

Report No:	REP12-09-13
File No:	RM110351, RM110812, RM10802
Report Date:	13 September 2012
Decision Required	

Report to: Environment & Planning Subcommittee
Meeting Date: Monday, 24 September 2012
Report Author: Pauline Webby, Consent Planner Subdivision
Subject: RM110351 (Subdivision)

1. SUMMARY OF PROPOSAL

This application seeks to subdivide CFr's NL13C/339, NL10D/126, and NL 10C/587, NL5A/1272, NI13A/47(LH) and NL5A/1205(FH), NL3D/1110 with a total area of 12 hectares into 103 low, medium and high density residential allotments together with associated roading and a 2082m² recreation reserve to vest with Council. The suite of applications includes subdivision, land use and earthworks for recontouring the site.

A small area of roading (roads 6 and 7) and the stormwater attenuation pond do lie within the Rural 1 zone and account for approximately 1.7 hectares of land.

The application site is zoned residential. This land was zoned residential on 14 August 1999.

1.1 Purpose of Report - Limitation of Matters

Please be advised that the Chair, Councillor Tim King, has directed that the scope of the hearing be limited to the following matters that he considers to be in dispute:

The direct effects of the proposed access locations onto Pah Street and Grey Street on the submitters (e.g. traffic, noise, dust, privacy, amenity).

Any landscaping or design considerations at the proposed access locations.

The height of buildings (including dwellings) immediately to the rear of 79 and 81 Pah Street.

The desired outcome(s) sought by parties in relation to the above matters, including any mitigation measures.

Construction effects of the subdivision in terms of the access points and loss of amenity for the subdivision.

On this basis, the Chair has directed that the various reports, evidence and submissions to be prepared for the hearing be limited to these matters. This direction has been made under Section 41C(1)(b)(iii) "*Limited to matters in dispute*" of the Resource Management Act 1991.

2. STATUS OF APPLICATION

Zoning: Residential and Rural 1 in part
Areas: Land Disturbance 1

Activity	Relevant permitted rule	Applicable rule	Status
RM110351-Subdivision in residential zone	Nil	16.3.3.3	Discretionary

Overall the proposal is a discretionary activity.

3. NOTIFICATION AND SUBMISSIONS

3.1 Written Approvals

Prior to notification written approvals were received from:

- JT Cunningham, 28 Grey Street, Motueka

Pursuant to Section 104(3)(a)(ii) of the Act the decision-making panel must not have any regard to any effect on these parties.

3.2 Notification

The application was limited notified to:

- GB Douch and MA Woodford, 81 Pah Street, Motueka
- GM and SG Bennett, 79 Pah Street, Motueka
- AK and AD Read, 34 Grey Street

3.3 Submissions

Neutral submissions

Submitter	Reasons	Heard?
GM and SG Bennett	Concerns with being overlooked by height of building on new allotments, requiring a suitable fence to mitigate traffic noise and maintain privacy from pedestrians.	N
GB Douch and MA Woodford	Loss of rural feel to section Traffic noise	Y

Submissions in opposition

Submitter	Reasons	Heard?
AK and AD Read	Traffic noise and safety Dust effects arising from construction effects of subdivision, Loss of privacy	Y

These parties' properties are shown in Appendix D.

3.4 Comments on Submissions

All parties were concerned about the effects of traffic generated from the proposed new access intersections and roads into the subdivision. Their concerns related to the loss of amenity and privacy on their properties now they will effectively have corner sites with additional buildings to the rear on new allotments. GM and SG Bennett also sought that Council grant consent. Submissions should be read to ensure the full scope of their submissions.

4. STATUTORY CONSIDERATIONS

Section 104

A decision on this application must be made under Section 104 of the Act. The matters for the Council to address are:

Part 2 (Sections 5, 6, 7 and 8)
Effects on the environment (positive and negative)
Objectives and Policies of the TRMP
Other matters

5. SECTIONS 6, 7 AND 8

Other matters

S.7(c) the maintenance and enhancement of amenity values.

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

6. KEY ISSUES

6.1 The direct effects of the proposed access locations onto Pah Street and Grey Street on the submitters (e.g. traffic, noise, dust, privacy, amenity);

Objective 11.1.2

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.

Policy 11.1.3.4

To avoid, remedy or mitigate adverse effects of traffic on amenity values.

Objective 11.2.2

The avoidance, remedying, or mitigation of adverse effects on the environment from the location, construction, and operation of the land transport system, including effects on:

(b) the amenity of residential areas,

Policy 11.2.3.3

To promote transport routes, and approaches and methods of design, construction, and operation which avoid, remedy, or mitigate adverse effects on:

(a) the health and safety of people and communities; in particular, cyclists and pedestrians;

(b) amenity values of neighbourhoods and areas of special character.

Part 2 matters that are applicable to this application are: *“the maintenance and enhancement of amenity values.”*

All three submitters will, as a result of this 103 lot subdivision proposal, have a boundary with an access road into the proposed subdivision, their properties effectively become corner sites. The two submitters that adjoin the access from Pah Street do in effect have an entry point into the land that has been used in a rural productive manner over past years and this could be perceived as being a good indicator that the area will be a future access point into the residential land. However it is not considered as obvious that the 34 Grey Street submitter may have had a future access from Grey Street adjoining their property into the subdivision as there is no indicative road or access lots with splays as there are located further down Grey Street.

It is acknowledged that there will be a change in the road noise effects. To mitigate these effects the application has created a very wide access from Grey Street with a total road reserve width of 23.50 metres, and a 9 metre wide berm with footpath and landscaped area along the Mr and Mrs Read’s northern frontage.

For Pah Street, the road reserve is 18 metres with a 5.5 metre wide berm footpath and landscaping area along the west and eastern boundaries of both submitters in this location.

Submitters raised concerns at the location of the carparking shown on the scheme plan (Plan A) in the Pah Street entrance and the possibility of disruption from the opening and closing of doors when cars being parked here.

Council Engineers have indicated that this is not considered to be issue that they consider a priority.

As the access connections from both Pah Street and Grey Street into the proposed subdivision are consistent with the TRMP and TDC engineering standards 2008 it is considered that they are also consistent with the TRMP policies and objectives. Therefore the proposed roading layout is not considered to have any adverse effects in terms of traffic safety that are more than minor. However it is acknowledged that this change does have a localised impact on the three submitters in terms of their perceived residential amenity values.

The engineering memo refers to indicative roading patterns that show future connections to Pah Street and Whakarewa Street, it should be noted that these are referring to the Motueka West Draft Plan Change which given its draft status cannot be given any weighting in terms of this assessment. It is not realistic that all submitters would be aware of this early stage planning document.

As part of the earlier mediation meeting between Council staff, Wakatu Incorporated representative and submitters, a design for a wooden acoustic fence was offered by Wakatu as mitigation for increased traffic noise and loss of privacy resulting from each property having another boundary with a road. It is considered that this would be an effective mitigation for the loss of privacy and enable some reduction in traffic noise.

Council's engineer has provided their perspective on traffic effects in the memo attached as Appendix B. The following comments on potential traffic calming measures are extracted from this memo

“The applicant’s plan shows road threshold treatments from other intersections within the site and these tend to slow traffic speeds and allow for safe pedestrian movements. These features have been used in the past to denote that vehicles are coming into a residential area and it is not a through road. An example of this is the brick paving used on Washbourne Drive leading up to Hill Street, Richmond.”

and

Notes, “road humps are not ideal as some drivers use them inappropriately and tend to speed. Threshold treatments and a restricting of the road carriageway width (side friction) tend used to slow vehicles and could be used as they will be throughout the rest of the development as shown on the application plan.”

6.2 Any landscaping or design considerations at the proposed access locations.

The berms and proposed landscaping that are on either side of the carriageway are designed to provide a green treed aspect with wide verges and a cycle path towards Grey Street. This is considered to contribute to provision of quality amenity values for this residential subdivision.

6.3 The height of buildings (including dwellings) immediately to the rear of 79 and 81 Pah Street.

The submitters adjoining the Pah Street access expressed concerns about a two storey building being located close to their south boundary and creating privacy concerns. This concern was allayed once it was explained what the impact of setback rules and daylight controls had on the envelope in which a building could be constructed. The effect of these controls will constrain a two storey development in close proximity to a boundary.

6.4 Construction effects of the subdivision in terms of the access points and loss of amenity for the subdivision.

The proposal includes provisions for management of construction and site works, including an Environmental Management Plan to avoid and mitigate adverse effects that may arise from construction activities such as noise dust, stormwater and silt runoff. These effects are considered to be no more than minor short term and temporary effects and these can be mitigated by conditions of consent.

- 6.5** The desired outcome(s) sought by parties in relation to the above matters, including any mitigation measures.

From the mediation meeting it was not apparent that the concerns of Mr and Mrs Read and family (34 Grey Street) and Mr Douch and Ms Woodford (81 Pah Street) could be resolved to their satisfaction given what was offered as mitigation by Wakatu Incorporated was limited to a Wooden Acoustic Fence.

7. SUMMARY OF KEY ISSUES

- a) Acoustic fences are considered to mitigate the adverse effects in terms of traffic noise and loss of amenity this potentially creates and including this as a condition of consent is considered reasonable.
- b) Reducing the carparks that adjoin 79 and 81 Pah Street has the potential for adverse amenity effects in terms of car door and associated noise to be reduced, although this measure is not supported by Engineering Staff
- c) Construction effects are considered to be adequately controlled by conditions of consent and effects are further reduced by the temporary and staged timing of the works.
- d) This subdivision is utilising land that has been zoned residential since 1999 which has remained undeveloped for the last 13 years, giving a rural aspect to those parties who live next door, however it is considered that the zoning provides clear guidance on the future intended use of this land for residential allotments with associated roading connections and traffic.
- e) An interim copy of subdivision conditions are included with the conditions of consent that are relevant to the specific mitigation of traffic effects being: Conditions 28 and 35.

8. OTHER SUBDIVISION MATTERS

All other matters relevant to this subdivision application that are outside the scope of the hearing were assessed for the notification decision. A copy of that assessment is attached to this report as Appendix D and should be referred to for consideration in terms of the overall decision to be made on this application.

Attention is drawn to the proposed road access from Pah Street (ie, proposed Lot 1005) being a private road remaining in Wakatu ownership but subject to an agreement with Council. The terms of that agreement have been endorsed in principle by Council's Transportation Manager – refer proposed Condition 7 below.

Also, there are related land use and land disturbance applications RM110802 and RM110812 associated with this subdivision application. As shown in the notification

assessment (Appendix E), there are no significant issues arising from those aspects of the proposed development that require all of the consents to be considered concurrently, therefore they can be dealt with after a decision on the subdivision is made.

9. SECTION 5 AND RECOMMENDATION

As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, I consider that a grant of consent **would** promote the sustainable management of natural and physical resources and I **STRONGLY RECOMMEND** that the subdivision application be **GRANTED**, subject to conditions.

Subdivision RM110351

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plans prepared by Woods Engineers, Surveyors, Planners, titled as follows:

Plan A "*Grey Street Scheme Plan*" drawing nos 001;
Plan B "*Wastewater Layout Plan*" drawing nos 301;
Plan C "*Water reticulation Plan*", drawing nos 600;
Plan D "*Overall Earthworks Plan*", drawing nos 100;
Plan E "*Cut /Fill Plan*", drawing nos 105;
Plan F "*Overall Roding Plan*". drawing nos 200;
Plan G "*Overall roding Plan,*" drawing nos 210;
Plan H "*Stormwater Layout Plan*" drawing nos 300.

Plans prepared by Rory Langbridge - Landscape Architect, titled as follows:

Plan I "Street Tree Proposal";
Plan J "Central Park Concept" both amended December 2011 after discussion with TDC.

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

Staging

2. The subdivision may occur in four stages as follows:

Stage 1

Lots 16-32, Lots 37-46 and Lot 1001 (Road to vest) and Lot 800 to vest in Council as Recreation Reserve;

Stage 2

Lots 33-36, Lots 47-66 and Lot 1002 (Road to vest);

Stage 3

Lots 1-15, Lots 82-102, Lot 1000, Lot 1004 (Road to vest) and Lots 900-904 (JOALS) and Lot 1005 as a Private Road with ownership remaining with Wakatu with

easements in gross for access and services and the DEED of use between Wakatu and Council to be formalised;

Stage 4

Lots 67-81 and Lot 1003 (Road).

