring buildings.

Any windows on mezzanine floors will be at least 6.0 metres from boundaries and the perimeter fencing will be established and maintained so there will be minimal, if any, loss of privacy.

Matter 17.1.3.4 (24) The extent to which the increased building height will result in decreased opportunities for views from properties in the vicinity, or from roads or public open space in the surrounding area.

As the contour of the site and the adjoining properties is quite flat, and buildings will be set back at least 4.5 metres from side and rear boundaries of the site, there will be no decreased opportunities for views.

Matter 17.1.3.4 (25) The ability to mitigate any adverse effects of increased height or penetration of the daylight admission angle, through increased separation distances between the building and adjoining sites, or the provision of screening.

The proposal will successfully mitigate any potential effects of the dwellings by providing increased separation distances from adjoining sites (at least 4.5 metre setbacks proposed where 1.5 metres is permitted on one boundary and 3.0 metres on the other boundaries). In addition, the 1.8 metre high closed board perimeter fence will provide further mitigation.

Building Design and Appearance

Matter 17.1.3.4 (27) The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk, architectural style, materials, colours and setback of buildings and, in particular, the extent to which the development can be viewed from adjoining sites and public places.

The CRD will be comprehensively designed and planned with a range of compatible housing designs utilising three different brick claddings. The bricks are all a similar orange tone which will be compatible with the area. The architectural style is residential in nature, with 15 degree and 45 degree hip and gable roofs, standard sized windows, and attached single garages on most unit designs.

Matter 17.1.3.4 (28) The extent to which any adverse visual effect can be mitigated by altering the layout of buildings, storage areas, car parking, landscaped areas and vegetation.

I consider that the proposed building layout is practical in order to keep an appropriate separation distance of at least 4.5 metres between the dwellings and the side and rear boundaries of the property and to provide for landscaping areas and parking.

Building Wall Length

Matter 17.1.3.4 (30) The extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining sites.

The continuous wall length will not be easily viewed from the street or adjoining properties as all except the top of the walls of the dwellings will be obscured by the 1.8 metre high screen fence. It will be mitigated due to the large setback between the units and exterior dwellings and the orientation of the dwellings at an angle to the boundaries.

Matter 17.1.3.4 (31) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.

This has been achieved by the large setbacks and fence.

Privacy

Matter 17.1.3.4 (33) Adverse effects in terms of reduced privacy through being overlooked from, or being in close proximity to, neighbouring buildings, to an extent which is inconsistent with the surrounding environment.

Matter 17.1.3.4 (34) The ability to mitigate any adverse effects of the proposal on adjoining sites, including planting and landscaping and the relocation of windows to alternative practical positions.

As discussed earlier in this report, privacy will not be adversely affected above what is anticipated in the Residential zone.

Outdoor Living Space

Matter 17.1.3.4 (6) The provision of adequate outdoor living and servicing space on the site for all outdoor activities associated with residential and other activities permitted on the site.

The permitted TRMP standard specifies that each dwelling be provided with the 60 square metres of outdoor living area containing a 6.0 metre diameter circle. As the "site" of each dwelling is the principal unit which will be the same as the building footprint technically there will be no space on each principal unit for an outdoor living area. The applicant has proposed an acceptable solution which is to provide an exclusive area for each dwelling on the common area using a right to occupy

agreement. This will result in an outdoor area for each dwelling which only the relevant residents can use. The area for each dwelling will be at least 4.5 metres in width. This meets the intent of the outdoor living area rule and will not affect any persons. If consent is granted a condition is recommended that each dwelling is provided with an outdoor living area to which it has exclusive rights of use.

Matter 17.1.3.4 (35) The extent to which the reduction in outdoor living space and its location will adversely affect the ability of the site to provide for the outdoor living needs of future residents of the site.

The dwellings are arranged on the site such that lounges of the dwellings will be on the same side as their respective outdoor living area with direct access to the outdoor living area.

Matter 17.1.3.4 (36) Alternative provision of outdoor living space to meet the needs of future residents of the site.

The Village Green area in the centre of the complex will provide a pleasant area for residents to socialize (meet and stroll or linger). This is an added bonus area that is not required by the TRMP rules. It will add to the outdoor living options of residents and visitors to the Village thereby mitigating the effect of the smaller individual outdoor living areas.

Principal Issues B and C: Servicing and Traffic

The following objective and policy sets out the outcome sought for the servicing of new developments:

6.3.2 Objective (Urban Infrastructure Services)

Sustainable urban growth that is consistent with the capacity of services and has access to the necessary infrastructure such as water supply, roading, wastewater and stormwater systems.

Policies

6.3.3.1 To ensure that utilities and services are adequate to avoid, remedy or mitigate adverse effects of urban development and population growth on both existing and future urban areas.

Objective 6.3.2 and its supporting policies seek sustainable urban growth that does not overtake the capacity of services and has access to the necessary infrastructure such as water supply, roading, wastewater, and stormwater systems. Council's Engineering Department has assessed the proposal and considers that subject to appropriate conditions, there will be no more than minor servicing and traffic effects. In terms of the sustainable management of Council's existing services, utilising the existing services in Parker and Wilkie Streets is considered a more efficient use of resources than providing new pipes on alternative non-residential zoned greenfield sites to accommodate new dwellings.

Objective 11.1.0 (Land Transport Effects)

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied, or mitigated.

Policies

To ensure that all subdivision design, including the position of site boundaries, has the ability to provide each allotment with vehicle access and a vehicle crossing sited to avoid adverse effects on the safety and efficiency of the road network.

Matters of Discretion

Matters of discretion relating to servicing and transport:

Roading Network and Servicing Capacity

Schedule 16.3A (8) The cumulative effect of the subdivision on the District's infrastructure and its efficient use and development, including the capacity and capabilities of the road network and utility services to meet demands arising from the subdivision.

Services

Mr Dugald Ley, Council's Development Engineer has considered the servicing and engineering aspects of the proposal. His report is attached as [Appendix 4](#) to this report.

Power and telephone services will be catered for by reticulation underground to each of Lots 1 -3 at Stage 1 and to principal units 1 – 69 at Stage 2. A condition of consent in this regard is recommended.

Mr Ley advises that there is capacity for each of the three freehold residential titles to be connected to the Council water mains in Wilkie Street and at Stage 2 a principal main into the development can be connected to the water mains services from Council's supply via the Lot 4 CRD entrance off Parker Street.

Some submitters are concerned that the part on-site stormwater disposal to ground is inappropriate in such an intense development. A submitter considers that the applicant should be required to upgrade the downstream stormwater reticulation system. As a result of submissions and additional research the applicant has changed to stormwater system to have no discharge to land. This will also resolve a submitter's concerns that no details were provided of how potential contamination of the underlying aquifer system will be controlled. Also a number of submitters were concerned that their well would be contaminated from the original discharge proposed to land. As all stormwater will now flow directly into the Council reticulation or be detained first with no on site soakage proposed there is no risk of groundwater contamination.

At Stage 1 Lots 1 to 3 can be served by the existing stormwater lines in place in both Parker and Wilkie Street. A maximum of 324 litres/second of stormwater from Stage 2 (the 69 dwelling CRD) can be drained to a new pipe to be connected to the existing 825mm diameter pipe on Parker Street. The required upgrades to the existing pipe reticulation network are acceptable to Mr Ley.

The stormwater not able to be drained to the Council reticulation will be detained on site by a 25m by 25m detention area within the Village Green located centrally on the site. This will attenuate 61 litres/second within the site in a Q20 event. The storage capacity will be 200 m³. This is acceptable to Mr Ley with engineering plans needing to be provided and the works being certified by a chartered professional engineer.

The submission from Wakatu Incorporated considers that the raising of the land has the potential to divert or hinder existing overland flows thereby creating potential for inundation on surrounding properties. In order to avoid this situation the secondary flow path for stormwater is proposed along the internal roading on the site which will fall from south to north (towards Parker Street).

The submission from Wakatu Incorporation cites concerns that calculations have not been provided to show that the sewer reticulation can handle the increased loading. Mr Ley, Council's Development Engineer has investigated this since submissions closed and advises that wastewater reticulation capacity is available in both Wilkie Street (for Lots 1 – 3 to connect to at Stage 1) and Parker Street (for the 69 dwellings at stage 2 to connect to). However, in parts of Atkins Street the wastewater is required to be gravity-fed to the existing pump station located outside 4 Atkins Street and then pumped to the gravity main in Parker Street. As a result of submissions further information has been received by the applicant repositioning the sewer pump station away from Mr Burke's property (a submitter) at 12 Wilkie Street. The pump station is no longer proposed on proposed Lot 5 along Wilkie Street, but is repositioned in the centre of the property adjacent to the Village Green, over 50 metres from the perimeter of the CRD property. This distance from boundaries is well in excess of the distance from dwellings specified in the Council's Engineering Standards and is not expected to result in any adverse effects on neighbouring properties. Mr Burke's submission cited concerns regarding odour and noise due to the original location of the proposed sewer pump station is within metres of his property. The new location is expected to satisfy his concerns as it is now proposed over 80 metres from his property with eight dwellings between the pump station and his property.

Mr Ley is satisfied with the new private pump station, subject to the design being confirmed at engineering plan stage.

Traffic

One of the possible adverse effects of the construction of new dwellings is the effects of additional movements from vehicles associated with the new dwellings. Parker Street is classed as a Collector in the roading hierarchy and has sufficient capacity to absorb the additional traffic movements from 69 extra dwellings. Wilkie Street is an Access Road and can accommodate three extra dwellings.

An advantage of the development having direct access onto a Collector road is that traffic will not have to travel through smaller local streets to access the site but rather will have direct access onto a major street.

A submission from Wakatu Incorporated states that the frontages of both Wilkie Street and Parker Street must be upgraded to Council's standards. **Erin Hawke of 8 Parker Street** is concerned about the increase of traffic on Parker Street, especially since the road is narrow. She observes that when people park on the side of the street, it is reduced to one lane width and the intersection of Parker Street and High Street does not meet the standard of the proposed traffic on it. I agree that the current situation is unsatisfactory and comments have been sought from MWH New Zealand Ltd and Council's Development Engineer. Both recommend an upgrade of Parker Street outside the subject site in order to cater for the traffic from the development.

There is no footpath on the Wilkie and Parker Street frontages outside the development. As it is likely the residents will have either vehicles, bicycles, mobility scooters, or will walk to areas such as the central business area of Motueka, parks, shops, churches and other facilities, it is appropriate that the frontages be formed up with kerb and channel, berms, and footpaths to mitigate the effects generated by the proposal. Consequently it is recommended that frontage upgrades be required if consent is granted.

The applicant has requested that the berm area between the lot boundary and the footpath be planted in groundcover rather than grassed. Council's Development Engineer, Mr Dugald Ley, accepts this provided that the plantings meet the Engineering Standards and Policies with regard to low ground covers and the location of underground services. If the Committee grants consent I recommend that this be attached as an advice note.

Site Access

Schedule 16.3A (28) The ability to comply with the site access and vehicle crossing requirements of rule 16.2.2.

A vehicle crossing for each of Lots 1 – 3 in Stage 1 is proposed to be constructed from Wilkie Street. No vehicle crossing is proposed for Lot 4 (the site of the comprehensive residential development for 69 dwellings) until Stage 2 when the Unit titles will be created and the dwellings constructed.

Rule 16.2.2.1(q) of the TRMP specifies only one vehicle crossing per site. The applicant seeks to provide one main access into the subdivision serving 68 of the dwellings and an additional access serving only the caretaker's dwelling (PU 69). Both these crossings are to be from the Parker Street frontage. Although the Plan anticipates only one access per site the Parker Street frontage is very large being over 150 metres in length and the site is 2.45 hectares in area. Consequently two accesses along the 150 metre Parker Street frontage is significantly less than the average of about one crossing every 18 – 20 metres in the Residential zone. Council's Development Engineer does not cite any concerns with the two crossings proposed.

The TRMP specifies that the maximum number of users served by an access in the Residential zone is six dwellings/allotments. The applicant proposes that the main access serves 68 dwellings. In this instance the proposed access is considered appropriate to serve this number of dwellings as Mr Dugald Ley, Council's Development Engineer has assessed the traffic effects and considers that internal roading system will be satisfactory in the private development with a low speed environment. Traffic comments from MWH New Zealand Ltd support this view.

The two proposed new vehicle crossings display site distances in excess of those required by the TRMP. The MWH New Zealand Ltd traffic report notes that aged drivers require increased reaction time therefore the angle of the brick wall and level of vegetation between the boundary and the footpath close to the entrance will need to allow for sufficient sight distances. It is therefore recommended that if consent is granted a condition is imposed requiring the vegetation located on the road reserve be kept trimmed, and the brick wall adjacent to the entrance onto Parker Street to be located, so that the site distances specified in the TRMP shall be met at all times.

