MINUTES

TITLE: **Environment & Planning Committee**
DATE: **Monday, 12 January 2009**
TIME: **9.30 am**
VENUE: **Tasman District Council Chamber, 189 Queen Street, Richmond**

PRESENT: Cr N Riley (Chairman), Crs B Dowler and B W Ensor

IN ATTENDANCE: Principal Consents Coordinator (J Butler), Consent Planner (P Gibson), Development Engineer (D Ley), Resource Scientist (E Verstappen), Administration Officer (B D Moore)

1. BROWN ACRE VILLAGE LIMITED, PARKER AND WILKIE STREETS, MOTUEKA - APPLICATION RM080175, RM080360, RM080361

1.1 Proposal

Subdivision Consent RM080175

To subdivide two titles into six freehold titles being proposed Lots 1 and 2 each of 720 square metres, proposed Lot 3 of 660 square metres, proposed Lot 4 of 2.45 hectares, proposed Lot 5 of 60 square metres, and proposed Lot 6 of 8 square metres. Proposed Lots 1 – 3 are for residential purposes, proposed Lot 5 is a Utility Reserve to vest in Council, and proposed Lot 6 is to be amalgamated with Lot 1 DP 4252. Proposed Lot 4 is to be subdivided by unit title as part of a comprehensive residential development to create 69 Principal Units for residential use, four Accessory Units (garages), and a common area including vehicle access and open area. Each Principal Unit will be between 66.5 square metres and 150 square metres in area.

Land Use Consent RM080360

To undertake a comprehensive residential development consisting of 69 new dwellings, one on each of the Principal Units described in the subdivision application above (Application RM080175) and to construct a garage able to house four cars.

Discharge Permit RM080361

To discharge a portion of the stormwater generated from the comprehensive residential development described above (Applications RM080175 and RM080360). The stormwater is proposed to be discharged to land by way of a detention area.

The land is zoned Residential according to the Proposed Tasman Resource Management Plan. The application site is located at Parker and Wilkie Streets, Motueka, being legally described a Pt Lot 10 DP 3266 (CT 417538) and Lot 1 DP 6563 (CT NL5C/209).

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

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Dowler / Ensor
EP09/01/01

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

Brown Acre Village Limited

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Brown Acre Village Limited	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs Riley / Dowler
EP09/01/02

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

2. BROWN ACRE VILLAGE LIMITED, PARKER AND WILKIE STREETS, MOTUEKA - APPLICATION RM080175, RM080360, RM080361

Moved Crs Riley / Ensor
EP09/01/03

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to Brown Acre Village Limited as detailed in the following report and decision.
CARRIED

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

Meeting held in the Tasman Room, Richmond

on Monday, 12 January 2009, commencing at 9.30 am

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the application lodged by **Brown Acre Villages Limited** ("the Applicant"), to subdivide two titles into five freehold titles and to undertake a comprehensive residential development consisting of 69 new dwellings. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM080175 (Subdivision) and RM080360 (Land Use – comprehensive development).

PRESENT:	**Hearings Committee** Cr N Riley, Chairperson Cr B Ensor Cr B Dowler
APPLICANT:	Ms J Bayley (Planning Consultant) Mr A Fon (Engineering Consultant)
CONSENT AUTHORITY:	**Tasman District Council** Mr P Gibson (Consent Planner, Land use and Subdivision) Mr D Ley (Development Engineer) Mr E Verstappen (Resource Scientist, Rivers and Coast)
SUBMITTERS:	Ms M Dowie Ms M Burling-Gratton Ms E Hawke
IN ATTENDANCE:	Mr J Butler (Principal Resource Consents Adviser) – Assisting the Committee Mr B Moore (Committee Secretary)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

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

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

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

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

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

A number of changes have been made to the proposal since the original application was lodged and since submissions closed. The following description of the activity describes the most up-to-date information available.

Stage 1 of the application is to subdivide two titles (Pt Lot 10 DP 3266 (CT 417538) and Lot 1 DP 6563 (CT NL5C/209) into five freehold titles being:

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

Proposed Lots 1 to 3 are for residential purposes, and proposed Lot 5 is to be either amalgamated with proposed Lot 3 or Lot 1 DP 4252 (12 Wilkie Street) as part of their existing driveway is constructed over proposed Lot 5.

Stage 2 involves the subdivision of proposed Lot 4 by unit title as part of a comprehensive residential development (CRD) to create 69 Principal Units for residential use, 4 Accessory Units (garages) accessory to Principal Unit 69, and an area of Common Property including vehicle access and an open area. Each Principal Unit will be between 66.5 square metres and 150 square metres in area.

Discharge consent RM080361 to discharge stormwater onto land was also applied for. As a result of submissions received and additional discussions with Council staff the applicant subsequently changed the stormwater design, directing all stormwater on the site directly into the Council's reticulated system or into the same system via an on-site detention pond. Consequently no stormwater discharge to land is now proposed.