Easements

3. Easements shall be created over any services located outside the boundaries of the allotments that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Advice note

This shall include the easements in gross over the access road shown as Lot 1005 (Private Road) and include public access and all services that will be required including but not limited to power, telecommunications, water stormwater and sewer.

Easements in gross will be required over the stormwater attenuation pond to allow for Council maintenance.

4. Easements shall be created over any right of way and shall be shown in a memorandum of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the land transfer title plan and any documents shall be prepared by a solicitor at the Consent Holder's expense.

Soil Testing

5. (a) Prior to Section 223 approval, the Consent Holder shall undertake soil testing to assess any potential soil contamination as set out in the recommendations of the Tonkin and Taylor report on potential ground contamination on areas 4, 6a, 3 and 7 as shown on Tonkin and Taylor Plan Figure 2 and provide a report to Council that shows that the soil is suitable for residential use and any soil contaminants meet the requirements set out in the NES-Contaminated soils. This report is to be based on "*Soil sampling and Assessment guideline for horticultural sites in TDC and NCC, June 2004*", and be carried out by an accredited environmental consultant (list attached as Appendix A).

Advice Note:

Testing is required over the entire residential allotment rather than just the building site.

- (b) Should the soil testing required in (a) show that any areas exceed the NES-Contaminated soils then prior to the issue of Section 223 approval, the applicant shall undertake site remediation to the satisfaction of Council's Resource Scientist, Contaminants.

Road to vest

6. The survey plan which is submitted for the purposes of Section 223 of the Act shall show:

- (a) Lots 1001, 1002, 1004 and 1003 vesting as vesting in the Council as Road Reserve at respective stages.

Private road

7. Prior to Section 223 approval for Stage 3, (which includes the formation of the Private Road remaining in Wakatu's ownership, Lot 1005) Wakatu Incorporation shall enter into a formal deed (the **DEED**) with Tasman District Council whereby the Private Road (Lot 1005) will be treated for all intents and purposes as if it were a public road vested in Council. The Deed shall generally encompass the terms outlined in the letter attached to this consent as Appendix A

Advice Note

The deed shall be negotiated to the satisfaction of both parties and generally shall encompass the form outlined in the letter dated 7 March 2012 from Fletcher Vautier and Moore and attached to this consent as Appendix A.

Archaeological

8. (a) A HPA Authority Section 12 is applied for prior to any earthworks commencing on the site.
- (b) the following recommendations included in the archaeological assessment provided by Deb Foster dated May 2009 shall be adhered to:
- (i) any archaeological deposits identified during excavations are sampled, recorded and assessed according to archaeological practice;
 - (ii) That prior to the work commencing on the property, all contractors and subcontractors are briefed on archaeological and cultural issues and advised of procedure;
 - (iii) any cultural protocols advised by Tangata Whenua are acknowledged and provided for.

Iwi Monitor

9. The Consent Holder shall engage the services of a representative of Tiakina te Taiao Limited to be present during any earthworks. The Consent Holder shall contact Tiakina te Taiao Limited, PO Box 1666, Nelson (ph (03) 546 7842) at least five working days prior to commencing any earthworks and advise it of the commencement date of the earthworks. In the event of Maori archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Financial Contributions

10. The Consent Holder shall prior to the issue of a completion certificate pursuant to Section 224(c), pay a financial contribution to Council's Community Services Manager for reserves and community services in accordance with following:

- (a) The amount of the contribution shall be 5.62 per cent of the total market value (at the time subdivision consent is granted) of 97 allotments (credit for six existing Computer freehold registers) less any credit due at Stage 1 for the vesting of Lot 800 in Council as Recreation Reserve.
- (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 the granting of the resource consent, 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 5.62 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.

Street Names and Numbers

- 11. Street names shall be submitted to the Council's Environment & Planning Manager, prior to the approval of the survey plan submitted for the purposes of Section 223 of the Act, together with reasons for each option.
- 12. The street numbers and street names shall be shown on the "as-built" plans.
- 13. The cost of a nameplate for any new street or private way sign shall be met by the Consent Holder on application to the Tasman District Council.

Roads and joint owned access lot (JOAWs) formation

- 14. Road 1 and Roads 2-7; JOAWs 900,901,903 and 902 as shown on attached Plan F "*Overall Roding Plan*" shall be formed in accordance with the design specified on Plan G and all work and material to be in accordance with the Tasman District Council's Engineering Standards & Policies 2008.
- 15. Kerb, channels and sumps shall be installed in accordance with Tasman District Council's Engineering Standards & Policies 2008.

Recreation Reserve to vest

- 16. Lot 800 (Recreation Reserve to vest) shall be presented prior to vesting in accordance with Section 12.2 of Council's Engineering Standards & Policies 2008 or to the satisfaction of Council's Reserves Manager and shall be in general accordance with the Rory Langbridge Concept design as per attached Plan J.

Access

17. A formed access crossing shall be constructed to each of Lots 1-103 in accordance with Diagram 616 of the Council Engineering Standards & Policies 2008. Pram crossings shall be provided at the street intersections.

Water Supply

18. Full water reticulation, complete with all mains, valves, fire hydrants and associated fittings shall be installed and a water meter and approved housing box shall be provided for each of Lots 1-103.

Advice Note:

Water connection fees will be payable under the Council's Long Term Community Council Plan for any new water connections prior to the signing of the Section 224(c) Certificate for the subdivision.

Sewer

19. Full sewer reticulation discharging to the Council's reticulated system shall be installed complete with any necessary manholes and a connection to each of Lots 1-103.

Stormwater

20. A full stormwater reticulation system discharging to the Council's reticulated System shall be installed complete with all necessary manholes, sumps, inlets and a connection to each lot, including the design of the stormwater pond that will attenuate stormwater flows across the rural land.
21. Stormwater calculations for the subdivision shall be provided with the engineering plans required by Condition 30 of this resource consent.

Cabling

22. Telephone and electric power connections shall be provided to each lot and all wiring shall be underground to the standard required by the supply authority.
23. Confirmation of compliance with Condition 23 of this resource consent shall be obtained from the relevant supply authority and a copy of the supplier's Certificate of Compliance shall be provided to the Council prior to issue of the Section 224(c) Certificate under the Act.

Electricity

24. Electricity substation sites shall be provided as required by the supply authority. Substation areas shall be shown as "*Road to Vest*" on the Survey Plan submitted for the purposes of Section 223, if such sites are adjacent to a road or road to vest.

Street Lighting

25. The Consent Holder shall provide street lighting in accordance with the Tasman District Council's Engineering Standards & Policies 2008.

Engineering Certification

26. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's Engineering Manager with written certification that the works have been constructed to the standards required by the engineering plans required by Condition 32 of this resource consent.
27. Certification that a site has been identified on each of Lots 1-103 that is suitable for the construction of a residential building shall be submitted from a geotechnical engineer (chartered professional engineer) This certificate shall define on Lots 1-103 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2010 Schedule 2A.

Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

28. Where fill material has been placed on any part of the site, a certificate shall be submitted to the Council's Engineering Manager from a suitably experienced chartered professional engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

Environmental Management Plan for construction and earthworks effects

29. The consent holder shall provide an environmental management plan with Engineering plans specifying control and mitigation of construction and earthworks effects that includes those matters identified in the Woods application on pages 28 and 29.

Maintenance Performance Bond

30. The Consent Holder shall provide the Council's Engineering Manager with a bond to cover maintenance of any roads or services that will vest in the Council. The amount of the bond shall be \$1,100 per lot to a maximum of \$23,000, or a figure agreed by the Engineering Manager and shall held for 2 years after the date of issue of the Section 224(c) Certificate for each respective stage of the subdivision.

Engineering Plans

31. Engineering plans detailing all works and services for each respective stage shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works on each of Stages 1 to 4 of the subdivision. All plans shall be in accordance with either the Council's Engineering Standards & Policies 2008 or else to the satisfaction of the Council's Engineering Manager. The plans shall include (but not necessarily be limited to):

- (a) all roading and associated works as set out in Conditions 10-16;
- (b) stormwater culverts, stormwater attenuation pond;
- (c) wastewater pump station;
- (d) the engineering plans shall include an Environmental Management Plan for the construction and earthworks effects as required by Condition 28.

32. "As-built" engineering plans detailing all completed engineering works and finished earthworks shall be provided for approval and signing by the Council's Engineering Manager. The "as-built" engineering plan details shall be in accordance with the Council's Engineering Standards & Policies 2008.

A Certificate under Section 224(c) of the Act for the subdivision shall not be issued until the "as-built" engineering plans have been approved and signed by the Council's Engineering Manager.

Commencement of Works and Inspection

33. The Council's Engineering Manager shall be contacted at least 5 working days prior to the commencement of any engineering works. In addition, 5 working days' notice shall be given to the Council's Engineering Manager when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

34. No engineering works shall commence until the engineering plans required under Condition 30 have been approved and signed by the Council's Engineering Manager.

Engineering Works

35. All engineering works referred to in this consent shall be constructed in strict accordance with the Tasman District Council Engineering Standards & Policies 2008 or to the Council's Engineering Manager's satisfaction.

Acoustic Fencing

36. Wooden acoustic fencing for 34 Grey Street, 79 and 81 Pah Street shall be provided at the applicants cost and shall be in accordance with the design provided by Wakatu Incorporated.

Consent Notices

37. The following consent notice shall be registered on the certificate of title for Lots 37-65 and 68-76 pursuant to Section 221 of the Resource Management Act.

- (a) The definitions specified in Grey Street design standards, pages 1 and 2 attached as Appendix C.
- (b) Bulk and location standards for high density lots (320m²-400m²) specified in Grey Street design standards, pages 4 and 5 attached as Appendix C.
- (c) The Architectural Constraints specified in Grey Street design standards, pages 8 and 9 attached as Appendix C.

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

38. The following consent notice shall be registered on the certificate of title for Lots 1, 2, 5, 6, 8-10, 12-15, 19-36, 66, 67, 77-89, 91-98 and 100-102 pursuant to Section 221 of the Resource Management Act.

- (a) The definitions specified in Grey Street design standards, pages 1 and 2 attached as Appendix 3.
- (b) Bulk and location standards for medium density lots (400m²-500m²) specified in Grey Street design standards, pages 6 and 7 attached as Appendix 3.
- (c) The Architectural Constraints specified in Grey Street design standards, pages 8 and 9 attached as Appendix 3.

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

39. The following consent notice shall be registered on the certificate of title for Lots 35, 36, 57-76, 77-82, 101 and 102 pursuant to Section 221 of the Resource Management Act.

- (a) The 25 metre setback from the Rural 1 boundary is waived and the setbacks specified for medium or high density allotments shall apply.

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

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

- (a) The Consent Holder shall engage the services of a representative of Tiakina te Taiao Limited to be present during any earthworks associated with building construction including service trenching and removal of topsoil. The Consent Holder shall contact Tiakina te Taiao Limited, PO Box 1666, Nelson (ph (03) 546 7842) at least five working days prior to commencing any earthworks and advise it of the commencement date of the earthworks. In the event of Maori archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

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

Amalgamation Conditions

41. (a) Lot 900 hereon (Legal Access) be held as to two undivided one-half shares by the owners of Lots 3 and 4 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- (b) Lot 901 hereon (Legal Access) be held as to five undivided one-fifth shares by the owners of Lots 7, 8, 9, 10 and 11 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- (c) Lot 902 hereon (Legal Access) be held as to five undivided one-fifth shares by the owners of Lots 88, 89, 90, 91 and 92 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- (d) Lot 903 hereon (Legal Access) be held as to two undivided one-half shares by the owners of Lots 98 and 99 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

Land Information New Zealand reference: To be advised.