The submission from Wakatu Incorporation notes that access to the property should be from the road of the lesser roading hierarchy. In this case the access should be off Wilkie Street, not Parker Street. This matter was carefully considered in the assessment of this proposal. Advice was sought by MWH New Zealand Ltd, who are experienced in the area of traffic assessments. They advised that the crossing off Parker Street was acceptable provided sight distances were protected by the appropriate location of the fence and plantings on the road berm. This is recommended as a condition of consent. Council's Development Engineer, Mr Dugald Ley advises that the road has sufficient capacity and the development will not affect safety and efficiency.

The concern that the dwelling owner may not have control over access to their property due to the unit title areas following the footprint of each dwelling is raised in the submission from Wakatu Incorporation. It is standard for a Unit Title subdivision that the Principal Unit boundaries follow the building footprint. Each Principal Unit has a share of the Common Property which contains the common access. The Body Corporate which represents each principal unit manages the Common Property. These rights are protected under the Unit Titles Act 1972 so there is no risk of principal units not having vehicle access.

Parking

Matter 17.1.3.4 (4) The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.

Two parking spaces per dwelling is the permitted activity standard in the Plan. The application seeks to provide fewer parking spaces than this.

All except six dwellings are proposed to have one parking space within the single garage. They will also have space on their driveway to park a further vehicle in front of the single garage. While a "stacked" parking space which is located in front of another space blocking the rear vehicle from existing does not meet the definition of a "parking space" under The Plan, the provision of the second space as a stacked space is considered superior than only one space being provided.

The remaining six dwellings (Units 31 – 36) are not proposed to have any parking specifically for their use.

The submission from Wakatu Incorporation points out that the TRMP requires 138 parking spaces for the development, and 84 spaces are proposed. They also note that at the time of the close of submissions evidence from a Traffic Engineer or similar had not been provided to justify such a reduction. Since submissions closed advice has been sought from MWH New Zealand Ltd who advise that the number of parking spaces proposed will be sufficient provided two additional spaces are inset into the internal road loop.

In this circumstance this situation is considered to be acceptable for the following reasons:

The applicant intends to offer the dwellings for sale only to people over 50 years of age. The applicant has been involved in the design and construction of eleven similar villages throughout the country and most residents only want one garage. Their experience is that some purchasers of the units do not have vehicles, and choose to purchase a smaller dwelling without the added cost of garaging.

Four additional garages are proposed on the site which will be held as accessory units to the caretaker's dwelling on Principal Unit 69. These four garages will be available to be rented out to the occupants of units 31 – 36 or to any other residents of the Village.

Sixteen on site parking spaces are proposed for visitor parking around the double loop internal road.

Comments have been provided from MWH New Zealand Ltd, assessing the traffic effects of the proposed number of parking spaces (their report is attached as [Appendix 5](#)). They note that even if the occupants of the six dwellings do not have vehicles themselves the units will still generate parking demand from visitors, service personnel, and health care professionals so some parking is required. They consider that the presence of the street parking spaces adjacent to Units 33 – 36 will be adequate to provide for the parking needs. They recommend that two additional street parks be provided for the use of Units 31 and 32, ideally located away from the intersection either outside Units 30 or 39. This will avoid the need for people wanting to visit Units 31 and 32 to have to cross the road from the closest inset parking bay. This is recommended as a condition of consent should the Committee grant consent.

MWH New Zealand Ltd conclude that for all the remaining Units that have one garage parking space and space to park a further vehicle on the driveway outside the garage that this situation complies with the intent of Figure 16.2D of the TRMP which specifies on site parking.

All vehicles will be able to maneuver on the site of the CRD (Lot 4) in order to avoid reversing onto Parker Street.

If consent is granted, it is recommended that a condition is imposed requiring these areas to be sealed to the same standard as the internal road. All parking spaces on the site have adequate maneuvering such that a vehicle can enter and exit the property (Lot 4) in a forward gear. This will avoid the need to reverse onto Parker Street.

Mr Dugald Ley, Council's Development Engineer considers that subject to appropriate conditions there will be no adverse effects on Council's roading, water, sewer and storm water network.

Cross boundary effects

Schedule 16.3A (9) The relationship of the proposed allotments with the pattern of adjoining subdivision, land use activities and access arrangements, in terms of future potential cross boundary effects.

Due to Parker Street being a Collector Road, there is already an underlying level of traffic noise. No more than normal residential noise is expected from the site. Additional traffic noise generated by the new dwellings is considered to be minor as only residential traffic will be generated and traffic movements are expected to be characteristic of residential activities. As such, the proposal is not considered to have more than a minor adverse effect on the aural amenity of the area.

Natural Hazards

Schedule 16.3A Matter 3:

The extent to which the effects of natural hazards will be avoided or mitigated.

The only potential natural hazard identified is the risk of inundation in a Motueka River stop bank failure. Mr Eric Verstappen, Council's Resource Scientist – Rivers and Coast, has assessed the application including the proposal to have a minimum finished floor level (FFL) for each dwelling of 150mm above the crown of the adjacent roads. His comments are attached to this report as [Appendix 7](#). Mr Verstappen considers this will be insufficient to mitigate potential natural hazards.

The Engineering Department perspective, the subdivision sections need to have a finished ground level of a minimum of 50mm above the crown of Parker Street, where the internal access road comes out. This is recommended as a condition of consent.

The minimum finished floor level of the dwellings needs to be a minimum of 225mm above the finished ground level of each section, in accordance with Building Code requirements. This makes the minimum finished floor level of each dwelling at least 375mm above the crown of Parker Street, as taken at the subdivision entrance.

Mr Verstappen considers that this does not allow for possible flooding hazard from the Motueka River in a stop bank failure scenario - a small risk but in the 1-2% AEP range at present. Mr Verstappen considers the development is in a reasonably at risk area from such overland flow and recommends that the minimum FFL of housing in the subdivision prudently takes this into account.

Mr Verstappen advises that each dwelling having a minimum dwelling FFL of 600mm above the crown of Parker Street would be appropriate to mitigate this risk. This is recommended as a condition of consent.

Wakatu Incorporation, in their submission, consider evidence should be provided that it is possible to construct dwellings on these sites. The site is within Land Disturbance Area 1 which makes it less likely that geotechnical issues will be present. However, it is standard practice that if subdivisions are approved a condition is imposed that requires certification that a site has been identified on each allotment suitable for a residential dwelling be submitted by a Chartered Professional Engineer or geotechnical engineer experienced in the field of soils engineering. Further, if any limitations are identified a condition requires that they be imposed as consent notices on the relevant titles to alert potential purchasers of any restrictions. A second standard condition requires that where fill material has been placed on any part of the site, a certificate needs to be provided by a suitably experienced chartered professional engineer, certifying that the filling has been placed and compacted in accordance with New Zealand Standard 4431:1989 Earthworks for Residential Subdivision. Both these conditions are recommended if consent is granted. In accordance with standard practice it is considered appropriate to impose these requirements as conditions rather than require all sites to be tested at application time. The latter would be unnecessarily onerous.

Potential for Contamination

Wakatu Incorporated are concerned that evidence has not been provided to show the soils are not contaminated. However the subject site is not listed on the Council's Contaminated Sites Register. Neither is it identified as being in the Council's mapped area of pre 1970's orchard in the Council's Explore Hazards database. An advice note is recommended that makes potential owners aware that the site has been used for commercial hops growing in the past.

Positive Effects

The definition of "effect" under the Resource Management Act 1991 also includes positive effects. This development will provide some positive effects on the wider community, as it will assist in satisfying the housing demand in Motueka. The potential for more residents in an area such as this may have beneficial impacts for the retention of the commercial viability of nearby businesses. Tidy new dwellings will be established which are comprehensively planned and designed. In terms of the wider sustainability of the town and surrounds, it is considered that appropriate development in an established residential area on a Residentially zoned site is more a more sustainable use of land than dividing up Rural 1 zoned productive land for lower density rural residential or urban development.

The developer has a proven track record having designed and established 11 other similar Villages across the country.

5.3 Particular Restrictions for Non-Complying Activities

As the land use application does not meet the restricted discretionary activity building coverage standards it constitutes a Non-complying activity under the Tasman Resource Management Plan. Section 104 of the RMA 1991 directs that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or the application is for an activity that will not be contrary to the relevant objectives and policies. My assessment above concludes that both these “gateways” will be met.

5.4 Purpose and Principles of Resource Management Act 1991

Part II of the Resource Management Act states several matters to which regard must be had, or which must be recognized and provided for in order to achieve the sustainable management of resources.

Section 5 - Sustainable Management

This means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables communities to provide for their social, economic, and cultural well-being and for their health and safety.

Section 6 - Matters of National Importance

This section sets out matters of national importance.

Section 7 - Other Matters

Relevant matters to have particular regard to:

- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*
- (f) Maintenance and enhancement of the quality of the environment, and;*
- (g) Any finite characteristics of natural and physical resources.*

Section 8 - Treaty of Waitangi

This section of the Act requires the principles of the Treaty of Waitangi to be taken into account.

Section 5 Comments

Although the Resource Management Act is generally enabling, and recognises that the needs of people and communities should be met with respect to their social, economic and cultural wellbeing, this should not be achieved at the expense of other matters set out in Section 5, which are the environmental parameters which should be observed. In particular, the ability of natural and physical resources to meet the needs of future generations must be sustained, and the adverse effects of activities must be avoided, remedied and mitigated.

The central location of the site, being approximately 400 metres from the Motueka central business district, along with its Residential zoning, are positive factors in considering this proposal. This residential use is consistent with the current Residential zoning of the site and will make more efficient use of an existing residential property which has historically been used for horticulture. It will provide residential accommodation to assist in meeting the community's demand for housing, within an area already set aside and zoned for residential living.

In terms of proximity to amenities, the subject site is easily accessible to the central business area, parks, and entertainment activities. The town centre is a significant employee location and the commercial centre holds recreation, shopping and entertainment opportunities which residents of the additional dwellings could easily access due to their close proximity. This development will be compatible with the nearby Te Maatu subdivision which itself includes a comprehensive residential development for around a dozen dwellings.

The shape and dimensions of the property are considered to be compatible with the elements necessary for a comprehensive residential development.

Section 6 and 8 Comments

With respect to the matters of national importance in section 6 and Treaty of Waitangi principles in section 8 and any other matters in Part II of the Act, this application is not considered contrary.

Section 7 Comments

Section 7 (b), (c), (f) and (g) which are listed above are considered to be of relevance to this proposal.

The subdivision of a residential title into a comprehensive residential activity can be an efficient use of resources, in that it is consolidating development rather than expanding the urban area into rural land with high productive values. It also allows for the use of and development of servicing infrastructure that is already established.

The maintenance and enhancement of amenity values and the quality of the environment is discussed as part of the assessment of effects in the above section of this report.

5.5 Other Matters (Section 104(c) RMA 1991)

5.5.1 Precedent

Case law has established that the granting of consent for one application may well have an influence on how another application should be dealt with. The extent of influence will depend upon the extent of similarities.

The current applications have arisen due to the combination of distinct features of the site and the purposes of the applicant, Brown Acre Village Limited. The site features include the location in the Residential zone, the setting within the town of Motueka, the property's orientation, topography, and size, being large for a Residentially zoned property in Motueka, the absence of built development on the site, and the current

pastoral land use. The applicant has incorporated these site factors with their development aspirations in the hope of realising a staged comprehensive residential development of 69 unit titles and a common village green area and roading loop. This combination of many site related and development related factors are unlikely to be easily duplicated elsewhere in the District.

Due to the consistency with the purpose of the Resource Management Act 1991 and the relevant provisions of the Plan, and the low level of environmental effects generated, the proposed land use activity and subdivision can be approved on its merits, and there is consequently no issue of precedent arising from the grant of consents.

5.5.2 Fire Fighting

The New Zealand Fire Service Commission requests in their submission that if consent is granted a condition be imposed requiring a consent notice on the new certificates of title requiring compliance with the New Zealand Fire Service Code of Practice for fire fighting water supply SNZ PAS 4509:2003.

6. SUMMARY

The applications are a land use application to construct 69 dwellings as a comprehensive residential development and a subdivision application to create four new titles at the corner of Parker and Wilkie Streets in Motueka. Proposed Lot 4 of 2.45 hectares will then be subdivided by unit title to create 69 principal units, each with one dwelling on, and the remainder of the site held in common property comprising internal roading, parking bays, landscaped areas, exclusive areas for residents to use, and a Village Green incorporating a stormwater detention area.