ADVICE NOTES

Council Regulations

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

Other Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

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

Development Contributions

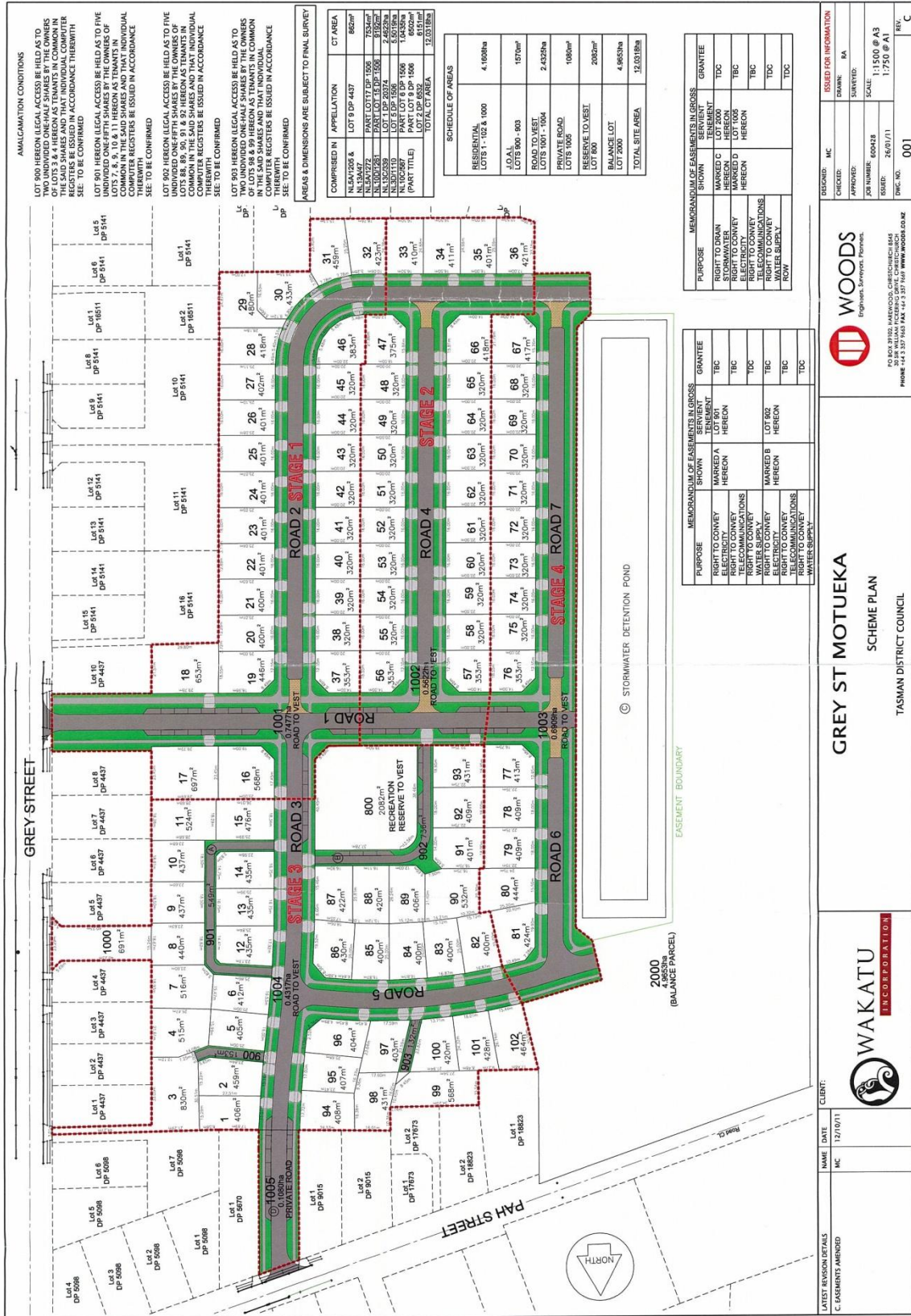
4. Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

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 97 allotments in respect of roading, wastewater, stormwater and water (103 Allotments with credit given for six existing Computer Freehold Registers).



Pauline Webby
Consent Planner Subdivision



PLAN A 84110851

NAME	MC	DATE	12/0/11
LATEST REVISION DETAILS	C. USEMENTS AMENDED		
CLIENT	GREY ST MOTUEKA		
	SCHEME PLAN		
	TASMAN DISTRICT COUNCIL		
WAKATU INCORPORATION 10 BOX 3100, MAWOOO, CHRISTCHURCH 8445 PHONE 14-3 337 1463 FAX 14-3 337 1469 WWW.WAKATU.CO.NZ		WOODS Engineers, Surveyors, Planners 11500 # A3 SCALE: 1:1500 @ A3 1:750 @ A4 DRAWN: BA CHECKED: MC DESIGNED: MC ISSUED FOR INFORMATION: C	



- NOTES:**
1. ALL WORKS AND MATERIALS TO COMPLY WITH TDC ENGINEERING STANDARDS 2008. ANY AMBIGUITY BETWEEN THE DRAWINGS AND COUNCIL STANDARDS SHALL REFER TO THE ENGINEER FOR CLARIFICATION.
 2. FOR PIPE BEDDING DETAILS REFER TO TDC ENGINEERING STANDARDS 2008.
 3. CONCRETE PIPES ARE TO BE CLASS 4 (Z) RCRU UNLESS OTHERWISE NOTED. ALL PIPES SHALL TAKE PRECEDENCE IN WHICH CASE SUCH NOTES SHALL TAKE PRECEDENCE.
 4. SS PIPES ARE TO BE 150mm UPVC SN 8 UNLESS OTHERWISE NOTED ON THE DRAINAGE LONG SECTIONS AND ALL PIPES SHALL TAKE PRECEDENCE.
 5. ALL PIPE CROSSINGS UNDER ROADS TO BE BACKFILLED AS PER THE SPECIFICATION.
 6. ALL MANHOLES TO BE 1050mm DIA. UNLESS OTHERWISE NOTED ON THE DRAINAGE LONG SECTIONS AND ALL MANHOLES SHALL TAKE PRECEDENCE.
 7. ALL SW & SS PRIVATE LATERAL CONNECTIONS TO BE 100mm UPVC SN 6 AND EXTENDED 1.0m INTO PROPERTY BOUNDARY.
 8. ALL MANHOLES TO BE 1050mm DIA. RAMPED RISERS ARE TO BE EXTENDED AND RIPPED OFF 1.0m BELOW THE FINISHED GROUND SURFACE.
 9. THE CONTRACTOR IS TO FEG MANHOLES AND CHECK FINISHED EARTHWORKS LEVELS (MH LID LEVELS) PRIOR TO COMMENCEMENT OF WORKS.
 10. CONTRACTOR TO CONFIRM ALL INVERT LEVELS OF EXISTING SERVICES BEING CONNECTED INTO PRIOR TO COMMENCEMENT OF WORKS. ANY DISCREPANCY WITH THE LEVELS SHOWN ON THE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
 11. PIPE GRADES ON THE LONG SECTIONS ARE CALCULATED FROM MANHOLE CENTRE TO MANHOLE CENTRE. THIS MAY RESULT IN CREEP ON STEEP SITES PARTICULARLY AT THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT LAGER LEVELS ARE SET TO COMPENSATE FOR THIS.

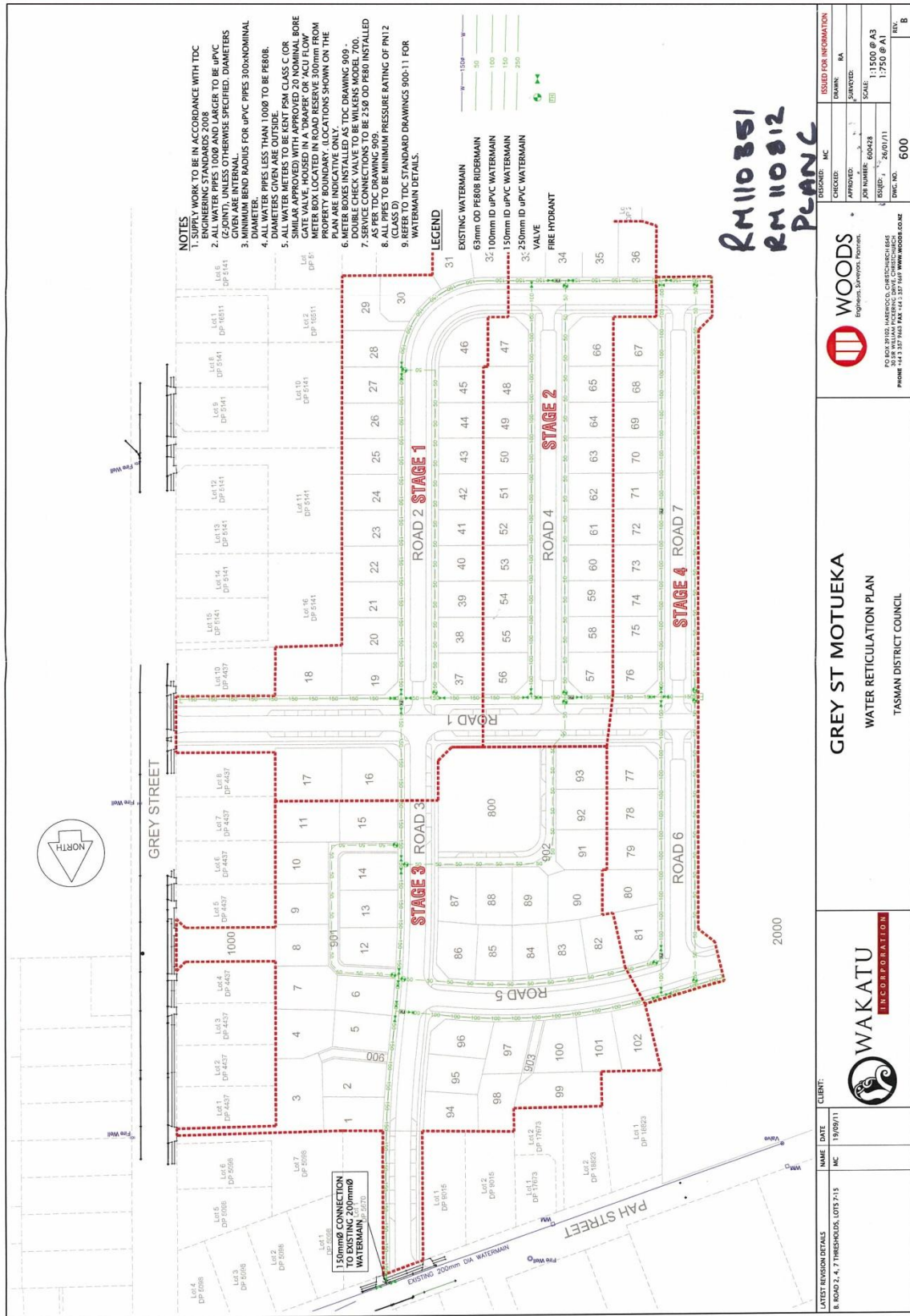
DESIGNED: MC		ISSUED FOR INFORMATION	
CHECKED:	DRAWN: BA	APPROVED:	SUPPLIED: BA
PER NUMBER: 600428	SCALE: 1:1500 @ A3	ISSUED: 26/07/11	REV: C
DWG NO: 301			

WOODS
Engineers, Surveyors, Planners.
PO BOX 37102, HAKARUA, CHRISTCHURCH 8145
PHONE: +64 3 327 6333 FAX: +64 3 327 6347 WWW.WOODS.CO.NZ