The site is zoned Residential under the TRMP. The land use application is a non-comply activity as it involves the construction of 69 dwellings on one site as a CRD which technically does not meet the 40 percent building coverage as the unit title areas follow the footprint of each dwelling. Over the entire site the building coverage is actually 33 percent, being a complying with the permitted standard.

The subdivision application is a discretionary activity as it is associated with a comprehensive residential activity. Overall the two applications take on the most restrictive activity classification, being a non-complying activity.

The applications were notified and eight submissions were received, two with a neutral stance and six opposing the proposal.

It is considered that the proposed development is not contrary to Part II of the Resource Management Act 1991 which seeks to promote the sustainable management of natural and physical resources.

The proposed development is an appropriate form of residential development and use of resources in the context of the objectives and policies, and matters of discretion in the Plan.

The property is located in Motueka, which is undergoing growth with an average of approximately 40 new dwellings being built in the town on average for the last few years. The subject site is well located in terms of access to a range of services including entertainment activities, parks and the central business district. It is considered that the proposed subdivision and development would have beneficial resource management effects for the community as a whole, especially in terms of consolidating the Motueka township and reducing some pressure for subdivision of more productive land.

Overall, it is considered that the proposed development will have not more than a minor effect on the environment and the land use and subdivision applications for the development should be approved.

7. RECOMMENDATIONS

7.1 Subdivision Recommendation

I recommend that pursuant to Section 104B of the Resource Management Act 1991, the Council **GRANTS** consent to subdivide two titles (Pt Lot 10 DP 3266 (CT 417538) and Lot 1 DP 6563 (CT NL5C/209) into 5 freehold titles being:

- proposed Lot 1 of 720 square metres;
- proposed Lot 2 of 720 square metres;
- proposed Lot 3 of 660 square metres;
- proposed Lot 4 of 2.45 hectares;
- and proposed Lot 5 of 8 square metres.

Proposed Lots 1 – 3 are for residential purposes, and proposed Lot 5 is to be amalgamated with Lot 1 DP 4252. Proposed Lot 4 is to be subdivided by unit title as part of a comprehensive residential development to create 69 Principal Units for residential use, 4 Accessory Units (garages) accessory to Principal Unit 69, and a common area including vehicle access and an open area. Each Principal Unit will be between 66.5 square metres and 150 square metres in area.

Subject to the following conditions:

Subdivision Development

1. The subdivision development shall be undertaken in accordance with the information submitted with the application, including the application plan prepared by Staig & Smith Limited, dated (date of decision), and attached as **Plans RM080175 and RM080360** to this Recommendation. Notwithstanding the above, if there is any conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.

Staging

2. The subdivision shall be undertaken in two stages:

Stage 1 – the creation of five freehold titles being:

- proposed Lot 1 of 720 square metres;

- proposed Lot 2 of 720 square metres;
- proposed Lot 3 of 660 square metres;
- proposed Lot 4 of 2.45 hectares;
- and proposed Lot 5 of 8 square metres.

Stage 2 - Proposed Lot 4 subdivided by unit title as part of a comprehensive residential development to create 69 Principal Units for residential use, 4 Accessory Units (garages) accessory to Principal Unit 69, and a common area including vehicle access and an open area.

Stage 1 conditions (creation of Lots 1 – 5)

Financial Contribution – Stage 1

3. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with the following:
 - a) The amount of the contribution shall be 5.5 percent of the total market value (at the time subdivision consent is granted) of Lots 1 and 2.
 - b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.
 - c) If payment of the financial contribution is not made within two years of receiving the valuation, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

Advice Note:

A financial contribution is payable on the additional titles created which is 2 allotments at Stage 1 as there are currently two titles which will be subdivided into four fee simple titles, so an FC is not payable on Lots 3 and 4 (the last two titles created at Stage 1).

Development Contributions Advice Note:

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

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on 2 allotments in respect of roading, water supply, stormwater, and sewer.

Easements

4. Easements shall be created over any services located outside the boundaries of the allotments that they serve or appurtenant to the appropriate allotment. Reference to easements shall be included in the Council resolution on the title plan.

Amalgamation

5. Proposed Lot 5 hereon shall be held together with Lot 1 DP 4252 and one computer freehold register be issued.

Advice Note:

This amalgamation will provide access for Lot 1 DP 4252 at 12 Wilkie Street as their existing driveway is constructed over proposed Lot 5.

Hops canopies

5. All existing hops canopies shall be removed from the site.

Vehicle Crossings

6. A vehicle crossing for each of Lots 1 – 3 shall be formed and sealed. Each vehicle crossing shall be of a width, measured at the boundary of the site, of between 3.5 metres and 6.0 metres. The seal formation shall extend to the back of the footpath/edge of road seal/kerb crossing to a minimum of 5.0 metres into the site.

Water Supply

7. A water reticulation, complete will all mains, valves, fire hydrants and other necessary fittings, and a Tasman District Council approved water meter shall be installed for Lots 1 - 3.

Sewer

8. Full sewer reticulation discharging to Council's approved system in Wilkie Street, that is an extension of the 150 mm public sewer shall be installed complete with any necessary manholes and a connection to Lots 1 – 3. This will include work outside the subdivision to connect to or upgrade existing systems.

Stormwater

9. A stormwater drain connection which drains to the approved system shall be provided to each of Lots 1 – 3.
10. Each allotment shall be recontoured to have a finished ground level of a minimum of 50mm above the crown of Wilkie Street opposite each allotment. There shall be a continuous fall to Wilkie Street.

Electricity and Telephone

12. Telephone and electric power connections shall be provided to Lots 1 – 3 and all wiring and such connections shall be located underground and be to the standard required by the supply authority. Confirmation of the above from the supply authority and a copy of the supplier's certificate of compliance shall be provided to the Council.
13. Electrical substations shall be provided as required by the supply authority. Substations shall be shown as "road to vest" on the survey plan if adjacent to a road or road to vest.

Engineering Certification

14. The consent holder shall engage a suitably experienced and qualified Chartered Professional Engineer or Registered Professional surveyor to supervise the engineering works. At the completion of works, the consent holder shall provide to the Council written certification from the suitably experienced chartered professional engineer or Registered Professional surveyor. The certification shall contain sufficient information to enable the Council to determine compliance with the above conditions of this consent.
15. Certification that a site has been identified on each allotment suitable for a residential dwelling shall be submitted by a Chartered Professional Engineer or geotechnical engineer experienced in the field of soils engineering. The certificate shall define the area suitable for the construction of a residential dwelling on each allotment and shall be in accordance with Schedule 2A of New Zealand Standard 4404:2004, Land Development and Subdivision Engineering.
16. Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced registered engineer, certifying that the filling has been placed and compacted in accordance with New Zealand Standard 4431:1989 Earthworks for Residential Subdivision.

Engineering Plans

17. All engineering works associated this subdivision shall be shown on engineering plans and to the requirements as set out in the Tasman District Council Engineering Standards and Policies 2008 except where otherwise allowed by the conditions of consent.

Advice Note:

A certificate, pursuant to Section 223 of the Resource Management Act 1991, cannot be issued until the engineering plans have been received and approved by Council.

18. "As-built" plans of services shall be submitted to the Council's Engineering Manager for approval at the completion of the works and the approval shall be obtained prior to the issue of the certificate issued pursuant to Section 224(c) of the Resource Management Act 1991.

Stage 2 Conditions (principal Units 1 - 69, Accessory Units 1 – 4, and Common Property

Financial Contribution

19. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
 - a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of Principal Units 1 - 68.
 - b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.
 - c) If payment of the financial contribution is not made within two years of receiving the valuation, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

Advice Note:

A financial contribution is payable on the additional allotments created which is 68 allotments as there is currently one title (Lot 4) which will be subdivided into 69 unit titles, so an FC is not payable on PU 1 (the first title created).

Advice Note:

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

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on 68 allotments in respect of roading, water supply, stormwater, and sewer.

Easements

20. Easements shall be created over any services located outside the boundaries of the allotments that they serve or appurtenant to the appropriate allotment. Reference to easements shall be included in the Council resolution on the title plan.
21. All the stormwater drainage features that form part of the stormwater drainage network shall be physically and legally protected from future development that may adversely affect the efficient functioning of the network. This is of importance to secondary flow paths over Lot 12 DP 3266 to be protected in favour of the subject property.

Consent Notices

22. Pursuant to Section 221 of the Resource Management Act 1991, the following consent notice shall be registered on Unit Title Principal Units 1 - 69:

Approved Dwelling Design

- a) That the dwellings shown on the building plans attached to Land Use consent RM080360 shall be constructed on the respective allotments PU 1 - 69.

Finished Floor Level

- b) That each dwelling shall have a minimum dwelling finished floor level (FFL) of 600mm above the crown of Parker Street opposite each allotment.

Maximum Height

- c) The maximum height of each dwelling shall be 6.5 metres above natural ground level except that the consent holder volunteers that Units 29, 30, 40, and 41 are a maximum of 5.5 metres in height and do not have mezzanine floors.

Fire Fighting

- d) Compliance shall be met with the New Zealand Fire Service Code of Practice for fire fighting water supply SNZ PAS 4509:2003.

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

Remove Existing Hops Canopies

23. All existing hops canopies shall be removed from the site.

Roading

24. The consent holder, at their cost, shall construct kerb and channel and a 1.4 metre wide footpath, and widen both Parker and Wilkie Streets (on the subdivision side of the road) to match the width on either side of the subdivision site, along the frontage (Parker Street and Wilkie Street meeting at the intersection of the two streets) of the subdivision. The footpath shall be remote from the kerb and channel.

Advice Note:

The Council's Development Engineer advises that the berm area between the title boundary and the footpath may be planted in groundcovers rather than grassed provided that the plantings meet the Engineering Standards and Policies 2008 with regard to low ground covers and the location of underground services and are satisfactory to the Council's Engineering Manager. The planting shall not impede users of the footpath.

Vehicle Crossing

25. A vehicle crossing shall be formed and sealed to serve the internal road on the Common Property on Lot 4. The vehicle crossing shall be of a width of 6.0 metres, measured at the boundary of the site.
26. A vehicle crossing shall be formed and sealed to serve PU 69 (the caretakers' residence). The vehicle crossing shall be of a width, measured at the boundary of the site, of between 3.5 metres and 6.0 metres.
27. A kerb crossing shall be formed for PU 1- 30, and PU 37 – 68. Pram crossings shall be formed at the internal street intersections.

Advice Note:

Crossings are not required for PU 31 – 36 as they do not have their own specific parking spaces.

Access

28. The internal road on the Common Property on Lot 4 shall be formed, and permanently surfaced to a minimum width of 5.0 metres where it is one way and 6.0 metres where it is two ways together with kerb, channel, and sumps draining to the approved system. The minimum requirement for a permanent surface is a grade 4 chip first coat followed by a grade 6 void fill second coat. The seal formation shall extend to the back of the footpath/edge of road seal/kerb crossing.

Consent Notice – Sight Distances

29. Pursuant to Section 221 of the Resource Management Act 1991, the following consent notice shall be registered on Unit Title Principal Units 1 - 69:

- a) The vegetation located on the road reserve between the property boundary and the footpath shall be kept trimmed so that the permitted activity site distances specified in the Tasman Resource Management Plan shall be met at all times.

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

Parking Spaces

30. Two additional street parks shall be provided for the use of Units 31 and 32, located away from the intersection, either outside Units 30 or 39.

Advice Note:

This will avoid the need for people wanting to visit Units 31 and 32 to have to cross the road from the closest inset parking bay.

Water Supply

30. A water reticulation, complete will all mains, valves, fire hydrants and other necessary fittings, and a Tasman District Council approved water meter shall be installed for each allotment. For Lot 4 containing the comprehensive residential development, Council's responsibilities shall end at the boundary with a meter/valve and back flow prevention system.

Sewer

31. Full sewer reticulation discharging to Council's approved system shall be installed complete with any necessary manholes and a connection to Principal Units 1 - 69. This may include work outside the subdivision to connect to or upgrade existing systems. Discharge shall be via a private wastewater pump station and then to a private manhole before discharging to Council's system via a gravity line to the existing manhole in Parker Street.

Stormwater

32. A stormwater drain connection which drains to the approved system shall be provided to each of PU 1 - 69.
33. A full stormwater reticulation discharging to Council's existing 825 mm diameter pipe in Parker Street (corner of Parker Street and Te Maatu Drive) shall be installed complete with all necessary manholes, sumps, inlets, and a connection to each allotment. This will include work outside the subdivision.
34. Secondary flowpaths shall be created in accordance with the stormwater servicing plan attached in **Plans RM080175 and RM080360**.

35. Each allotment shall be recontoured to have a finished ground level of a minimum of 50mm above the crown of Parker Street, at the point where the internal access road comes out. There shall be a continuous fall to Parker Street.
36. Bare ground shall be revegetated as soon as practicable to minimise the movement of sediment within runoff.
37. Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare a Stormwater Design and Management Plan. This Plan shall be submitted to the Council's Engineering Manager for approval before any works commence. The Stormwater Plan shall set out the practices and procedures to be adopted in order that compliance with the conditions relating to stormwater can be achieved and the effects of the activity are minimised to the greatest extent practical. The Stormwater Plan shall, as a minimum, address the following matters:
 - a) Design plans for the components of the stormwater system
 - b) Design calculations
 - c) A construction-phase sediment management plan which identifies how sediment shall be controlled.
 - d) A maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection and sediment control measures of all the stormwater system.
38. The on-site stormwater detention pond shall be constructed to detain and slow release back into the principal system at a volume/capacity of 70m³/61 litres/second (increased to 200 m³ as per Connell Wagner Limited letter of 5 November 2008). The stormwater disposal system shall be designed in generally accordance with the information submitted to Council by Connell Wagner Limited dated 5 November 2008 on behalf of the applicant and plans received by Council on 7 November 2008 attached as stormwater plan in Plans RM080175 and RM080360.
39. Notwithstanding this consent, the stormwater disposal systems shall be designed in accordance with Tasman District Council's Engineering Standards and Policies 2008. If the Consent Holder chooses to install a system that does not comply with the Tasman District Council's Engineering Standards 2008, written approval from the Council for the design shall first be obtained.
40. The stormwater retention pond and associated works shall be completed and certified by a Chartered Professional Engineer to the satisfaction of Council's Engineering Manager prior to section 224 certification is issued for Stage 2 of this development.

Consent Notice - Stormwater

41. Pursuant to Section 221 of the Resource Management Act 1991, the following consent notice shall be registered on Unit Title Principal Units 1 - 69:
 - a) The property owners/body corporate is responsible for the maintenance and upkeep of the stormwater detention pond and associated system and keeping all parts of the system in good operational order at all times.
 - b) All systems associated with the stormwater discharge (such as the interceptors, connecting drains, swales, water tables, tanks and soak pits) shall be maintained in effective, operational order at all times.
 - c) All systems associated with stormwater shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.

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

Electricity and Telephone

42. Telephone and electric power connections shall be provided to all allotments and all wiring and such connections shall be located underground and be to the standard required by the supply authority. Confirmation of the above from the supply authority and a copy of the supplier's certificate of compliance shall be provided to the Council.
43. Electrical substations shall be provided as required by the supply authority. Substations shall be shown as "road to vest" on the survey plan if adjacent to a road or road to vest.
44. All above ground lines outside the subdivision site and on the same side of the street as the subdivision site shall be relocated underground.

Street Lighting

44. The consent holder shall provide street lighting in accordance with the Council's Engineering Standards and Policies 2008. This work will include the installation of cabling, poles, outreach arms, and lanterns.

Engineering Certification

45. The consent holder shall engage a suitably experienced and qualified Chartered Professional Engineer or surveyor to supervise the engineering works. At the completion of works, the consent holder shall provide to the Council written certification from the suitably experienced chartered professional engineer or surveyor. The certification shall contain sufficient information to enable the Council to determine compliance with the above conditions of this consent.

46. Certification that a site has been identified on each allotment suitable for a residential dwelling shall be submitted by a Chartered Professional Engineer or geotechnical engineer experienced in the field of soils engineering. The certificate shall define the area suitable for the construction of a residential dwelling on each allotment and shall be in accordance with Schedule 2A of New Zealand Standard 4404:2004, Land Development and Subdivision Engineering. Any limitations identified shall be imposed as consent notices on the relevant titles.
47. Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced registered engineer, certifying that the filling has been placed and compacted in accordance with New Zealand Standard 4431:1989 Earthworks for Residential Subdivision.

Advice Note:

This is required only if fill material is placed on any part of the site.

Engineering Plans

48. All engineering works associated this subdivision shall be shown on engineering plans and to the requirements as set out in the Tasman District Council Engineering Standards and Policies 2008 except where otherwise allowed by the conditions of consent.

Advice Note:

A certificate, pursuant to Section 223 of the Resource Management Act 1991, cannot be issued until the engineering plans have been received and approved by Council.

49. "As-built" plans of services shall be submitted to the Council's Engineering Manager for approval at the completion of the works and the approval shall be obtained prior to the issue of the certificate issued pursuant to Section 224(c) of the Resource Management Act 1991.

Maintenance Performance Bond

50. The consent holder shall provide Council with a bond to cover maintenance of any roads or services that will vest with Council. The amount of the bond shall be \$1,100 per allotment to a maximum of \$25,000, or a figure agreed by the Engineering Manager, and shall run for a period of two years from the date of issue of the section 224(c) certification for Stage 2 of the subdivision.

SUBDIVISION ADVICE NOTES

Tasman Resource Management Plan

1. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the relevant provisions of the Tasman Resource Management Plan and the Resource Management Act 1991.

Other Council Requirements

2. The consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Street Numbering

3. Street numbering will be allocated by the Council's Engineering Department at the time of application for the section 223 certificate.

The street numbers should be shown on the final plan and on the engineering plans.

Road Name Plates

4. The cost of a name plate for any new street or private way sign shall be met by the consent holder on application to the Council's Engineering Department.

Road Opening Permit

5. A Road Opening Permit will need to be obtained from the Council's Engineering Department to authorize the new crossings within the road reserve. Please contact the Council's Engineering Department for more information.

Development Contributions

6. Council's Engineering Department advise that all works carried out by the consent holder outside the subdivision are entirely at the consent holder's expense and no credits will be entered into in regard to development contributions.

Related Consents

7. Associated land use consent RM080360 has been granted to allow the construction of a comprehensive residential development on Lot 4.

Sprays

8. The site of the proposed residential development has been used in the past for commercial hop production that would have involved agrichemical spraying for pests and diseases.

Archaeological sites

9. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, and/or glass and crockery, ditches, banks, pits, old building foundations, artifacts of Maori and European origin or human burials. The applicant is advised to contact the New Zealand Historic Places Trust if the presence of an archeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Historical Places Act 1993. If any activity associated with this proposal, such as

earthworks, fencing or landscaping, may modify, damage, or destroy any archeological site(s) an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorized site damage.

7.2 Land Use Recommendation

That pursuant to Section 104B of the Resource Management Act 1991, the Council GRANTS consent to construct 69 dwellings and one garage containing four parking spaces as part of a comprehensive residential development on Lot 4 of subdivision RM080175.

Pursuant to section 108, this consent is granted subject to the following conditions:

Land Use Development

1. The development shall be undertaken in general accordance with the information submitted with the application and **Plans RM080175 and RM080360** dated (date of decision) attached to this Recommendation. Notwithstanding the above, if there is any conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.

Financial Contributions

2. That the consent holder shall, no later than the time of uplifting the building consent for each of the dwellings and garage, pay the relevant financial contribution for each building to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent component in accordance with the following:

Financial Contribution – Building	
Component	
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%
<p>Notes:</p> <p>(1) The financial contribution is GST inclusive.</p> <p>(2) The building consent value is GST exclusive.</p> <p>(3) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.</p> <p>(4) The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.</p>	

Building Coverage

3. The building coverage proposed shall not exceed that shown on the plan in **Plans RM080175 and RM080360** dated (date of decision) attached to this Recommendation.

Maximum Height

4. The maximum height of each dwelling shall be 6.5 metres above natural ground level except that the applicant volunteers that Units 29, 30, 40, and 41 are a maximum of 5.5 metres in height and do not have mezzanine floors.

Advice Note:

The applicant proposes that some dwellings will be only be 5.5 metres above natural ground level (those without mezzanine floors).

Floor Levels

5. Each dwelling shall have a minimum dwelling finished floor level (FFL) of 600mm above the crown of Parker Street opposite each unit.

Outdoor Living Areas

6. Each dwelling shall be provided with an outdoor living area to which it's occupants have exclusive rights of use.

Planting Plan

7. A Planting Plan detailing the planting proposed within the Village Green for each Phase of the development shall be provided to the Council prior to any building consents for the dwellings being lodged for the relevant Phase of the development. Planting shall be implemented by the November following the completion of each Phase of the development. All planting shall be maintained and plants shall be replaced within 3 months of dying.

Remove existing hops canopies

8. Prior to construction beginning on any dwelling, all existing hops canopies shall be removed from the site.

Screening Covenant

9. Prior to any building consents for the dwellings being lodged, a covenant pursuant to Section 108 of the Resource Management Act 1991 shall be entered into and registered against the certificate of title for the land on which each dwelling is to be located. The covenant shall state that:
 - a) A solid fence shall be maintained at all times on all side and rear property boundaries of Lot 4. This fence shall be 1.8 metres above the current ground level prior to any filling taking place at the boundary (not the filled ground level).

Note:

Some submitters are concerned that the boundary fence will be too high as it could be located on top of the proposed maximum of 400mm of fill on some parts of the site. In order to mitigate the potential amenity and shading effect, the fence height is measured from the current ground level at the boundary before any filling begins (not the filled ground level).

The covenant shall be entered into pursuant to Section 108(2)(d) of the Act and shall be registered against the titles pursuant to Section 109 of the Act. All costs incurred in preparing and registering the covenant shall be paid for by the consent holder.

Roading

10. The consent holder, at their cost, shall construct kerb and channel and a 1.4 metre wide footpath, and widen both Parker and Wilkie Streets (on the subdivision side of the road) to match the width on either side of the subdivision site, along the frontage (Parker Street and Wilkie Street to the corner of both roads) of the subdivision. The footpath shall be remote from the kerb and channel.

Advice Note:

The Council's Development Engineer advises that the berm area between the title boundary and the footpath may be planted in groundcovers rather than grassed provided that the plantings meet the Engineering Standards and Policies 2008 with regard to low ground covers and the location of underground services and are satisfactory to the Council's Engineering Manager. The planting shall not impede users of the footpath.

Vehicle Crossings

11. A vehicle crossing shall be formed and sealed to serve the internal road on the Common Property on Lot 4. The vehicle crossing shall be of a width of 6.0 metres, measured at the boundary of the site.
12. A vehicle crossing shall be formed and sealed to serve PU 69 (the caretakers' residence). The vehicle crossing shall be of a width, measured at the boundary of the site, of between 3.5 metres and 6.0 metres.
13. A kerb crossing shall be formed for PU 1- 30, and PU 37 – 68. Pram crossings shall be formed at the internal street intersections.

Advice Note:

Crossings are not required for PU 31 – 36 as they do not have their own specific parking spaces.

Access

14. The internal road on the Common Property on Lot 4 shall be formed, and permanently surfaced to a minimum width of 5.0 metres where it is one way and 6.0 metres where it is two ways together with kerb, channel, and sumps draining to the approved system. The minimum requirement for a permanent surface is a grade 4 chip first coat followed by a grade 6 void fill second coat. The seal formation shall extend to the back of the footpath/edge of road seal/kerb crossing.

Sight Distances

15. The vegetation located on the road reserve between the property boundary and the footpath shall be kept trimmed so that the permitted activity site distances specified in the Tasman Resource Management Plan shall be met at all times.

Parking Spaces

16. Two additional street parks shall be provided for the use of Units 31 and 32, located away from the intersection, either outside Units 30 or 39.

Advice Note:

This will avoid the need for people wanting to visit Units 31 and 32 to have to cross the road from the closest inset parking bay.

Water Supply

17. A water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings, and a Tasman District Council approved water meter shall be installed for each allotment. For Lot 4 containing the comprehensive residential development, Council's responsibilities shall end at the boundary with a meter/valve and back flow prevention system.

Sewer

18. Full sewer reticulation discharging to Council's approved system shall be installed complete with any necessary manholes and a connection to Principal Units 1 - 69. This may include work outside the subdivision to connect to or upgrade existing systems. Discharge shall be via a private wastewater pump station and then to a private manhole before discharging to Council's system via a gravity line to the existing manhole in Parker Street.

Stormwater

19. A stormwater drain connection which drains to the approved system shall be provided to each of PU 1 - 69.
20. A full stormwater reticulation discharging to Council's existing 825 mm diameter pipe in Parker Street (corner of Parker Street and Te Maatu Drive) shall be installed complete with all necessary manholes, sumps, inlets, and a connection to each allotment. This will include work outside the development.