GREY ST MOTUEKA
WASTEWATER LAYOUT PLAN
TASMAN DISTRICT COUNCIL

NAME	DATE	CLERT:
C. AMBRIDGE PUMP STATION NOTES	12/10/11	

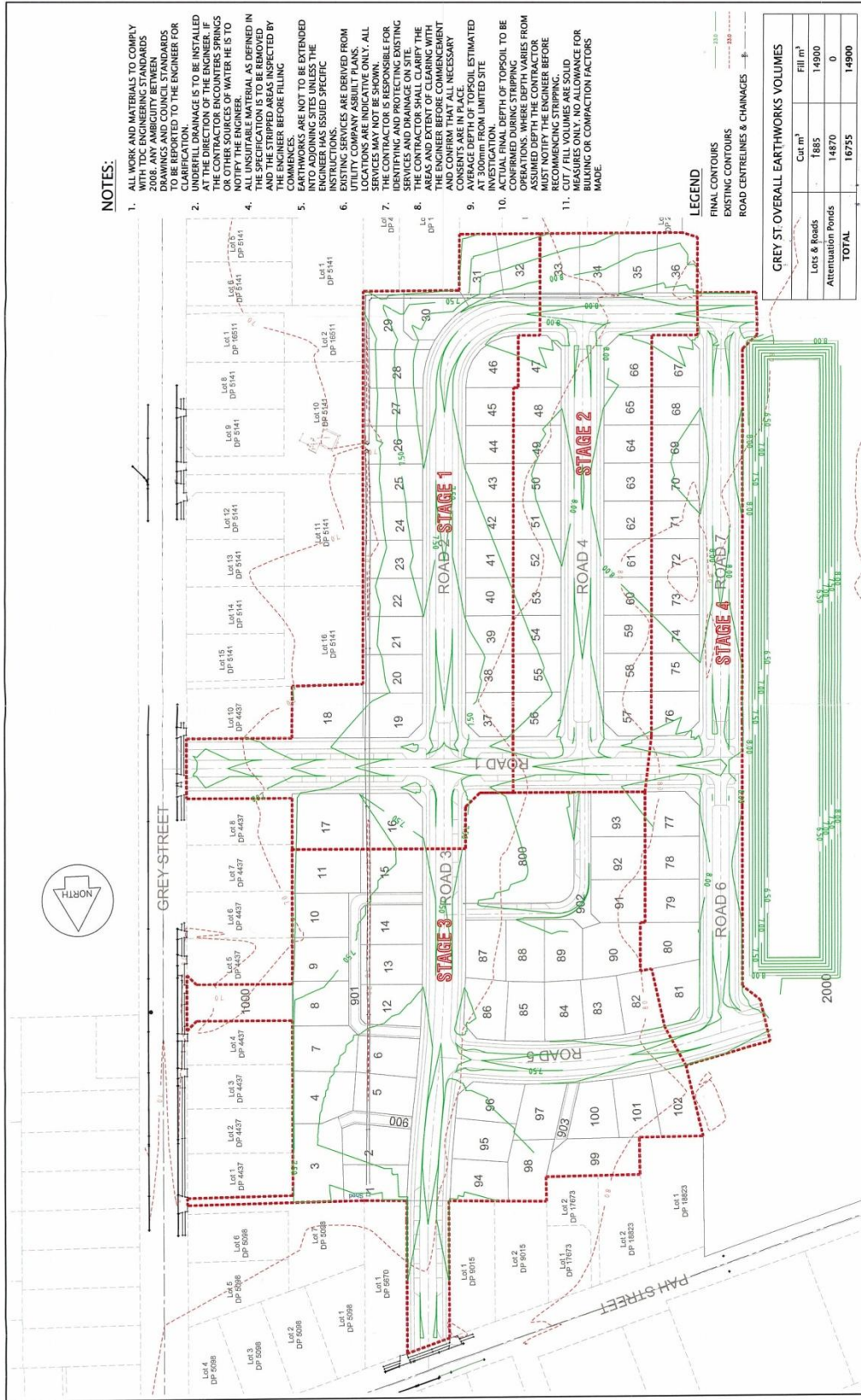
PLAN B
RH10351, RH10312



RM110351
RM110312
PLAN C

NOTES:

1. ALL WORK AND MATERIALS TO COMPLY WITH ENGINEERING STANDARDS 2008. ANY AMBIGUITY BETWEEN DRAWINGS AND COUNCIL STANDARDS TO BE REPORTED TO THE ENGINEER FOR CLARIFICATION.
2. UNDERDRILL DRAINAGE IS TO BE INSTALLED AT THE DIRECTION OF THE ENGINEER. IF THE CONTRACTOR ENCOUNTERS SPRINGS OR OTHER SOURCES OF WATER HE IS TO STOP WORK IMMEDIATELY AND NOTIFY THE ENGINEER. ALL UNSUITABLE MATERIAL AS DEFINED IN THE SPECIFICATION IS TO BE REMOVED AND THE STRIPPED AREAS INSPECTED BY THE ENGINEER BEFORE FILLING.
3. EARTHWORKS ARE NOT TO BE EXTENDED INTO ADJOINING SITES UNLESS THE ENGINEER HAS ISSUED SPECIFIC CONSENTS.
4. EXISTING SERVICES ARE DERIVED FROM UTILITY COMPANY ASBUILT PLANS. LOCATIONS ARE INDICATIVE ONLY. ALL SERVICES TO BE IDENTIFIED AND PROTECTED BY THE CONTRACTOR. THE CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING AND PROTECTING EXISTING SERVICES AND DRAINAGE ON SITE.
5. THE CONTRACTOR SHALL CLARIFY THE LOCATION OF ALL SERVICES WITH THE ENGINEER BEFORE COMMENCEMENT AND CONFIRM THAT ALL NECESSARY CONSENTS ARE IN PLACE.
6. AVERAGE DEPTH OF TOPSOIL ESTIMATED FROM INVESTIGATION IS LIMITED SITE ONLY.
7. ACTUAL FINAL DEPTH OF TOPSOIL TO BE CONFIRMED DURING STRIPPING AND FILLING. THE CONTRACTOR MUST NOTIFY THE ENGINEER BEFORE RECOMMENCING STRIPPING.
8. CUT/FILL VOLUMES ARE SOLID FOR BUILDING OR COMPACTION FACTORS MADE.



LEGEND

- FINAL CONTOURS
- EXISTING CONTOURS
- ROAD CENTRELINES & CHANNAGES

RECORD FOR INFORMATION	
DESIGNED BY	MC
CHECKED BY	BA
APPROVED BY	BA
DATE	13/09/11
JOB NUMBER	60428
SCALE	1:1500 @ A3
ISSUED	26/01/11
SCALE	1:750 @ A1
DWG. NO.	100
REV.	B

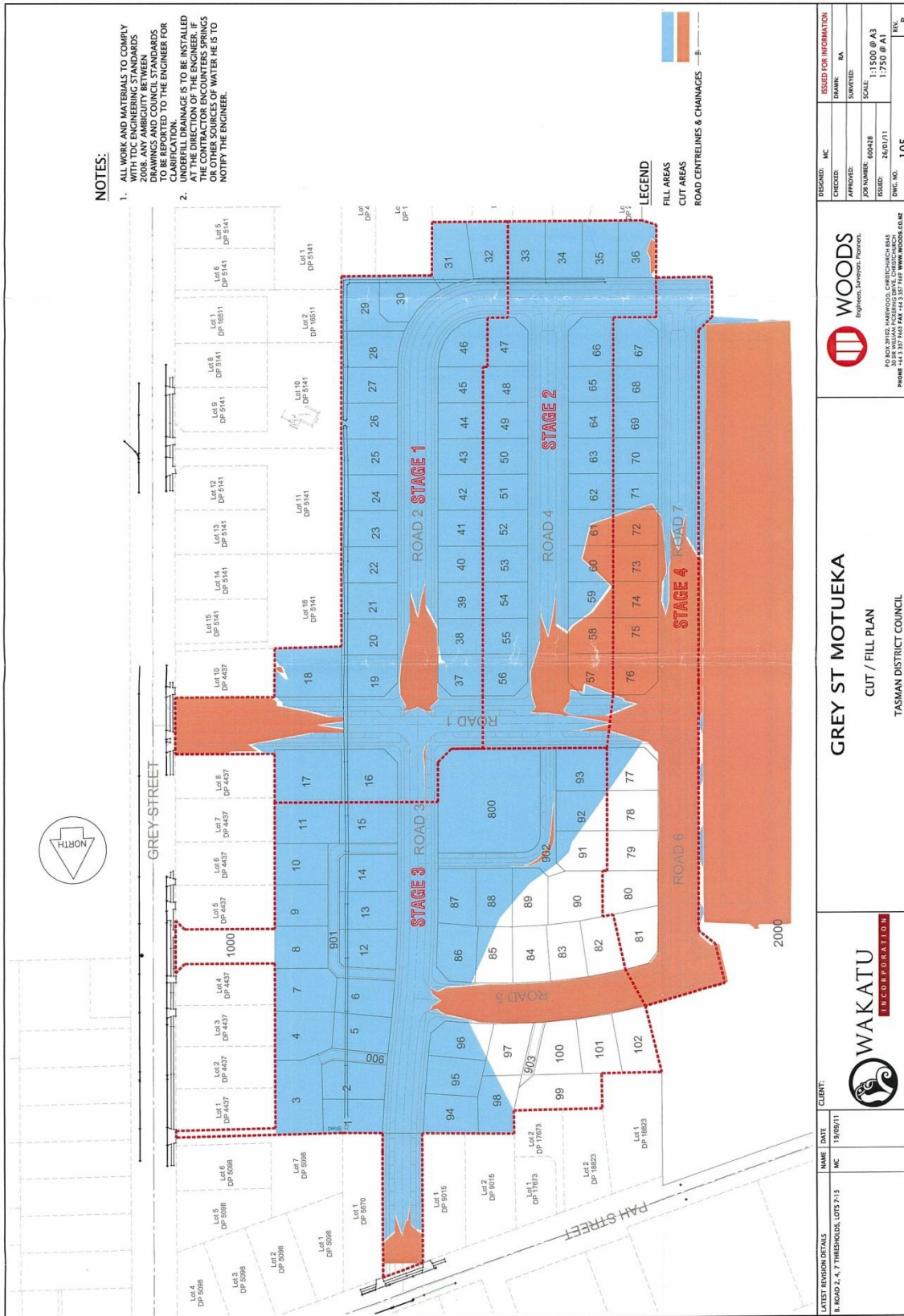
WOODS
 Engineering Services
 PO BOX 8185, MARGARET STREET, CHRISTCHURCH 8144
 30 DE WILLOW PARKING DRIVE, CHRISTCHURCH 8144
 PHONE +61 3 737 7615 FAX +61 3 737 7611 WWW.WOODS.CO.NZ

GREY ST MOTUEKA
 OVERALL EARTHWORKS PLAN
 TASMAN DISTRICT COUNCIL

WAKATU
 INCORPORATION

DATE	NAME	DATE	CLIENT
13/09/11	MC	13/09/11	GREY ST MOTUEKA

*Rm 110051, 2M110012
 PLAN D*



NOTES:

1. ALL WORK AND MATERIALS TO COMPLY WITH THE AS/NZS 2208:2008. ANY AMBIGUITY BETWEEN DRAWINGS AND COUNCIL STANDARDS TO BE REPORTED TO THE ENGINEER FOR CLARIFICATION.
2. UNDER DRAINAGE IS TO BE INSTALLED AT THE DIRECTION OF THE ENGINEER. IF THE CONTRACTOR ENCOUNTERS SPRINGS OR OTHER SOURCES OF WATER HE IS TO NOTIFY THE ENGINEER.