21. Secondary flowpaths shall be created in accordance with the stormwater servicing plan attached in **Plans RM080175 and RM080360**.
22. Each allotment shall be recontoured to have a finished ground level of a minimum of 50mm above the crown of Parker Street, at the point where the internal access road comes out. There shall be a continuous fall to Parker Street.
23. Bare ground shall be revegetated as soon as practicable to minimise the movement of sediment within runoff.
24. Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare a Stormwater Design and Management Plan. This Plan shall be submitted to the Council's Engineering Manager for approval before any works commence. The Stormwater Plan shall set out the practices and procedures to be adopted in order that compliance with the conditions relating to stormwater can be achieved and the effects of the activity are minimised to the greatest extent practical. The Stormwater Plan shall, as a minimum, address the following matters:
 - a) Design plans for the components of the stormwater system
 - b) Design calculations
 - c) A construction-phase sediment management plan which identifies how sediment shall be controlled.
 - d) A maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection and sediment control measures of all the stormwater system.
25. The on-site stormwater detention pond shall be constructed to detain and slow release back into the principal system at a volume/capacity of 70m³/61 litres/second (increased to 200 m³ as per Connell Wagner Limited letter of 5 November 2008). The stormwater disposal system shall be designed in generally accordance with the information submitted to Council by Connell Wagner Limited dated 5 November 2008 on behalf of the applicant and plans received by Council on 7 November 2008 attached as stormwater plan in Plans RM080175 and RM080360.
26. Notwithstanding this consent, the stormwater disposal systems shall be designed in accordance with Tasman District Council's Engineering Standards and Policies 2008. If the Consent Holder chooses to install a system that does not comply with the Tasman District Council's Engineering Standards 2008, written approval from the Council for the design shall first be obtained.
27. The stormwater retention pond and associated works shall be completed and certified by a Chartered Professional Engineer to the satisfaction of Council's Engineering Manager prior to applications for building consent for any dwelling being lodged.

28. The following shall apply:

- a) The property owners/body corporate shall be responsible for the maintenance and upkeep of the stormwater detention pond and associated system and keeping all parts of the system in good operational order at all times.
- b) All systems associated with the stormwater discharge (such as the interceptors, connecting drains, swales, water tables, tanks and soak pits) shall be maintained in effective, operational order at all times.
- c) All systems associated with stormwater shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.

Electricity and Telephone

29. Telephone and electric power connections shall be provided to all allotments and all wiring and such connections shall be located underground and be to the standard required by the supply authority. Confirmation of the above from the supply authority and a copy of the supplier's certificate of compliance shall be provided to the Council.

30. Electrical substations shall be provided as required by the supply authority.

Street Lighting

31. The consent holder shall provide street lighting in accordance with the Council's Engineering Standards and Policies 2008. This work will include the installation of cabling, poles, outreach arms, and lanterns.

Engineering Certification

32. The consent holder shall engage a suitably experienced and qualified registered engineer or surveyor to supervise the works. At the completion of works, the consent holder shall provide to the Council written certification from the suitably experienced registered engineer or surveyor. The certification shall contain sufficient information to enable the Council to determine compliance with the above conditions of this consent.

33. Prior to the issue of building consent for any dwelling, certification that a site has been identified on each allotment suitable for a dwelling shall be submitted by a Chartered professional engineer or geotechnical engineer experienced in the field of soils engineering. The certificate shall define the area suitable for the erection of a dwelling on each allotment and shall be in accordance with Schedule 2A of New Zealand Standard 4404:2004, Land Development and Subdivision Engineering. Any limitations identified shall be imposed as consent notices on the relevant titles.

34. Where fill material has been placed on any part of the site, prior to the issue of building consent for any dwelling, a certificate shall be provided by a suitably experienced chartered professional engineer, certifying that the filling has been placed and compacted in accordance with New Zealand Standard 4431:1989 Earthworks for Residential Subdivision.

Advice Note:

This is required only if fill material is placed on any part of the site.

Engineering Plans

35. Engineering plans showing all engineering works associated this development shall be shown on engineering plans provided for approval by the Council's Engineering Manager, prior to application for a Code of Compliance Certificate for the dwellings under the Building Act.
36. "As-built" plans of services shall be submitted to the Council's Engineering Manager for approval at the completion of the works.

LAND USE ADVICE NOTES

Tasman Resource Management Plan

1. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the relevant provisions of the Tasman Resource Management Plan and the Resource Management Act 1991.

Other Council Requirements

2. The consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Related Consents

4. Please note that subdivision consent RM080175 has been granted to allow the subdivision of a comprehensive residential development of 69 Unit Title allotments on the subject site. A consent notice is required on the proposed allotments stating that the dwellings to be constructed must be in accordance with the approved land use plans.

Archaeological Matters

5. Council draws attention to the provisions of the Historic Places Act 1993 that require that in the event of discovering an archaeological find (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.

Advice Note – Development Contributions

6. The consent holder shall pay the required development contribution prior to uplifting any of the building consents for the development.

Council will not issue any building consent until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. If the required development contributions for the development have already been paid on the associated subdivision consent RM080175 then this will be taken into account in determining the development contributions payable in accordance with the Development Contributions Policy. Development contributions will be payable on 70 dwellings for this development (two new dwellings at Stage 1 and an additional 68 new dwellings at Stage 2).

Road Opening Permit

7. A Road Opening Permit will need to be obtained from the Council's Engineering Department to authorize the new crossings within the road reserve. Please contact the Council's Engineering Department for more information.

Sprays

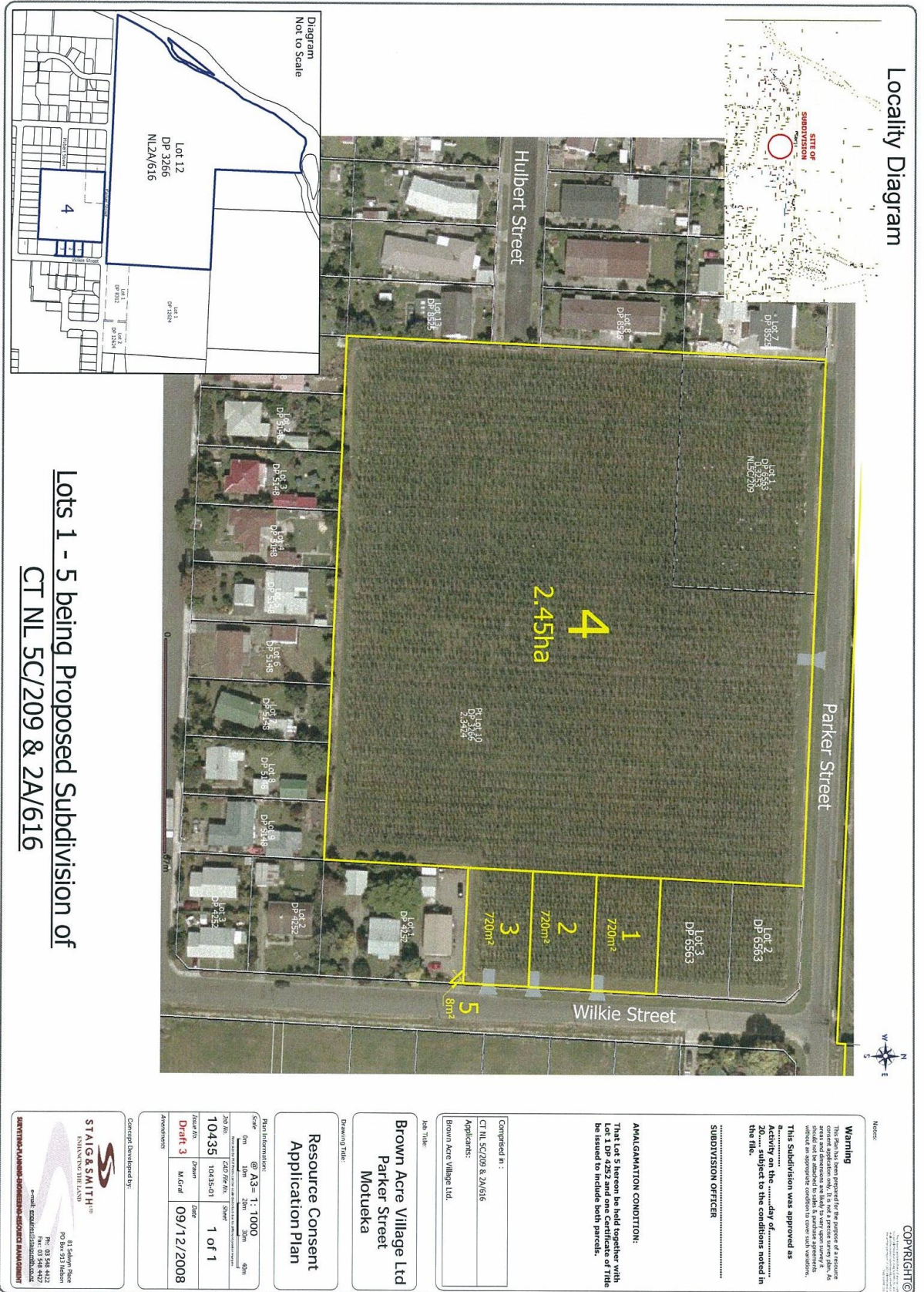
8. The site of the proposed residential development has been used in the past for commercial hop production that would have involved agrichemical spraying for pests and diseases.

Archaeological sites

9. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, and/or glass and crockery, ditches, banks, pits, old building foundations, artifacts of Maori and European origin or human burials. The applicant is advised to contact the New Zealand Historic Places Trust if the presence of an archeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Historical Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage, or destroy any archeological site(s) an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorized site damage.

Paul Gibson
Consent Planner

Subdivision Plan – Stage 1



**Lots 1 - 5 being Proposed Subdivision of
CT NL 5C/209 & 2A/616**

Locality Diagram



Notes:

COPYRIGHT ©

Warning
This plan has been prepared for the purpose of a resource consent application only. It is not a precise survey plan. As it is not a precise survey plan, it should not be used for any purpose other than that for which it was prepared, and without an appropriate condition to cover such variations.
This subdivision was approved as
Activity on theday of.....
2008 subject to the conditions noted in the file.
SUBDIVISION OFFICER

AMALGAMATION CONDITION:
That Lot 5 hereon be held together with Lot 1 DP 4252 and one Certificate of Title be issued to include both parcels.

Compared in :
CT TL 5C/209 & 2A/616
Applicants:
Brown Acre Village Ltd.

Job Title:
Brown Acre Village Ltd
Parker Street
Motueka

Drawing Title:
Resource Consent Application Plan

Plan Information:

Scale	@ A3 = 1:1000
Scale	0m 10m 20m 30m 40m
Zone No.	10435
Zone No.	10435.01
Zone No.	1 of 1
Draft	3
M. Ctrl'd	09/12/2008
Amendments	

Concept Developed by:

STAG & SMITH
CONSULTANTS LTD
81 Selwyn Place
PO Box 313 Nelson
Ph: 03 548 4422
Fax: 03 548 4423
e-mail: stag@stagandsmith.co.nz

SUBDIVISION PLAN - RESOURCE CONSENT APPLICATION

Subdivision Plan – Stage 2

Locality Diagram



Unit Plan of Proposed Lot 4

COPYRIGHT ©

Warning
 This subdivision was approved as a condition of a Resource Consent under the Resource Management Act 1976. It is not to be used in any way which is inconsistent with the conditions of the Resource Consent. It is not to be used in any way which is inconsistent with the Resource Management Act 1976. It is not to be used in any way which is inconsistent with the Resource Management Act 1976.

AMALGAMATION CONDITION:
 That Lot 6 be held together with Lot 1, DP 4252 and one Certificate of Title be issued to include both parcels.

Completed in: CT NL 52299 & 24/616
 Applicants: Brown Acre Village Ltd.

Brown Acre Village Ltd
 Parker Street
 Motueka

Resource Consent Application Plan

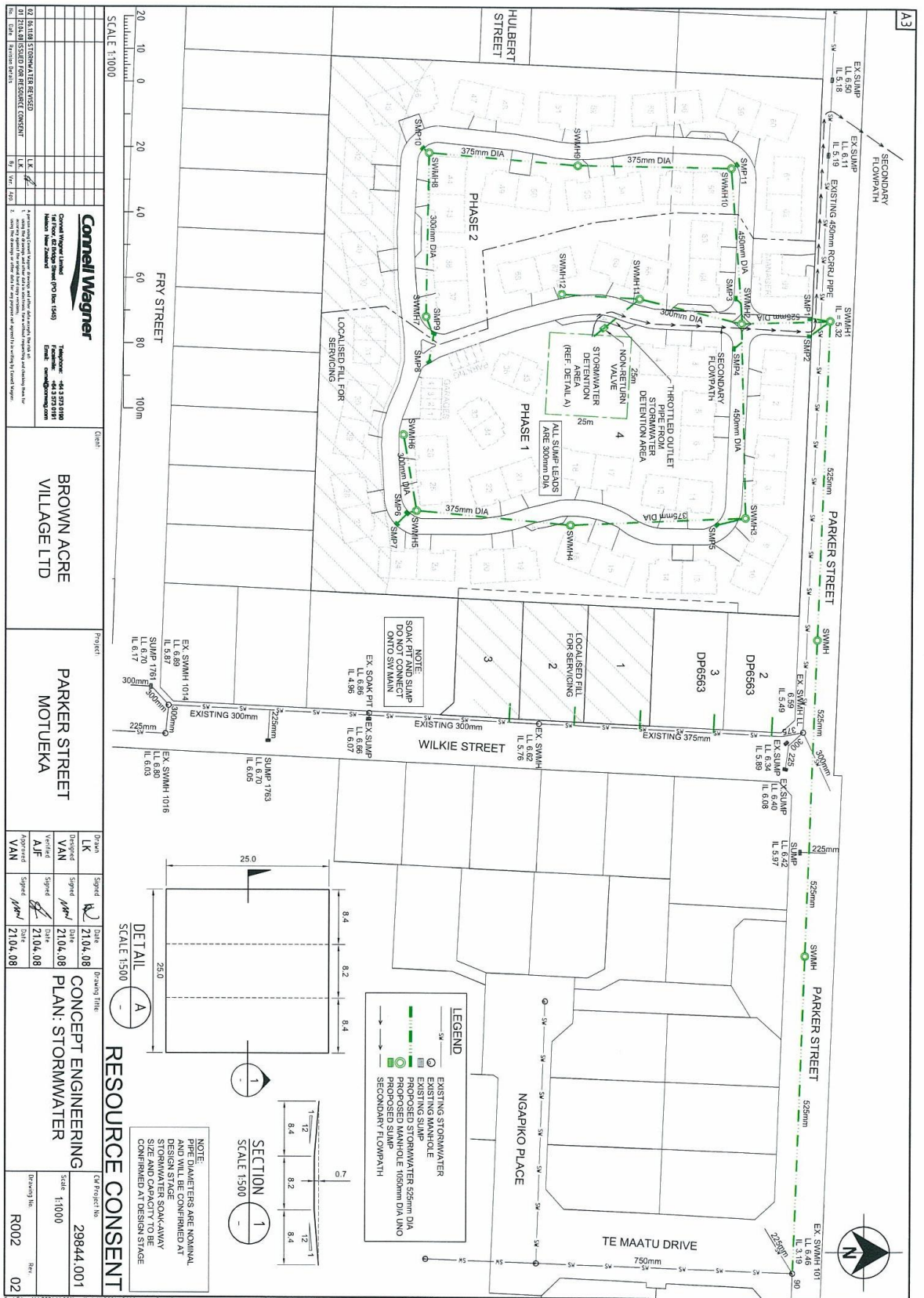
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Zone	10435
Zone	1 of 2
Date	09/12/2008
Author	M.Gold
Drawn	
Draft	3
Approved	

Concept Developed by

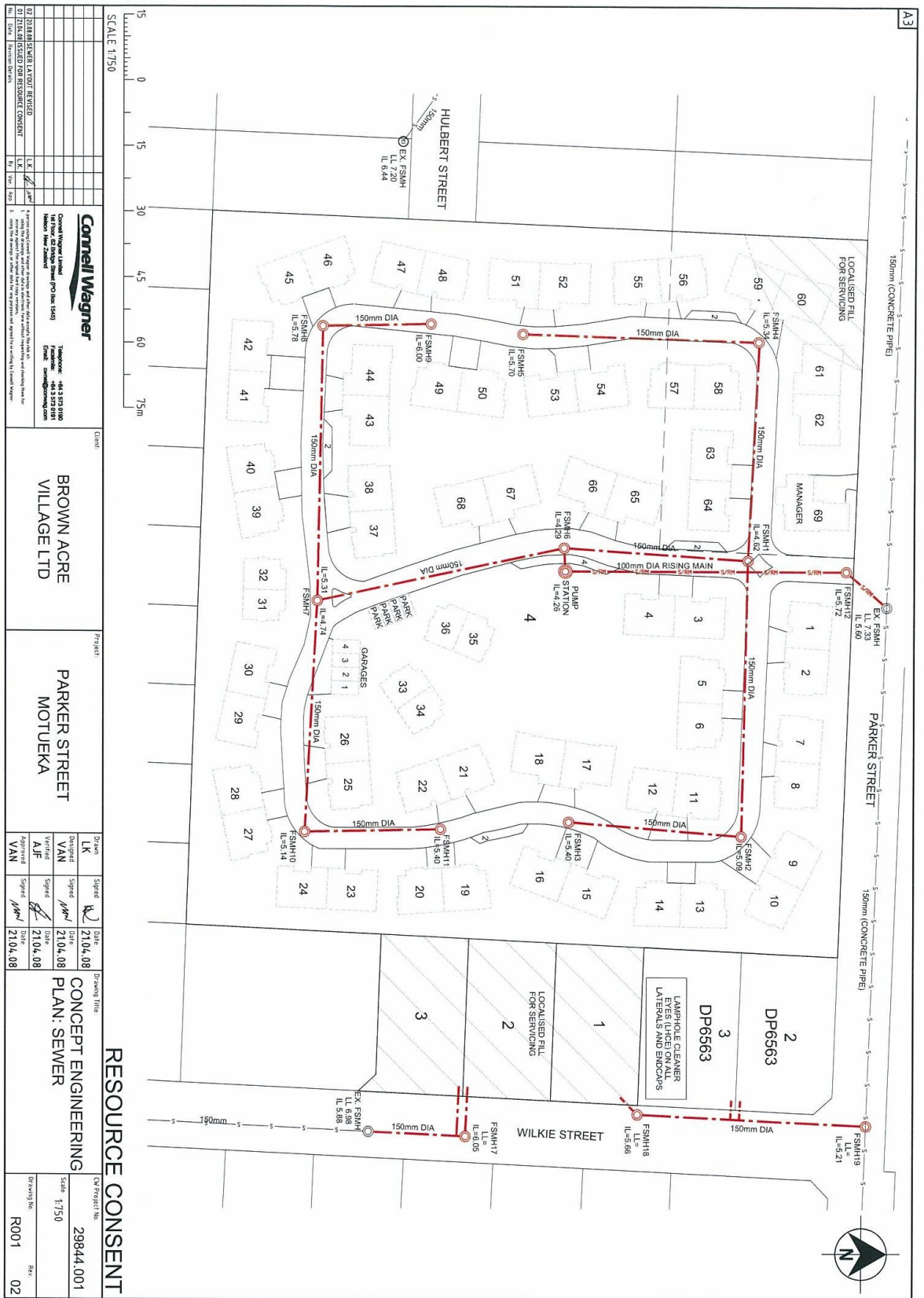


STIGS & SMITH LTD
 81 Soderum Place
 P.O. Box 913 Nelson
 Ph: 03 534 4422
 Fax: 03 534 4427
 e-mail: info@stigsandsmith.com

Concept Engineering Plan - Stormwater



Concept Engineering Plan - Wastewater



Connell Wagner Connell Wagner Limited 100 Main Street, Suite 100, Motueka, Tairāroa Telephone: +64 3 579 0100 Fax: +64 3 579 0101 Email: info@connellwagner.co.nz		Client: BROWN ACRE VILLAGE LTD		Project: PARKER STREET MOTUEKA	
Drawn: LK Checked: VAN Approved: VAN	Scaled: [Signature] Date: 21.04.08	Design Title: RESOURCE CONSENT Concept Engineering PLAN: SEWER	Drawing No: 29844.001 Scale: 1:750	Drawing No: R001 Rev: 02	Date: 21.04.08