LEGEND
 FILL AREAS
 CUT AREAS
 ROAD CENTRELINES & CHANGES

LATEST REVISION DETAILS		CLIENT:		ISSUED FOR INFORMATION	
NAME	DATE	MC	19/09/11	DRAWN	RA
8. ROAD 2, 4, 7 TRIMSHOLDS, LOTS 2-13				SURVISED	
				SCALE	1:1500 @ A3
				JPR NUMBER	600428
				ISSUED	26/01/11
				DWG. NO.	105
				REV.	B

WOODS
 Engineers, Architects, Planners
 105 BOX 1005 HARGREAVES, CHRISTCHURCH 814
 30 MO WILSON POKERING DRIVE, CHRISTCHURCH
 PHONE +43 3 359 6622 FAX +43 3 359 7649 WWW.WOODS.CO.NZ

GREY ST MOTUEKA
 CUT / FILL PLAN
 TASMAN DISTRICT COUNCIL

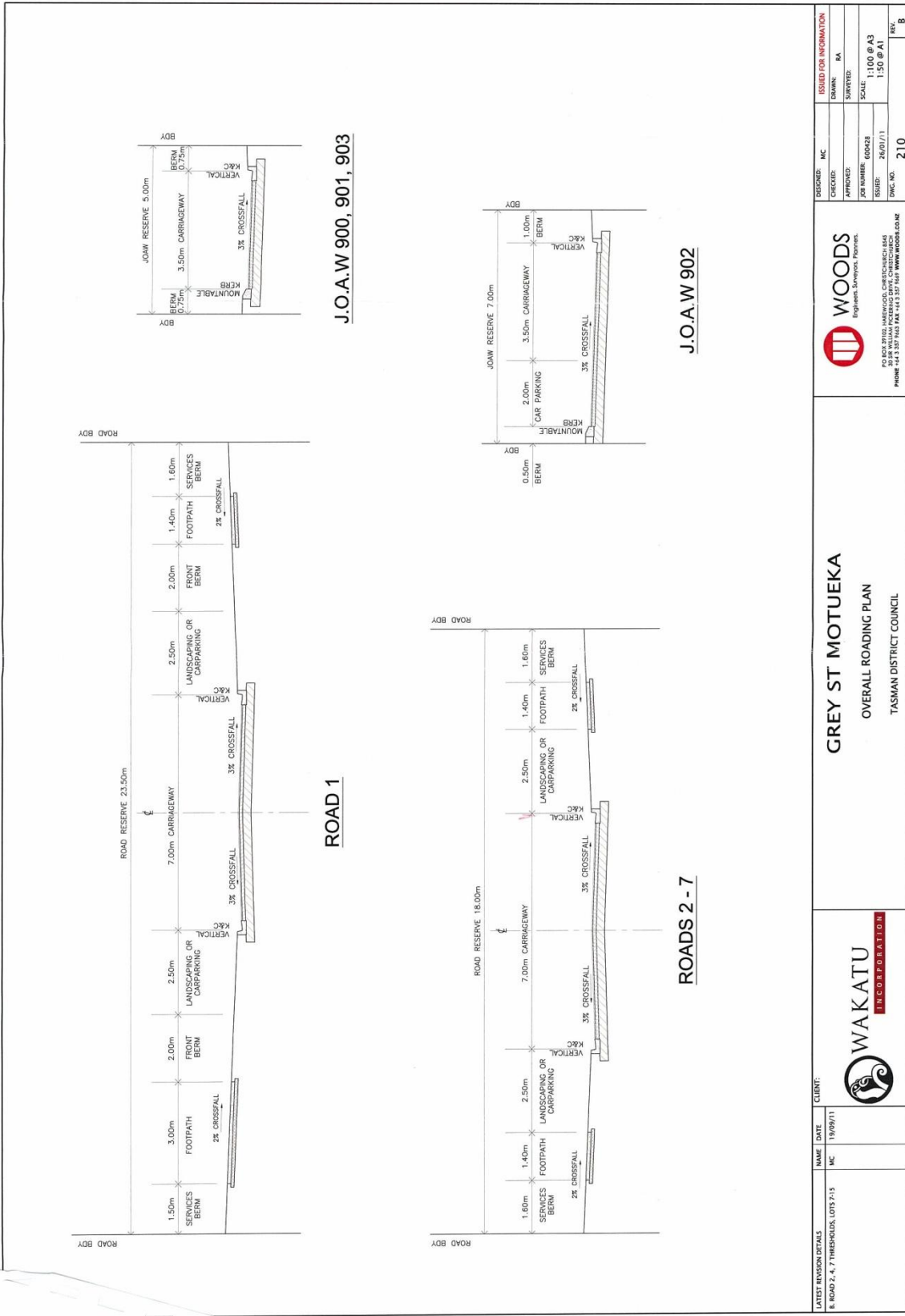
WAKATU
 INCORPORATION

RM101051, RM1010512
PLAN E



LATEST REVISION DETAILS		CLIENT	
NAME	DATE	NAME	DATE
MC	19/09/11		
E. ROAD 2, 4, 7, THREEHOLES, LOTS 7-15		GREY ST MOTUEKA	
		OVERALL ROADING PLAN	
		TASMAN DISTRICT COUNCIL	
		WOODS	
		Engineers, Surveyors, Planners.	
		PO BOX 3102 HAREWOOD, CHRISTCHURCH 8145	
		30 ST WILLIAM PLACE, SUITE 201, CHRISTCHURCH 8011	
		PHONE: 03 378 7410 FAX: 03 378 7411 WWW.WOODS.CO.NZ	
DESIGNED: MC	ISSUED FOR INFORMATION:	SCALE: 1:1500 @ A3	REV. B
CHECKED:	DRAWN: RA	DATE: 26/01/11	200
APPROVED:	SUBMITTED:		
JOB NUMBER: 60428			
ISSUED:			

RM 110812, RM 110551
PLAN F



DESIGNED: MC	ISSUED FOR INFORMATION
CHECKED: MC	DRAWN: MA
APPROVED:	SUBMITTED:
PROJECT NUMBER: 600428	SCALE: 1:100 @ A3
ISSUED: 26/07/11	1:50 @ A1
DWG. NO. 210	REV. B

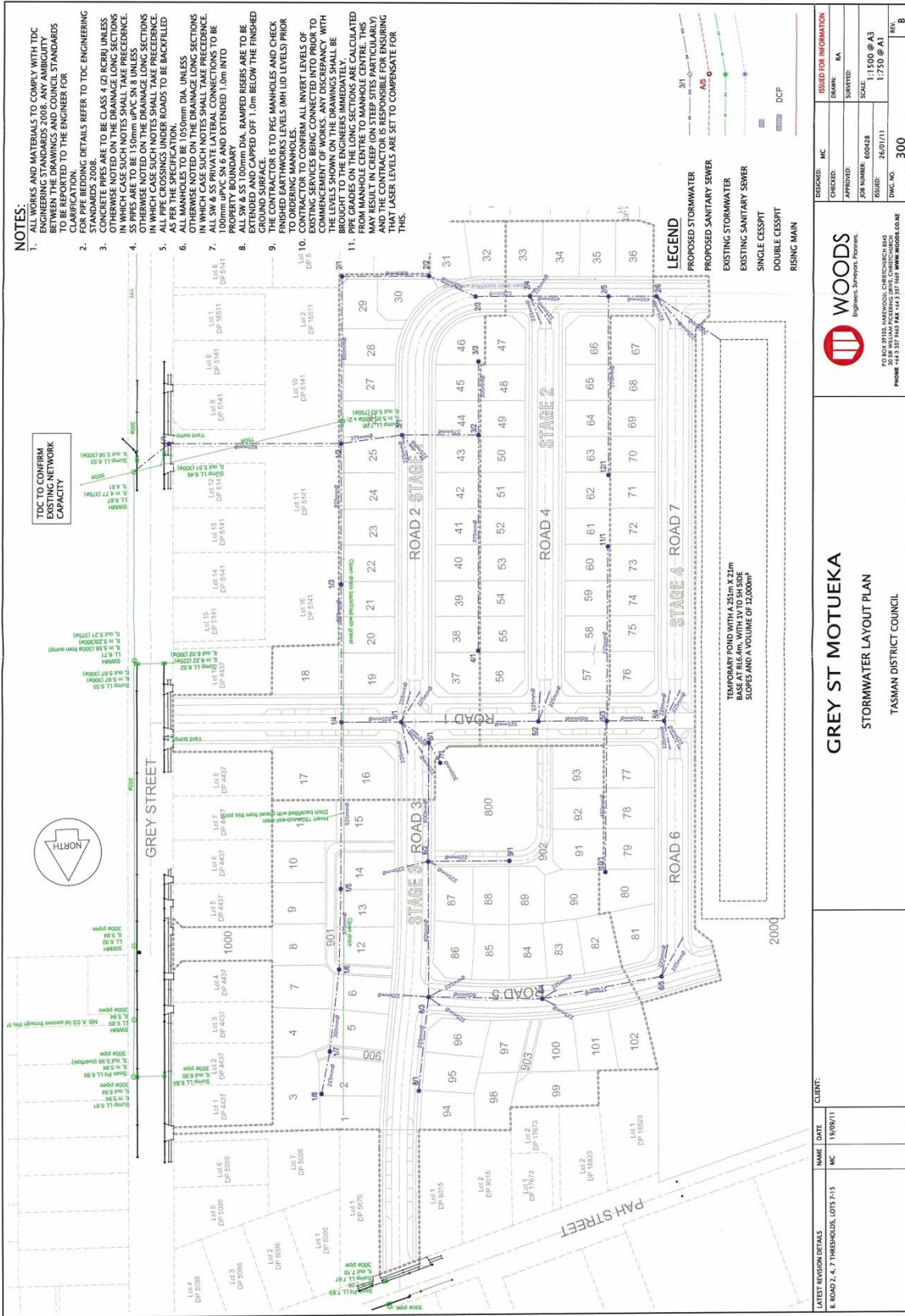
WOODS
 Engineers, Surveyors, Planners
 30 BOX STREET, HOBART, TASMANIA 7000
 PHONE 001 600 740 140 • FAX 001 600 740 140

GREY ST MOTUEKA
 OVERALL ROADING PLAN
 TASMAN DISTRICT COUNCIL

WAKATU
 INCORPORATION

LATEST REVISION DETAILS	CLIENT:
E. ROAD 2, 4, 7 THRESHOLDS, LOTS 2-15	
NAME: MC	DATE: 19/09/11

KHIOSSI AMNOBIZ PLAN &





RH 10351 PLAN I



RM 110351 PLAN J



FLETCHER VAUTIER MOORE
LAWYERS

Tasman District Council
Private Bag 4
Richmond
Nelson

Office	Richmond
Author	Stuart Ritchie
Telephone	03 543 8301
Facsimile	03 543 8302
Email	sritchie@fvm.co.nz
Matter No	27321\214

7 March 2012

Attention: Phil Doole

Dear Phil

**WAKATU INCORPORATION - PROPOSED SUBDIVISION AT GREY STREET,
MOTUEKA - PRIVATE ROAD**

1. Thank you for your email of 3 February 2012. We have been asked to comment on a proposal by Wakatu Incorporation (**Wakatu**) to create a private road as part of a 100 lot subdivision at Grey Street, Motueka. It is proposed that the private road will be created over the land shown as Lot 1005 on the Scheme Plan and will provide a road link between Pah Street and the subdivision. Access to the subdivision will also be provided by a road to be vested in the Council, which connects with Grey Street.
2. The proposal to create a private road is mentioned in extracts from Wakatu's application, which have been sent to us by Pauline Webby. The application states:

A private road will link Road 3 to Pah Street. The road is proposed as a private road as it is located in close proximity to a historical Pah site. Wakatu iwi have been consulted with regards to the proposed application and have expressed a preference to retain the road as a private road with a right of way to the public.

3. The application also states that Wakatu Manaaki Board:

'...indicated concern over the alienation of that part of the site which provides a road linkage to Pah Street... As a result, this section of road has been deemed a private road so that Wakatu can maintain ownership of the underlying land. However a public right of way over the land will be provided.