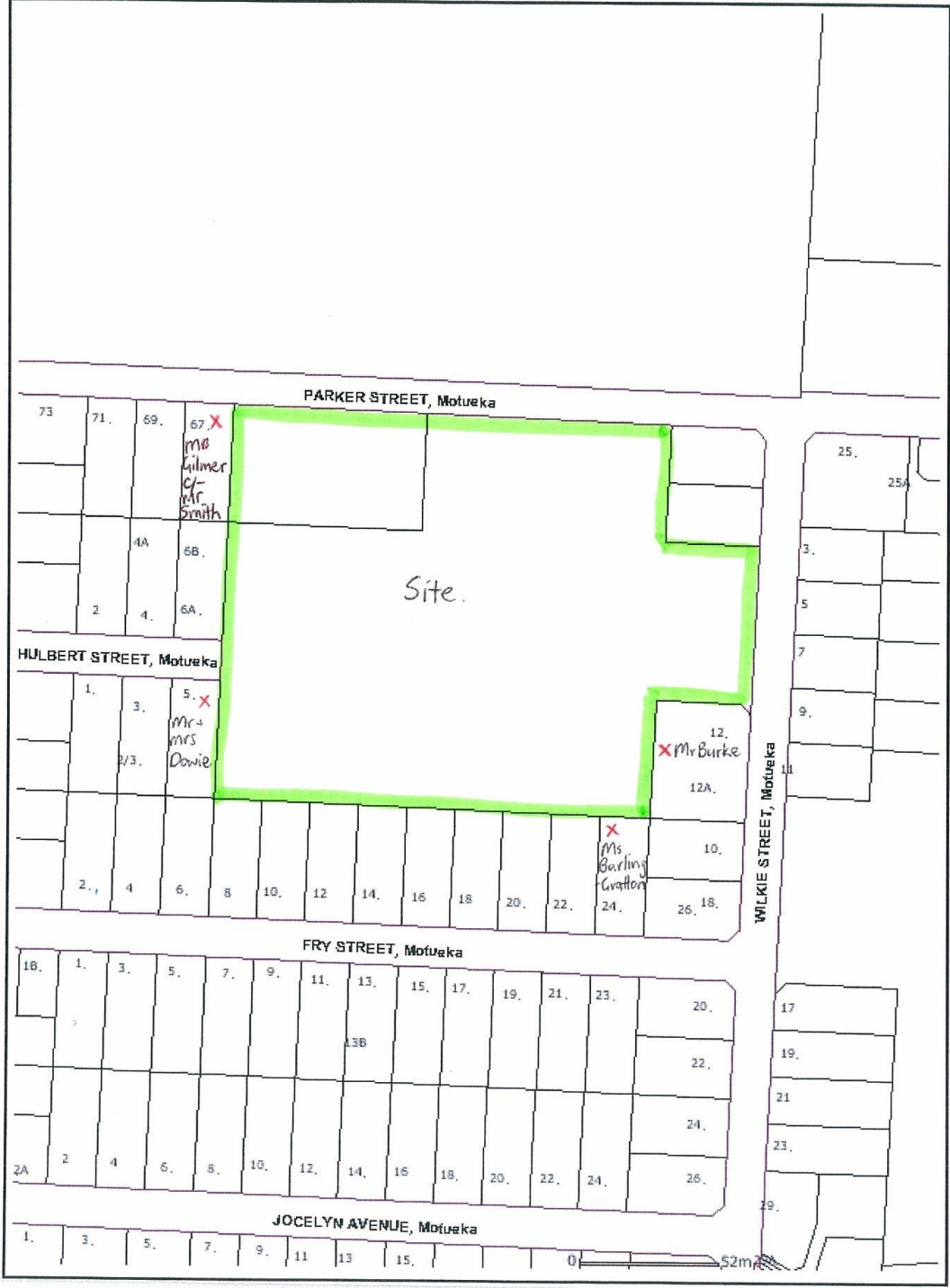
APPENDIX 1
Aerial Photograph



APPENDIX 2 Location of Submitters

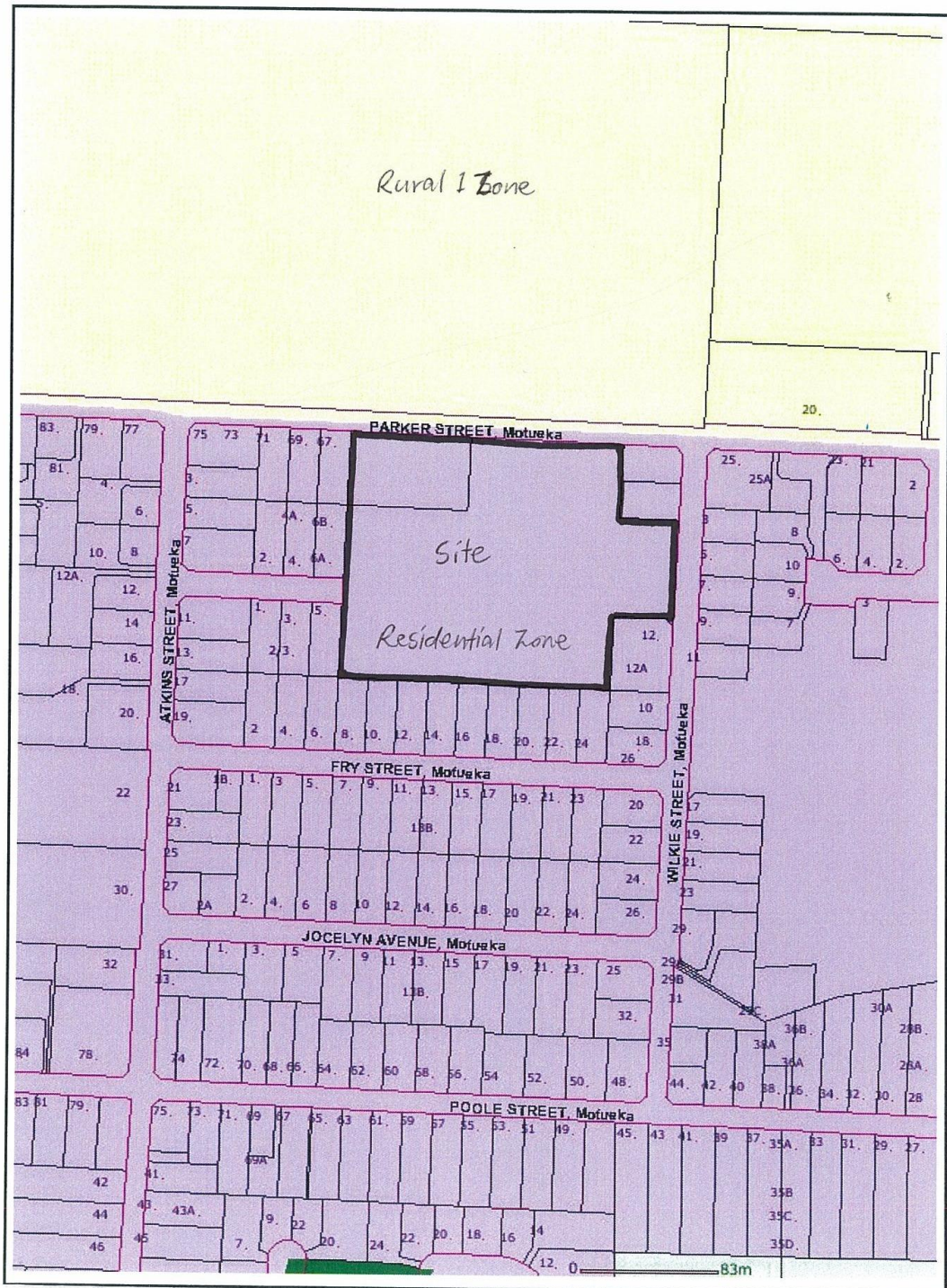
X = submission received.

Note: the other 4 submitters are outside this map.



APPENDIX 3

Tasman Resource Management Plan Zoning Map



TO: Chair and Members, Environment & Planning Hearings Committee
FROM: Dugald Ley, Development Engineer
DATE: 20 November 2008
REFERENCE: RM080175
SUBJECT: **BROWN ACRE VILLAGE – 68 RETIREMENT VILLAS PLUS ONE CARETAKER'S DWELLING AND THREE LOTS FOR NORMAL RESIDENTIAL DWELLING – WILKIE STREET**

1. INTRODUCTION

The existing 2.45 hectare property previously farmed for hops is set out in the application. In essence the property fronts both Parker Street and Wilkie Street with the principal access to the retirement village off Parker Street. Three lots will be created off Wilkie Street and it is proposed that these be developed for similar housing as that being constructed opposite.

2. BACKGROUND

The property is zoned residential and infrastructural services with limited availability are located in the vicinity to supply the development. Respective services are discussed individually below.

Water

Existing water mains services from Council's supply are available in both streets and a principal main into the development will be connected via the main complex entrance off Parker Street. This new private 100mm diameter main will be metered at the boundary with a backflow prevention device. As mentioned, water supply within the development will be private. The three new lots in Wilkie Street will have individual residential connections from the existing line in that street. Appropriate connection fees and development contributions will be required to be paid at the time of 224 certification and at the time of building consent for the rest home development.

Stormwater

The property is slightly elevated in parts and the "lie of the land" is generally toward the north-west. Stormwater will be disposed via a new line to be connected to the existing 825mm pipe outside Te Maatu Drive. Secondary flows will be directed to the low flow swales in the locality. Existing stormwater pipes are in place in both Parker and Wilkie Street outside the subdivision that will service Lots 1 to 3.

As a result of the development parts of the existing pipe reticulation network are required to be upgraded and this is shown on the concept engineering plans supplied with the application.

Part of the application also proposes to detain stormwater on site. The applicant has confirmed that stormwater disposal can be achieved and pipe design, reticulation and detention designs are to be confirmed at engineering plan submission stage and certified by a chartered professional engineer.

Wastewater

Existing wastewater reticulation is available in both Parker Street and Wilkie Street and a short distance away in Hulbert Street. In parts of Atkins Street the wastewater is required to be gravity-fed to the existing pump station located outside 4 Atkins Street and then pumped to the gravity main in Parker Street. The applicant is proposing provision of a new private pump station within the property and discharging via gravity to Council's supply. This is accepted by Engineering subject to the design being confirmed at engineering plan stage.

Roading

Access to the main development will be from a new entrance off Parker Street. The three lots off Wilkie Street will have normal access crossings formed as part of the subdivision prior to a 224 certificate.

The internal road layout shows a one-way system around the outside ring-road system with the central road being two-way. Generally the widths shown are adequate in this private/slow speed environment.

The majority of villas have been provided with at least one car park each and at strategic locations visitor parking and separate garages are available. Units 31 to 36 have not been provided with car parking and an attached report by MWH comments on the relevance of this. As the applicants will ultimately be marketing these units, they should have a good idea on their "marketability" and therefore it is a minor concern to Engineering. Suffice to say as per the MWH recommendation that adjacent "common" car parks could be located in close proximity to these units.

It is likely that the residents will have either vehicles, mobility scooters or will walk to areas such as the shops and surrounding services, i.e. facilities in High Street, shops, churches etc. Therefore it is appropriate that the frontages be formed up with kerb and channel, berms and footpaths to mitigate the effects generated by this proposal. Consequently, frontage upgrades shall form a condition of consent should the application be approved.

The upgrade is similar to that imposed on the recent subdivision for Te Maatu in Parker Street. That upgrade also included forming the footpath down to High Street which was "outside" the frontage to the subdivision. It has been requested that the berm area between the footpath and lot boundary along Parker Street should not be grassed and this is accepted subject to meeting the engineering standards in regard to low ground covers and the location of underground services. The alignment of kerb and channel is likely to be similar to that adjacent to the development however this aspect will be checked at engineering plan stage.

Should the application be approved, it is suggested that consent conditions be imposed regarding private access names, street numbers, access, water supply, sewer, stormwater, cabling, electricity, street lighting, engineering certification, easements, maintenance performance bond, and the provision of engineering plans.

Dugald Ley
Development Engineer



Correspondence Out No.13137

**TASMAN DISTRICT COUNCIL
CONTRACT NO 461/662 - PROFESSIONAL SERVICES
REPORT FOR DEVELOPMENT ENGINEER**

Date: 16/07/2008
To: Dugald Ley
Copy to:
Reference: Z20000001
Subject: Brownacre RM080175
Status: Draft for Client Comment

Council has asked MWH to assess the roading issues of a proposed subdivision to create a comprehensive residential development, in particular to the suitability of the proposed onsite parking arrangement. The subdivision fronts Parker Street and Wilkie Street and is discussed in more detail in the application for Subdivision, Land Use and Discharge Consent dated 21 April 2008.

PARKING

There are six units without garages or car parks. The applicant proposed to build these units to cater for residents that do not drive and thus do not want to pay the additional costs associated with an attached garage. The 6 units will still generate parking demand from visitors, service personnel and health care professionals so some parking is required. The applicant proposes 4 inset on street car parks outside Lots 33, 34, 35 & 36. The PTRMP requires two dedicated car park spaces per lot however given that the owners will not own a car this arrangement adequately addresses the parking demand.

People wanting to visit Lots 31 and 32 would have to cross the road from the closest inset parking bay and thus MWH recommend that at least 2 on street parks are provided near lots 31 & 32. Ideally these would be located away from the adjacent intersection and are probably best located outside either Lot 30 or 39.

MWH have reviewed the application and note that for all remaining lots a car park in the garage and a 5.0m minimum length car park between the road and the garage door complies with the intent of Figure 16.2D of the PTRMP.

PARKER STREET ACCESS

The sight distance, lighting and grades at the main access between the internal road and Parker Street is critical to ensure road safety to the aged residents that this development caters for. Aged drivers require increased reaction time and thus the angle of the brick entrance fence and the vegetation between the boundary and footpath will require special attention at design time to ensure the minimum requirements are exceeded.



PARKER AND WILKIE STREETS

Parker and Wilkie Street are below PTRMP standard and will require widening, a footpath, and upgrades to the lighting to comply with the TDC Engineering Standards. It will be important to ensure that the geometry of the widening is located in the most appropriate place so that it lines up with the recent widening closer to the State Highway and is best located in the current road reserve at the applicant's site. The intersection of Wilkie and Parker Streets will also require upgrading to include signs and lines to the current 'Manual of Traffic Signs and Markings (MOTSAM)' standard for the proposed traffic volumes.

This report has been prepared solely for the benefit of Tasman District Council. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply notwithstanding that the report may be made available to other persons for an application for permission or approval or to fulfil a legal requirement.

Prepared by: Rhys Palmer
Date: 16/07/2008

Reviewed by: Ray Fifth
Date: 17/07/08

Yours faithfully

MWH NEW ZEALAND LTD

Rhys Palmer

ROADING ENGINEER

Environment & Planning Department

TO: Paul Gibson
FROM: Megan Kennedy
DATE: 3 December 2008
FILE NO: RM080175 & RM080360
RE: **Land use and subdivision Resource Consent Applications: Brown Acre Village Ltd**

Stormwater comments for Brown Acre Village Limited

The applicant's proposed to discharge directly into the Tasman District Council network, however the system can not directly cater for a one in 20 year return event. Therefore the remaining volume is proposed to be held in a detention pond onsite, and fed back into the network at a low rate.

The Engineering Department of Council has agreed that this method is appropriate and that the Council network can cope.

Rule 16.3.3.2 (c) of the TRMP states that the discharge shall comply with Rule 36.4 of the TRMP.

It is considered that this stormwater discharge is permitted and meets Rule 36.4.2. It is accepted that there will be some soakage from the detention pond and this is allowed for in Rule 36.4.2 (k).

It would be appropriate to require the stormwater detention area as part of Stage 2 of the development.

Megan Kennedy
Consent Planner – Natural Resources

Environment & Planning Department

TO: Paul Gibson

FROM: Eric Verstappen

DATE: 4 December 2008

FILE NO: RM080175 & RM080360

RE: **Land use and subdivision Resource Consent Applications: Brown Acre Village Ltd**

The FFL of 150mm above the crown of the adjacent roads as suggested in the application is insufficient to mitigate potential natural hazards.

I understand that from an Engineering Department perspective, the subdivision sections need to have a finished GL of a minimum of 150mm above the crown of Parker Street, where the subdivision access road comes out.

The minimum FFL of housing needs to be a minimum of 225mm above the section finished GL, as per Building Code requirements. This makes the min FFL of housing at least 375mm above the crown of Parker Street, as taken at the subdivision entry.

This does not allow for possible flooding hazard from the Motueka River in a stop bank failure scenario – a small risk but in the 1-2% AEP range at present. As this area is in a reasonably “at risk” area from such overland flow, I recommend that the min FFL of housing in the subdivision prudently takes this into account.

It is therefore suggested that having a minimum dwelling FFL of 600mm above the crown of Parker St would be appropriate to mitigate this risk.