4. Private roads are recognised by the Local Government Act 1974 (**Act**), and defined as 'any roadway, place, or arcade laid out or formed within a district on private land, whether before or after the commencement of this Part, by the owner thereof, but intended for the use of the public generally'. We make the following comments on

Nelson
Level 1, 126 Trafalgar Street, Nelson 7010.
PO Box 90, Nelson 7040, DX WC 70009.
Tel: (03) 548 1469, Fax: (03) 548 2994

27321\214\L120217SRR1

Richmond
265A Queen Street, Richmond 7020.
PO Box 3029, Richmond 7050, DX WC 71017.
Tel: (03) 543 8301, Fax: (03) 543 8302

Takaka and Havelock by appointment

Motueka
12 Wallace Street, Motueka 7110.
PO Box 23, Motueka 7143, DX WC 72002.
Tel: (03) 528 7030, Fax: (03) 528 9120

the proposal to create a private road at the Northern entrance to the Wakatu subdivision:

- (a) The roadway will be situated on private land. It will not be owned by the Council. The Council does not have the same powers with respect to a private road that it exercises over roads vested in the Council. Limited powers under the Act, such as the power to light, apply to private roads but generally the Council will not be able to do anything on a private road unless it has the consent of the landowner. We also point out that the Council's Traffic Control Bylaw will not apply to the private road;
- (b) The Council will require easements for all Council services under the private road. We expect Telecom and Network Tasman will also require easements. We note from the Scheme Plan you sent us that Wakatu intends to grant the Council the right to convey electricity, telecommunications and water, over the private road, together with a right of way. We recommend the right to convey telecommunications includes the right to convey computer media, and that the Council considers whether it will also need the right to drain water and the right to drain sewage over the land;
- (c) Wakatu will need to be contractually bound to allow the public to pass over Lot 1005. We recommend that Wakatu is required to grant the Council a right of way easement over Lot 1005, which provides that the Council has the right to allow the public to pass over the land in vehicles, and on foot, on bicycles, and mobility scooters. This easement can then be registered against the title to Lot 1005. The Council may also need to enter into a deed with Wakatu, as proposed by Pitt and Moore, setting out the rights of the Council in respect of the road that are not contained in the right of way easement;
- (d) Responsibility for maintenance of the roadway will need to be discussed. The Council does not have a statutory obligation to maintain roads so we do not consider the Council should be bound by a contractual obligation to maintain the private road. Furthermore, we do not consider that the Council should be liable to Wakatu for any damage to the land directly or indirectly caused by the public using the land;
- (e) Pitt and Moore mention (at paragraph 2(b) of their letter) that the terms of the easements will need to be such that Wakatu does not have any liability to the grantees (i.e. the Council, Network Tasman and others) in relation to those easements. It is not entirely clear what Pitt and Moore is suggesting, but Wakatu will have some obligations under those easements, and the grantee must be able to enforce those obligations;
- (f) We note that Wakatu does not wish to be charged any rates for the private road. A private road is rateable land. Unless the Council's policy on the remission of rates applies we do not consider the Council can agree that the private road should be exempt from rates;
- (g) Purchasers of properties in the new subdivision are unlikely to check the legal status of the access way to their subdivision, and may be surprised to learn that it is private land. Solicitors for prospective purchasers of lots in the new subdivision are unlikely to check the legal status of the road leading to the

lots. It is not proposed that each of the lots will benefit from a right of way over Lot 1005 so the land owners will have to rely on the rights granted by Wakatu to the Council under the easement and the deed. If the Council agrees to the creation of a private road we recommend that the Council places a note on the property file for each lot in the new subdivision stating that the road link from that property to Pah Road is a private road.

5. We consider the next step is to draft the deed between the Council and Wakatu, and the easement instruments, so that the terms of those documents can be considered and negotiated by the parties. These documents may address the matters set out in paragraphs 3 and 5 of Pitt and Moore's letter but we do not consider the Council should agree to those matters in the meantime. The deed will also need to prohibit Wakatu from granting a mortgage over the land, and selling the land without the transferee entering into a deed on the same terms with the Council. The deed will also need to contain an acknowledgement that the Council owns the improvements on the private road. The Council may also need to consider registering a memorandum of encumbrance against the title to the private road to serve as a reminder to prospective purchasers of that land, and to the Council, that the landowner is bound by the terms of the deed with the Council. If the landowner were wound up or cease to exist the Council may need to have the ability to declare the land road. We expect other matters will come to mind in the course of preparing the deed and the easement instruments.
6. Please call us if you wish to discuss any aspect of this letter. Otherwise, we suggest that the next step is for the Council to instruct us to prepare the draft easement instruments, and deed, and for the Council and Wakatu to be satisfied with the terms of those documents before the Council permits the creation of a private road as part of the subdivision.

Yours sincerely

Fletcher Vautier Moore



Stuart Ritchie
Partner

Council's engineering report on roading effects on submitters

TO: Environment & Planning Hearing
FROM: Dugald Ley, Development Engineer
DATE: 10 September 2012
FILE NO: RM110351
RE: **Wakatu Incorporated – 103 Section Development – Grey Street and Pah Street**

Introduction

This application is to create 103 residential sections which will be served by seven new roads. Access into the site will be from Grey Street and Pah Street, Motueka.

Background

The application has previously been outlined in the planner's report and this land is zoned for residential development. The site extends largely behind existing residential development in Grey Street and south of properties in Pah Street. The site has a number of legal frontages to existing roads and it is understood that the present landowner also owns various properties adjacent to existing roads.

All roads to be created in the subdivision meet the Council's requirements and the applicant has shown that each site can be serviced to the Council's infrastructure. All details of infrastructure shall be required to be shown on engineering plans and in compliance with the Tasman District Council Engineering Standards 2008.

Future Growth – Motueka

Presently the Council is progressing rezoning changes in the Motueka West location including land to the west of this application. That process is in the development stage but meetings have been held with the stakeholders.

An indicative layout of the proposed land development including indicative roads covers the area from Pah Street south to King Edward Street.

From this indicative road layout it can be seen that this present subdivision will link to new roads to the west which will connect to Pah Street and Whakarewa Street. It is likely that in time this enclave of residential development will have approximately four outlets to existing public roads. It is my view that the two accesses into this subdivision shown as Lots 1001 and 1005 would not be the main roads as the indicative roads yet to be developed will be further to the west linking Pah Street and Whakarewa Street.

The traffic distribution for the ultimate future development of this area is unknown. However for the application presently before the Council it would be my view that traffic will be equally distributed to both Pah Street and Grey Street as per the application plan.

Predicated trip generation movements per lot have been assessed under the Transit NZ Planning Policy Manual 2002. That figure for residential development was 10.4 vehicles per day. I agree with this figure which reflects all vehicles including service vehicles and owner's vehicles once the subdivision is completed.

From the above one could expect approximately 103×10.0 vehicles per day = 1030 vehicles per movements per day of the two new roads. Approx 515 per intersection. This is deemed to be at the high end for vehicles on an Access Road.

The new T-intersections with both Grey and Pah Streets will be to standard design and will most likely be "Give Way" priority.

The roading plan drawing 210, Rev B shows that these two roads will have a 7.0 metre carriageway and footpaths on each site. Parking bays are shown in some locations and are indicative only and the final design will be shown on engineering plans to be approved by the Council and complying with the Engineering Standards 2008.

The proposed road reserve width at Grey Street measures approximately 25 metres and at Pah Street approximately 17 metres.

Submissions

Three submissions relating to traffic issues have been received.

- Read, Marshall and others – 34 Grey Street – Excessive noise and traffic flows
Presently Grey Street (access road) carries some 1100 vehicles per day on a 11.5 metre carriageway and it is likely the new road adjacent to this property will produce half this amount on a 7.0 metre carriageway. No- Grey st will not be reduced in speed and will stay as is. The new road reserve near 34 Grey Street is approximately 25 metres wide and excessive in width for this carriageway; the carriageway is centrally located so that the centreline will be approximately 12.5 metres from the submitter's boundary. It is also noted that the submitter's driveway is located on the north side of the property. It is likely that the intersection will be controlled with a "Give Way" sign.
- The applicant's plan shows road threshold treatments from other intersections within the site and these tend to slow traffic speeds and allow for safe pedestrian movements. These features have been used in the past to denote that vehicles are coming into a residential area and it is not a through road. An example of this is the brick paving used on Washbourne Drive leading up to Hill Street, Richmond.
- Should the committee see a need to slow vehicle traffic and enhance pedestrian safety at the new road/Grey Street intersection then these road treatments can achieve that result..
- Douch and Bennett – Noise reduction of traffic
- The second entrance to the subdivision is on Pah Street between 79 and 81. Pah Street is a distributor road and carries approximately 1600 vehicles per day on an approximately 9.0 metre carriageway.
- Both submitters agree that suitable threshold treatments could be employed to slow traffic and as previously noted, should the committee see the need to slow vehicle speeds then these road treatments can achieve the desired effect.

Note – road humps are not ideal as some drivers use them inappropriately and tend to speed. Threshold treatments and a restricting of the road carriageway width (side friction) tend to slow vehicles and could be used as they will be throughout the rest of the development as shown on the application plan.

Summary

The application generally meets the requirements of the Council's Engineering Standards and the finer detail design can be shown on engineering plans that comply with the standards.

The land is generally already zoned for residential development and the effects of this subdivision in relation to traffic flows are in my opinion no more than minor. Suitable conditions can be put in place to mitigate these effects.

Dugald Ley
Development Engineer

WAKATU INCORPORATION
GREY STREET DEVELOPMENT
MOTUEKA
DESIGN GUIDELINES

October 2011

1. DEFINITIONS

All definitions shall be those in the Tasman Resource Management Plan 1996 (as at September 2011) except that:

'**Daylight Controls**' means the angles within which a complying building must fit in order to allow adequate daylight onto adjoining sites. Daylight indicators limit the envelope of a building in a way that ensures equitable access to daylight on all adjoining properties. Daylight controls also ensure that minimum building separation, open space and amenity are maintained within residential areas.

'**Design Guidelines**' means the guidelines contained herein. These will form the basis of consent notices on the titles of all high and medium density residential lots forming part of the Grey Street Development.

'**District Plan**' means the District Plan provisions which applied at the time of preparing these Design Guidelines, this was the Tasman Resource Management Plan as at August 2010.

'**Duplex Housing**' means houses that are attached to another house along one common wall (may also be referred to as 'semi-detached' housing).

'**Garage Door Yard**' means an area clear of buildings 5.5m in length, the same width as the garage door and wholly within the boundaries of the site. The garage door yard shall be provided in a line immediately perpendicular (i.e. at a 90 degree angle) and adjacent to any garage door. This is to provide for parking of a standard vehicle in front of the garage and to ensure that garages are set back so as not to dominate the visual appearance of a dwelling from the street.

'**High Density Lots**' means all lots in the Grey Street Development between 320m² and 399m² in size.

'**JOAL**' means a Jointly Owned Access Lot.

'**Low Density Lots**' means all lots in the Grey Street Development that are 500m² or larger.

Wakatu Incorporation – Grey St Development - Design Standards

1

'**Medium Density Lots**' means all lots in the Grey Street Development that are between 400m² and 499m² in size.


'**Production Housing**' means a continuous row of more than two houses with an identical design.

'**TDC**' means Tasman District Council.

'**Terrace Housing**' means a row of attached houses built in one block of uniform style.

3. BULK AND LOCATION STANDARDS – HIGH DENSITY LOTS (320M² - 400M²)
 The following standards apply to buildings constructed on Lots 37-65 and 68-76:

Standard HD1 Maximum Dwellings per Site:	One
Standard HD2 Maximum Building Coverage:	50%
Standard HD3 Maximum Impervious Surface Area:	70%
Standard HD4 Minimum setback from Road Boundary:	1.5m
Standard HD5 Minimum Setback from Side and Rear Boundaries:	1.5m, except that: a) No setback is required from side or rear boundaries for buildings with a common wall on the boundary along that part of the boundary covered by the common wall; and b) No setback is required along one side boundary providing the dwelling design complies with Standard HD9 (daylight controls); and c) This setback does not apply to accessory buildings, such as detached garages, which may be built right up to the boundary provided they do not exceed a height of 3.6m and comply with the daylight controls of Standard HD9. (However, where a carport or garage is attached to a dwelling by one or more walls, it must comply with the 1.5m side and rear yard standard.)
Standard HD6 Garage Door Yard	5.5m
Standard HD7 Garage Door Offset	Where two double garages are proposed to adjoin one another or where they are less than 3m apart, the front walls of the garages will be offset by a minimum of 1 m.
Standard HD8 Maximum height:	7.5m for dwellings 3.6m for accessory buildings
Standard HD9 Daylight Controls:	Buildings shall not project beyond daylight admission lines commencing from a point 2.5m above ground level on all southern and rear side boundaries and 5m above ground level on all northern side boundaries. The angle to be used for the daylight admission lines is to be determined using the Daylight Admission Angle Diagram below:

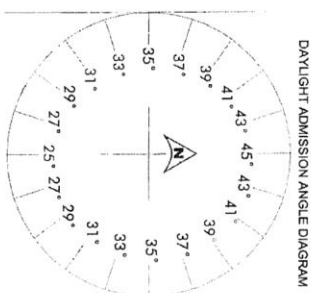
Standard HD10 Outdoor Living Space:	<p>DAYLIGHT ADMISSION ANGLE DIAGRAM</p>  <p>Where there is a common wall along the side boundary (i.e. where a duplex or terrace house is proposed), no daylight admission line will apply along that wall. For clarity, the maximum building height along a common wall will be 7.5m.</p> <p>Each dwelling shall have an area of outdoor living space for the exclusive use of the occupants of that dwelling which:</p> <ul style="list-style-type: none"> a) Has a minimum area of 60m². b) Contains a circle with a diameter of at least 6 metres. c) Is located to receive sunshine in midwinter; and d) Is readily accessible from a living area of the dwelling
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4. BULK AND LOCATION STANDARDS – MEDIUM DENSITY LOTS (400m² - 500m²)

The following standards apply to buildings constructed on Lots 1, 2, 5, 6, 8 -10, 12-15, 19-26, 66, 67, 77-89, 91 - 98 and 100-102.

Standard MD1 Maximum Dwellings per Site:	One
Standard MD2 Maximum Building Coverage:	50%
Standard MD3 Maximum Impervious Surface:	70%
Standard MD4 Minimum setback from Road Boundary:	3m
Standard MD5 Minimum Setback from Side Boundaries:	All buildings shall be set back at least 1.5 metres from the internal boundaries on one side boundary and at least 3 metres from all other side and rear boundaries except that: a) No setback is required from side boundaries for buildings with a common wall on the boundary along that part of the boundary covered by the common wall; and b) No setback is required along one side boundary provided that the dwelling complies with Standard MD10 (Daylight Controls); and c) This setback does not apply to accessory buildings, such as detached garages, which may be built right up to the side boundary provided they do not exceed a height of 3.6m and comply with the daylight controls of Standard MD10. (However where a carport or garage is attached to a building by one or more walls, it must comply with the 1.5m side and rear yard standard.)
Standard MD6 Minimum Setback from Rear Boundaries:	3m
Standard MD7 Garage Door Yard:	5.5m
Standard MD8 Garage Wall Offset:	Where two double garages are proposed to adjoin one another or where they are less than 3m apart, the front walls of the garages will be offset by a minimum of 1 m.
Standard MD9 Maximum height:	7.5m for dwellings 3.6m for accessory buildings
Standard MD10 Daylight Controls:	Buildings shall not project beyond daylight admission lines commencing from a point 2.5m above ground level on all southern and rear side boundaries and 5m above

Standard MD11 Outdoor Living Space:	<p>Where there is a common wall along the side boundary (i.e. where a duplex or terrace house is proposed), no daylight admission line will apply along that wall. For clarity, the maximum building height along a common wall will be 7.5m.</p> <p>Each dwelling shall have an area of outdoor living space for the exclusive use of the occupants of that dwelling which:</p> <ul style="list-style-type: none"> a) Has a minimum area of 60m²; b) Contains a circle with a diameter of at least 6 metres; c) Is located to receive sunshine in midwinter; and d) Is readily accessible from a living area of the dwelling.
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5. ARCHITECTURAL CONSTRAINTS

In addition to the bulk and location standards, the following architectural constraints shall apply to all lots within the Grey Street Development.

5.1 Grey Street Development Design Philosophy

Building designs with an excellent standard of architectural merit are expected. Whilst architectural compatibility (visual accord and formal coherence) between buildings is essential, it is also important to avoid visual monotony in design.

Each property is to be designed to an individual theme expressed in consistent theme detailing, balanced proportions and scale, colour and materials to suit the chosen architectural style.

'Production housing' and associated detailing will be deemed inappropriate.

5.2 Housing Typologies

Duplex, or semi-detached, dwellings are permitted only on the High and Medium Density lots. Where a duplex house is proposed, both adjoining owners must make a concurrent application which demonstrates a compatible design. Second-hand and/or relocated buildings are not permitted.

5.3 Broken Building Form

No building shall present a blank or unrelieved wall facing any road boundary.

5.4 Building Materials

Only quality building materials shall be used. Any of the following exterior materials, finishes and construction methods shall not be used on buildings or fences on any site unless they have architectural merit enhancing the overall design:

- a) Any second-hand or recycled building, roofing or fencing materials;
- b) Unfinished cement board cladding;
- c) Unpainted or uncoated profiled metal cladding;
- d) Reflective or dark-tinted exterior glazing;
- e) PVC/plastic wall claddings;
- f) Imitation woodgrain cladding, or materials finished with stone ships;
- g) Manufactured stone/brick cladding;
- h) Pressed metal roofing;
- i) Unpainted sheet or pressed metal wall or roof claddings; or
- j) Aluminium composite panels.

5.5 Exterior Colours

Exterior wall colours shall avoid obtrusive or overly dominant colours and shall enhance the local vernacular.

5.6 Roof Structures

All roof structures and/or roof accessories, such as satellite dishes, TV aerials, vent pipes, air conditioning units etc, shall be placed on the rear-facing roof slopes, i.e. no roof structures/accessories shall be visible from the road frontage.

Solar water heating panels or photovoltaic panels will be permitted on north facing roofs provided that they form part of the overall dwelling design.

5.8 Fencing

Fences along any road boundary shall not exceed a height of 0.9m.

Side boundary fences shall be designed to taper or step from 0.9m at the road boundary up to a maximum height of 1.8m along side and rear boundaries. The tapered or stepped section shall extend at least 5m from the road boundary before the maximum height of 1.8m is reached.

Materials and colours of fences are to be consistently themed with the architectural style of the dwelling in terms of colour, materials and/or appearance. Preferred materials include timber or masonry.

The use of hedges in lieu of fencing along the front boundaries is encouraged.

Submitters location - X App. D



ExploreTasmanMap

14/11/2011 **DISCLAIMER:**

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<http://tsrvims-9/servlet/com.esri.esrimap.Esrimap?ServiceName=ExploreTasman&Cli...> 14/11/2011

Notification/Non-Notification Decision Report

Applicant(s): Wakatu Incorporation
Application Number(s): RM110351 Subdivision, RM110802 Land Disturbance
Description of Activity: ~~RM102022~~ Land use 24110502 Residential subdivision and associated buildings and land disturbance (re-contouring)

QUESTION 1 Classification of Activity
What type of consent application is being made?

- Controlled Restricted Discretionary Discretionary Non-complying

List relevant rules and/or national environmental standards:
Subdivision Residential 16.3.3.3 – Discretionary
 NES (Contaminated soils)

Land Use/buildings 17.1.3.5 - Non complying as does not meet the following rules: 17.1.3.1(d)(v) maximum residential density of 350m², 17.1.3.1(e) maximum coverage of 33%, 17.1.3.1(q)(i) maximum height of 350m, 17.1.3.1(g) maximum height of 40m, 17.1.3.1(f) minimum setbacks from road boundaries is 4.5 metres, 17.1.3.1(s) setbacks from internal boundaries, 17.1.3.1(u) setbacks from internal boundaries, or accessory buildings.
Land Disturbance 18.5.2.3 - Controlled as does not meet re contouring rule

QUESTION 2 Requirement or Restriction, or Request for Public Notification

Has the applicant requested public notification?

- No → Go to Question 2(b) Yes → Go to Step 6(a) (Recommendation to Publicly Notify)

Question 2(b)
Does a rule or a national environmental standard require public notification?

- No → Go to Question 2(c) Yes → Go to Step 6(a) (Recommendation to Publicly Notify)

Question 2(c)
Does a rule or a national environmental standard preclude notification?

- No → Go to Question 3 Yes → Go to Question 4(b) (Are there special circumstances?)

QUESTION 3 Effects on the Environment

Will the activity have, or is it likely to have adverse effects on the environment that are more than minor?

Notes: 1) Disregard effects on persons who are owners or occupiers of the land in or over which the activity will occur, or of any adjacent land, but consider whether there are other adverse effects on the environment.

- 2) An adverse effect of the activity may be disregarded if a rule or national environmental standard permits an activity with that effect.
 3) In the case of a controlled or restricted discretionary activity, disregard any adverse effect that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion.
 4) Disregard any effect on a person who has given written approval to the application.
 5) Disregard any effect on a person who has given written approval to the application.

- Yes → State reasons in box below, and then go to Step 6(a) (Recommendation to Publicly Notify)
 No → State reasons in box below then go to Question 4(a)

Reasons why this assessment has been made are:

Background
The applications assessment is accepted as an accurate interpretation of the zone rules and assessment criteria, and is considered to provide an accurate depiction of the outcomes including the TRMP provisions for a residential zone in relation to this proposed 103 lot subdivision including an area of higher density allotments. This application has been the subject of a substantial ongoing dialogue at the pre design and application stages with Council staff and more lately with the Urban Design Panel (UDP). The level of this input reflects that no major constraints are now identified within the subdivision proposal.

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The potential effects of the subdivision on the amenity values and natural and physical character of the locality
The proposal was presented to the Urban Design Panel (UDP) for comment and received positive feedback on their efforts to provide cost effective housing in an area that is well placed to enable access to the Mouteka town centre and local school facilities. The UDP made some suggestions to allow for amenity improvements and these have been picked up within the design where it is practical to do so. Included into the final design are: reserve layout, footpaths, traffic calming measure, fencing and dwelling design criteria with sample designs, provide garage offset yard dispensations, allowances for higher building coverage on sites.

The density of the proposed subdivision is set out in the table below and compared with what is anticipated by the controlled standards for a residential subdivision of land comprising more than 1 hectare (TRMP Rule 16.3.1(d)). This proposal does not meet the controlled standards because 80% of the 103 residential allotments fall below the minimum allotment areas, providing for 26 additional residential sites. However, it is within an area identified for future higher density residential living in the Mouteka West Draft Plan Change (that plan change process is currently suspended pending negotiations between Wakatu Inc and their leasehold tenants).

TRMP Rule 16.3.1(d)	>700m ² (20%)	550-800m ² (60%)	350-550m ² (20%)	<350m ²
Complying Lots*	15 lots	47 lots	15 lots	n/a
Proposed Subdivision	1 lot	5 lots	65 lots	32 lots

*Note: this complying scenario assumes that the total area available for residential allotments is 4.2ha, allowing a maximum total of 77 allotments @ sizes 701m², 551m² and 351m².

The layout of the roading and reserve with amenity plantings is considered to mitigate the lack larger allotments which would exceed 500m² to the residential amenity of the proposal. Design controls also will maintain the anticipated amenity values that expected with residential subdivisions.

Overall, when factoring in the applicant's assessment, the UDP findings and my assessment of the TRMP policies and rules, I consider that the density variations to the TRMP controlled standard formula do not give rise to adverse effects more than minor in terms of amenity values for this locality.

The subdivision proposal will change the existing amenity values enjoyed by those properties with boundaries adjoining land with a rural aspect and use. However this change is considered to be consistent with the residential zone and therefore will not cause adverse effects that are more than minor.

The adequacy of provision for public open space.
The application provides for a 2082m² reserve area to be vested with Council the concept design and form have been revised after discussion with Council staff. The design has been accepted by Council staff.

Servicing
Council's Engineering staff have confirmed that they are satisfied that the design of the subdivision as a whole and the proposed infrastructure for servicing, (wastewater, water and stormwater) and roading standards is consistent with Councils Engineering Standards and Policies 2008.

Council's Engineering Department has confirmed in principle that the proposed Private Road (ownership of the land to remain with Wakatu Inc) which will provide access from Pan Street will be acceptable provided that the assessment deed is legally robust. A legal opinion has been provided by Pitt and Moore on behalf of Wakatu Inc and Council's lawyers have reviewed this and provided commentary on areas of concern that will need to be resolved.

Telecom and Network Tasman have confirmed that there is available capacity within the telecommunications and electricity network.

Stormwater
The design of the stormwater systems for the subdivision shows the stormwater generated from the subdivision being discharged to Council's reticulated system. Council's engineer have confirmed this is an appropriate solution and the system has the design capacity to accommodate these flows. A Stormwater detention on the Rural 1 land has been factored into the design adjoining the residential development to accommodate stormwater runoff from adjoining rural land. Council's Engineers have confirmed that the stormwater concept is acceptable to them. No additional consents are required for this proposed discharge to land.