Eric Verstappen
Resource Scientist – Rivers and Coast

5 November 2008

Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Attention: Dugald Ley and Megan Kennedy

Dear Dugald and Megan

Brown Acre Village Ltd

Our Ref: 29844

Request for Further Information RM080361

Tasman District Council (TDC) in their letter of 31 October 2008 has requested further information on the above Resource Consent Application. We address points 1 – 3 of this letter relating to stormwater below. We have also included further information on the proposed sewer design, which has changed from that initially submitted.

1. Stormwater Retreatment

Based on recent correspondence with TDC the stormwater concept has been amended to convey a portion of the site's stormwater to TDC reticulation on Parker Street east. A new connection has been provided into the existing 825 mm dia culvert in Parker Street. It has been advised by TDC (TDC letter of 17 October) that this culvert can cater for a maximum additional flow of 324 litres/second in the Q₂₀ event. We confirm that stormwater flows from the Brown Acre site into this reticulation will be limited to 324 litres/second. Based on this flow the Parker Street culvert connection has been sized at 525 mm.

2. Detention Area

We advise that the stormwater volume not able to catered for by the 825 mm dia culvert will be managed within the site by means of a detention area. The detention area will be established within the Village Green area of the development.

Based on the accepted generated stormwater flows from the development of 386 litres/second (TDC letter of 17 October) there is a need to attenuate the balance of 61 litres/second within the site in the Q₂₀ event. TDC in their letter of 24 September has advised that this is equivalent to 70m³ of storage. In order to provide sufficient additional capacity the detention area has been sized to store a maximum of 200 m³ during the Q₂₀ event.

For simplicity a footprint of 25 m x 25 m has been adopted and is shown on the concept plan. During final design it is likely that a shape more in keeping with the overall aesthetics of the Village Green will be adopted. This will not affect the design detention volume, which will remain at 200m³ at Q₂₀.

The invert of the detention area will be 700 mm below surrounding ground levels. This level is well above the groundwater levels of 1.8 m as assessed in our site investigations. It is also well above the highest groundwater levels recorded in October 2007 in the TDC monitoring wells GW 2179 and GW 2181 at the western end of Parker Street.

The area will be maintained largely in grass with some plantings of shrubs and trees. The berms will slope at a gradient of 1 in 12 (12H: 1V). This will allow for both access for maintenance purposes (mowing etc) and also provide a suitable grade for residents traversing the area. Some gravel lined areas will be necessary, particularly at the base invert level of the detention area and at the outlet.

While there is likely to be some incidental soakage to ground, no formal soakage design is proposed. For events smaller than the Q₂₀ event the detained stormwater will build up within the area. The pond will have an outlet that will be sized to throttle the overall peak discharge rate to no more than the maximum 324 litres/second in the Q₂₀ event. A non-return valve will be installed in the outlet to prevent any surcharge. Following the peak of the rainfall event this stored runoff will then be released back into the reticulated system. For events larger than the Q₂₀ event, the secondary flowpath will be utilised.

The proposed scheme is shown on amended drawing R002.

3. Secondary Flows


Secondary flowpath is required for all flows over the Q₂₀ event. The proposed secondary flowpath makes use of the existing low overflow channel that crosses Parker Street at the northwestern corner of the site. This approach is consistent with that identified in Item 4 of TDC letter of 24 September. Secondary flowpaths within the development will be along the proposed internal road, which will fall from south to north towards Parker Street. A secondary flowpath will be provided for the detention pond in the vicinity of the parking area on the eastern side of the central internal road. The proposed flowpath is shown on amended drawing R002.

The overflow flowpath across Parker Street is already in existence and flows from the undeveloped land are likely to utilise this area at events less than Q₂₀. As the developed flows will only use the flowpath for events greater than the Q₂₀ event there will be a reduction in the actual or potential adverse effects from properties to the north of Parker Street under the proposed scheme.

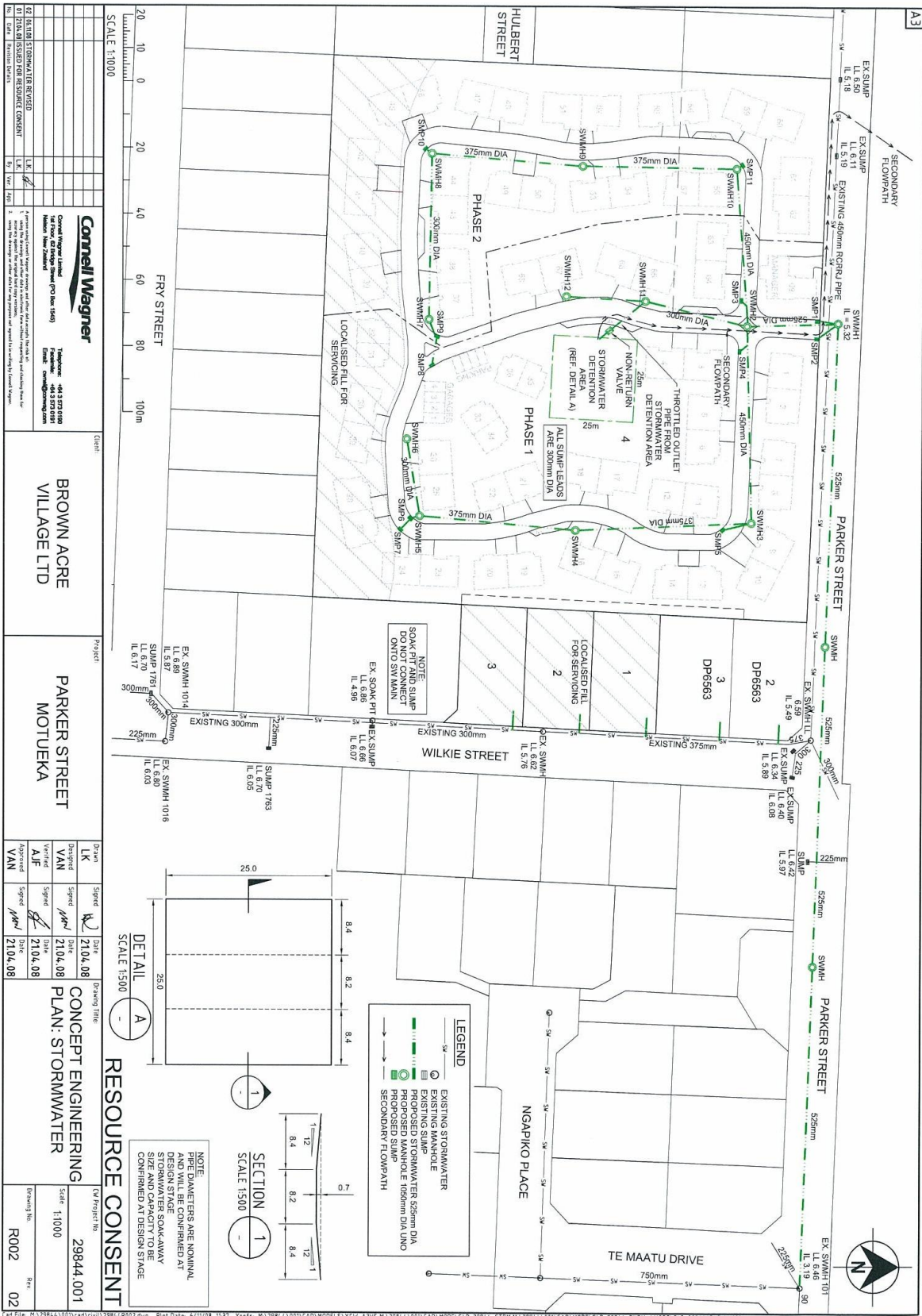
4. Sewer

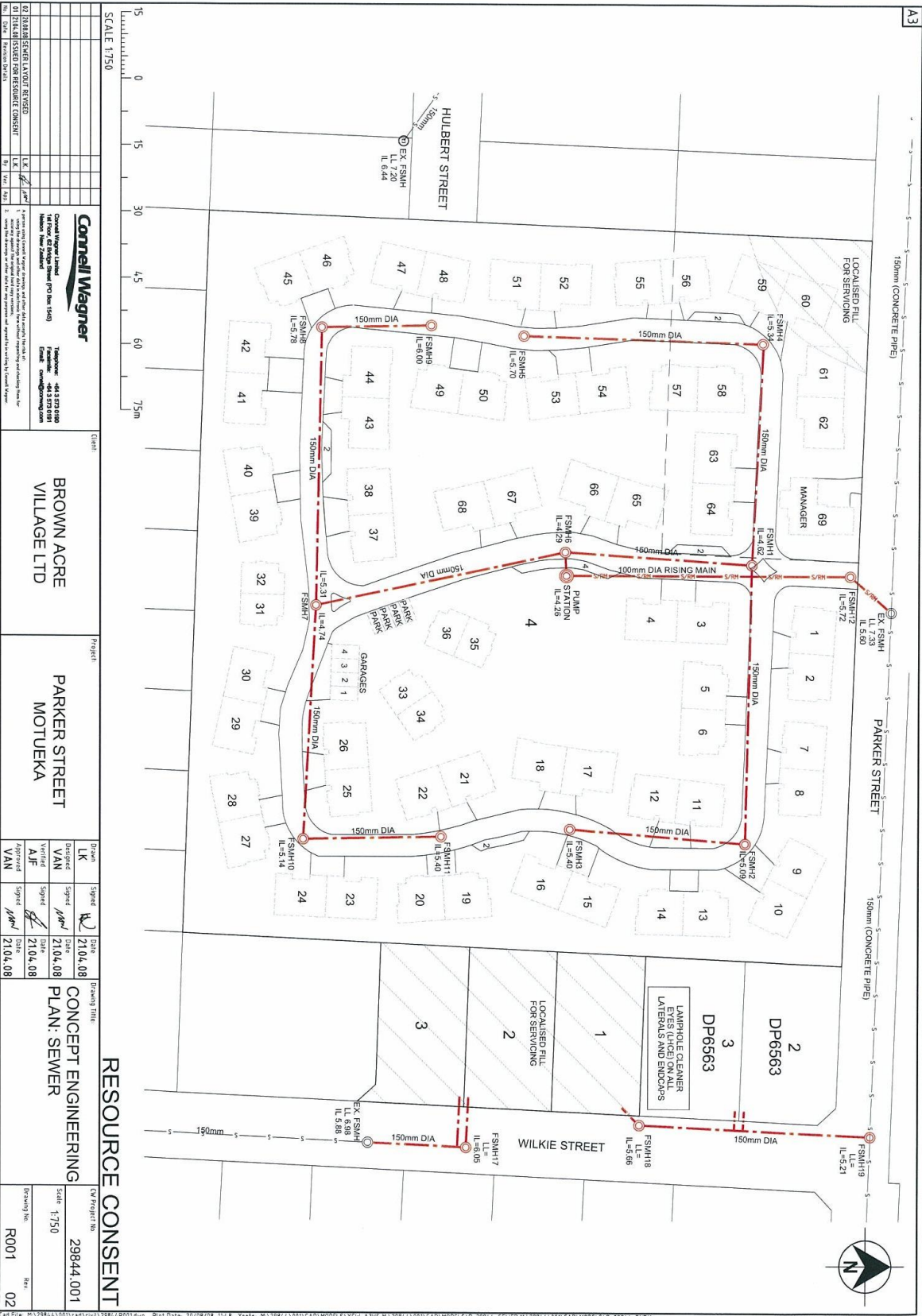
There has also been changes to the proposed sewer concept. The previous proposal was for a sewer pump station to be incorporated adjacent to Wilkie Street in the vicinity of proposed Lot 3. The current scheme has the pump station sited within the site in the vicinity of the Village Green area. From the pump station there will be a connection into the existing 150 mm sewer on Parker Street. There have also been some minor amendments to the servicing of the two existing lots (Lots 2 and 3 DP 6563) and the three proposed lots (1, 2 and 3) on the Wilkie Street frontage. The proposed scheme is shown on amended drawing R001.

Yours faithfully


Neil Barr
Senior Engineer

Cc: Neil Barr, Connell Wagner, PO Box 1591, Wellington 6011.
John Welch, 2 Nikau Road, Lower Hutt 5013.
Jane Bayley, Steig & Smith, PO Box 913, Nelson 7040.





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Drawn: LK Checked: JAV Date: 21.04.08	Site: JAV Date: 21.04.08	Drawing Title: RESOURCE CONSENT CONCEPT ENGINEERING PLAN: SEWER	
Drawn: JAV Checked: JAV Date: 21.04.08	Site: JAV Date: 21.04.08	Drawing No: 29844.001 Scale: 1:750 Drawing No: R001 Rev: 02	