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Transport, Access and Roads -The degree of compliance with provisions of the current Tasman District Council District Engineering Standards. The adequacy of road layout, including road access to adjoining land.

Council's Engineering Staff have confirmed their agreement with the roading layout and design parameters and support the findings set out in the Transportation Impact assessment undertaken by Tim Kelly Transportation Planning Ltd for Wakatu Inc.

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.

The subdivision is enclosed on three sides by an existing strip development of residential dwellings that adjoins land that is zoned residential but which has not been utilised residentially. This application represents a change of use to an activity that is anticipated by the residential zoning of the site and the future draft plans for the area.

There is a small strip of Rural 1 zone land included on the west side of the proposed subdivision to accommodate Roads 6 and 7 and the stormwater detention pond. That land use is consistent with the existing residential zoning and also with the Motueka West Draft Plan.

The proposed higher density allotments 37-56 and 57-76 are located in areas internal to the wider subdivision and are in an area consistent with the higher density area proposed within the Motueka West Draft Plan. These higher density allotments are buffered from nearby residential allotments by some larger allotments around the periphery.

Increased dwelling density are will allow for additional allotments to be created at an affordable cost. The higher density is clustered in the centre of the development with larger sections around the periphery. This increase in density will have an overall increase in dwelling units and an associated increase of traffic and the effects that are generated by increased traffic for surrounding existing residential development.

The traffic generated by 28 additional allotments is not considered to give rise to effects more than minor when taken in the context of the whole subdivision. The close proximity to town facilities and schooling is likely to reduce the need for vehicle transport.

This higher density area is considered to be one method of achieving affordable housing for the community which is considered to be a positive social benefit to the district that will arise from this proposal.

Whether the subdivided land has been, or is, subject to contaminants that may be hazardous to the future occupiers of the land – NES Contaminated soils

As of the 1st January 2012 the National Environmental Standards relating to contaminated soils is effective and as this application has not had a section 95 decision made the proposal does need to be assessed under the requirements of the NES-CS.

The site is not on Council's register of contaminated sites and is not identified by this information as a HALL site.

Tonkin and Taylor have undertaken a ground contamination assessment which states: *"The investigation shows that there are no major constraints to development of the main orchard area for residential use and nor is any remediation required prior to the development of the existing and former orchard areas (2 and 5). There are some limited areas 4, 6a and 7 that would require further testing and possible remediation. Conditions are volunteered; testing and remediation if required would be undertaken prior to s223*

A detailed site assessment for areas 2 and 5 has been undertaken showing that the area does not have any exceedances of the levels of priority contaminants that would be likely to harm human health.

Archaeological or Heritage Sites

The Archaeological assessment of N 26/252 Motueka Pa provides recommendations which will be included as conditions of consent and include the requirement for an Archaeological Authority from HPT.

Wakatu Incorporation's Manaaki Board have asked that ownership of land under the proposed road access that will enter the site from Pa Street be retained in Wakatu Inc ownership and to the end the solution applied in this proposal is that Lot 105 will remain Private Road with public access rights provided by easements in gross to Tasman District Council. This will provide the required degree of cultural protection.

Consistency with Motueka West Draft Plan

The proposal is consistent with this Draft Plan in terms of the area identified as suitable for higher density housing solutions although it is acknowledged that progression of this Draft Plan is stalled.



Productivity values of rural land

While it is considered that there is a loss of productive values over a small area of rural 1 land to be utilised along the western margin of the development for the stormwater detention dam and the roads 6 and 7 this is counter balanced by the longer term outlook proposed in the Motueka West draft plan for this site. The roading and stormwater detention pond also offer buffering for any existing rural 1 uses from the new residential activity. This may reduce any reverse sensitivity issues in the short term.

Building Design

Building Design considerations set out in the Urban Design Panel (UDP) report Section 6 have been incorporated into the application.

The applicants on the recommendation of the UDP tested the 20 metre deep higher density allotments with a variety of designs in combination with the controls proposed by section 6 confirming that good site amenity can be achieved on each allotment.

It is considered that onsite residential amenity would be maintained albeit at an overall higher density. The design controls that would be in place as ongoing conditions will mitigate and minimise any potential adverse effect.

The reserve area provides additional open space in a central location offering play and recreational space for residents of this community.

Site Works Effects

The proposal includes provisions for management of construction and site works, including an environmental management plan, to avoid or mitigate any adverse effects from noise, dust, stormwater and silt run-off, and the clearance and disposal of vegetation and other waste. There are considered to be no more than minor short term visual, dust and noise effects accordingly and these can be mitigated by conditions of consent.

Land Disturbance

In respect to the earthworks component, the actual volume and scale of the recontouring / earthworks proposed on this essentially flat site is so minor to almost be de minimis, however due to the area being in excess of 1 hectare during the temporary construction land disturbance consent aspect is required. The overall recontouring of the land means there is minor areas of cut and fill, with ground levels in the west being 8m AMSL, with an anticipated fall 0.5metre fall across the site to existing residential dwellings. The detention pond to the west in the rural land has been designed to intercept rural land stormwater runoff to minimise the stormwater entering Council's reticulated system. Overall the recontouring slightly reduces the contour gradient across the land being subdivided. The earthworks (cut and fill) over the subdivision site will not give rise to any increased risk of stormwater or flood water being diverted onto the adjoining developed residential sites.

Summary

Overall it is considered that this proposal is consistent with the outcomes sought by the residential zones in the TRMP albeit that there is some higher density allotments that currently aren't allowed for but is in the scope of future zoning contemplated this site.

The combination of careful design, early consultation and conditions of consent it is considered that any potential adverse effects can be mitigated to no more than minor. It is acknowledged that there will be a change of use of the land adjoining existing residential development but it is considered that these changes are consistent with the zoning and the impact of developmental activities will be temporary. Conditions will also manage these effects.

The staging and conditions volunteered for the Subdivision will minimise any potential impact of developmental construction effects on the adjoining residential neighbours. This impact will be temporary and of a limited duration.

QUESTION 4 Overall Discretion or Special Circumstances

Question 4(a)

Are there other reasons why the application should be publicly notified?

Note: There is discretion to decide to publicly notify an application per Section 95A(1), unless Section 95A(3) applies.

- Yes → State reasons in box below, and then go to Step 6(a) (Recommendation to Publicly Notify)
- No → Go to Question 5



Question 4(b)
Are there special circumstances relating to the application that justify overriding the preclusion of public notification in a rule or national environmental standard?

Note: "Special Circumstances" are generally those that are unusual, although they may also include objectives and policies of plans or provisions of national environmental standards that give clear indications of expected environmental outcomes relevant to the proposed activity. If what is proposed is specifically envisaged by the Plan, special circumstances do not exist. Also, the fact that some persons have concerns about a proposal does not of itself give rise to "special circumstances" but it may be a contributing factor.

Yes → State reasons in box below, and then go to Step 6(a) (Recommendation to Publicly Notify)

No → Go to Questions 5

Other Reasons (4(a)) or Special Circumstances (4(b)) to publicly notify are:

QUESTION 5 Limited Notification

Does a rule or environmental standard preclude limited notification of the application?

No → Go to Question 6(a) Yes → Go to Question 6(b)

QUESTION 6 Affected Persons

Question 6(a)

Will the adverse effects of the activity on any person be minor or more than minor (but not less than minor)?

Notes:

- 1) An adverse effect of the activity may be disregarded if a rule or national environmental standard permits an activity with that effect.
- 2) In the case of a controlled or restricted discretionary activity, disregard any adverse effect that does not relate to the case of a controlled or national environmental standard reserves control or restricts discretion.
- 3) Have regard to relevant status of the development.
- 4) If it is unreasonable in the circumstances to seek a person's written approval, that person is not an affected person (S99E(3)(b)).
- 5) For changes or cancellations of resource consent conditions, consider whether any person who made a submission on the original application may be affected by the change or cancellation (Section 121(4)).
- 6) Consideration of adversely affected persons may result in a mix of "yes" and "no" assessments. When relevant, reasons should be stated as to why persons are not considered to be potentially affected.
- 7) The RMA regulations require service of notified applications on persons deemed affected per S99E.

Yes → If considered relevant, state why any persons are not considered to be affected in the box below, then go to Question 6(b)

No → State all relevant reasons why persons are not considered to be affected in the box below, then go to Question 6(b)

Reasons why persons are not considered to be affected by the activity:

Subdivision RM110351

The residential dwellings along Pah, Grey and Whakarua Street that adjoin the subdivision land are not considered affected as the proposed subdivision could be anticipated given the residential zoning of the adjoining land. The higher density allotments do not directly adjoin existing residential sites. The development stages and associated impacts and effects are temporary and controlled by conditions. Apart from the two access points from Pah and Grey Streets all internal roads are not immediately adjoining any existing residential allotments. The four existing allotments on each side of the entry roads are considered affected to a degree that is minor or more than minor as they directly adjoin the road entry points into the subdivision. These points are not identified as indicative roads. However all other residential allotments further along both Pah and Grey Streets are not considered affected as the land is zoned residential and the roading system is considered to have sufficient capacity for the traffic volume generated by the development of this existing residential zone.

Land disturbance/site works RM110812

The proposal includes provisions for management of construction and site works, including an environmental management plan. These provisions are designed to avoid or mitigate the potential adverse effects that are generated from construction activities (noise, dust, stormwater, silt run-off, the clearance and disposal of vegetation) for adjoining residential dwellings and the occupants. It is considered that these volunteered mitigation and management conditions should ensure that the temporary construction and development effects are less than minor in terms of the adjoining residential properties.

Question 6(b)
Are there any persons who are affected order holders?

Notes: 1) To be an affected order holder (a) the person must be the holder of a customary rights order, and (b) the proposed activity may have adverse effects on a recognised customary activity carried out under the order, and (c) the person has not given written approval to the activity (or has not withdrawn their approval).
2) Limited notification is required for affected order holders even if a rule or national environmental standard precludes public or limited notification of the application.

Yes → Go to Question 6(c) No → If the answer in 6(a) is yes, go to Step 6(c) OR

If the answer in 6(a) is no, go to Step 7, OR

If the answer in 5 is yes, go to Step 7

Step 6(c)

Complete the table below, listing the persons who are considered to be affected by this activity (per Questions 6(a) and 6(b)), then go to Step 7.

Name of Affected Person	How are they Affected?	Written Approval Provided? (Y/N)
GB Douch and MA Woodford 81 Pah Street, Motueka	Adjoins road from Pah Street(Lot 1005)	N
GM and SG Bennett 79 Pah Street, Motueka	Adjoins road from Pah Street(Lot 1005)	N
JT Cunningham 28 Grey Street, Motueka	Adjoins road from Grey Street	N
AK and AD Read 34 Grey Street, Motueka	Adjoins road from Grey Street	N

Note: It is important that only those persons who will be adversely affected by the proposed activity to a minor or more than minor extent, and affected order holders are listed in this table. It should be noted that some applicants submit written approval from persons who will not be adversely affected by the activity. In addition to a completed approval form, the affected person should have also signed any relevant plan.

STEP 7 Recommendation

It is recommended that this application be:

Publicly notified for the reasons stated above.

Processed on a limited notification basis because any adverse effects on the environment will be no more than minor and written approvals have not been obtained from all affected persons [OR] if written approvals cannot be obtained from all affected persons OR

Note: A person who has given written approval to the activity (and has not withdrawn the approval prior to this decision) is not to be included in the limited notification process.

Processed on a non-notified basis *If written approvals are obtained*

Processed on a non-notified basis because any adverse effects will be no more than minor and there are no affected persons.

Processing Officer (Sign): *M. Kelly*

Date: *15-3-2012*

Name: Pauline Wapby / Mike McKiggan

Position: Consent Planner - Subdivision and Consent Planner - Regional

STEP 8 Section 95 Decision

Recommendation accepted under delegated authority of the Tasman District Council by:

(Sign): *Phil Doole* Date: *15/03/2012*

Resource Consents Manager