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

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

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

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

2. TASMAN RESOURCE MANAGEMENT PLAN ("TRMP") ZONING, AREAS AND RULE(S) AFFECTED

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

Zoning: Residential
Area(s): Land Disturbance Area 1

The proposed land use activity for a CRD does not comply with Permitted Activity Rules 17.1.3.1, 17.1.3.4, 16.2.2.1 and 16.2.3.1 of the TRMP and is deemed to be a non-complying activity.

The proposed subdivision does not comply with Permitted Activity Rule 16.3.3.1 of the TRMP and is deemed to be a discretionary activity under Rule 16.3.3.3 of the TRMP.

As all applications take on the most restrictive activity classification, overall the suite of applications is a **Non-Complying** Activity.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 30 May 2008 pursuant to Section 93 of the Act. A total of eight submissions were received. The following is a summary of the written submissions received and the main issues raised:

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

Opposed to the proposal for the following reasons:

- The location of the proposed sewer pump station is within metres of the dwelling on 12A Wilkie Street. This location is not in accordance with the Council's Engineering Standards and Policies.

- Adverse effects of odour and noise.

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

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

Submission 2: New Zealand Fire Service Commission

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

Submission 3: New Zealand Historic Places Trust

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

Submission 4: Wakatu Incorporation

Opposed to the proposal for the following reasons:

- Raising of the land has the potential to divert or hinder existing overland flows thereby creating potential for inundation on surrounding properties.

- Part on-site stormwater disposal is considered inappropriate in such an intense development. The applicant should be required to upgrade the downstream reticulation system.

- No details provided of how potential contamination of the underlying aquifer system will be controlled.

- The Council's rules require that where properties border two streets that access to the property should be from the road of the lesser roading hierarchy. In this case the access should be off Wilkie Street, not Parker Street.

- The Council's rules require 138 parking spaces for the development, 84 spaces are proposed. Evidence from a Traffic Engineer or similar has not been provided to justify such a drastic reduction.

- No evidence has been provided to show the soils are not contaminated.

- Expert evidence should be provided that it is possible to construct dwellings on these sites.

- Will balance areas be on separate titles that will require alteration at every stage and if so will they be serviced?

- The dwelling owner may not have control over access to their property due to the unit title areas following the footprint of each dwelling.

- Conflict of use for stormwater to be disposed of to ground within the Village Green when this is also to be available for the residents as "open space".

- The frontages of both Wilkie Street and Parker Street must be upgraded to the Council's standards.

- Calculations have not been provided to show that the sewer downstream reticulation system can handle the increased loading, particularly given the intensity of the development.

- Standard residential amenity requirements (site coverage, setbacks, daylight angles, outdoor living areas) are not met by this proposal.

Decision Sought: Decline the applications.

Submission 5: Pauline Gilmer, 67 Parker Street, Motueka

Opposed to the proposal for the following reasons:

- The openness of the property will be lost.

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

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

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

Opposed to the proposal for the following reasons:

- The development is too dense and exceeds the requirements in too many areas.

- The boundary fence will exceed the height once ground level development has happened.

- Stormwater drainage may increase the risk of contamination of local drinking water bores.

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

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

Opposed to the proposal for the following reasons:

- Contamination from the development's stormwater which is to go into on-site detention will soak into groundwater potentially adversely affecting our own bore water quality.

- Concerned that the positioning of any fence along 24 Fry Street's northern boundary will shade an already cold, wet, damp area.

- Concern that any raising of the ground level on the adjacent site would further worsen the flooding-ponding that occurs during rainfall at 24 Fry Street.

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

Submission 8: Erin Hawke, 8 Parker Street, Motueka

Opposed to the proposal for the following reasons:

- Concerned about the increase of traffic on Parker Street, especially since the road is narrow. When people park on it, it is reduced to one lane and the intersection of Parker Street and High Street does not meet the standard of the proposed traffic on it.

- The discharge of stormwater into groundwater that could potentially affect my well.

Decision Sought: Decline the applications.

4. PROCEDURAL MATTERS

There were no such matters that required a decision or ruling by the Committee.

5. EVIDENCE HEARD

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

5.1 Applicant's Evidence

Ms J Bayley (Planning Consultant)

Ms Bayley outlined the changes to the application: removal of a lot from the subdivision proposal which was to serve as a service lot for a wastewater pumpstation, and changes to the stormwater disposal regime. Ms Bayley also stated that, instead of necessarily amalgamating proposed Lot 5 with 12 Wilkie Street, the applicant would like the freedom to instead amalgamate it with proposed Lot 3.

Ms Bayley described the proposed CRD and stated that a solid wooden fence would be constructed around the perimeter to a height of 1.8 metres above existing ground level (rather than finished ground level). A nib wall for retaining fill on the site would be included into the design. Ms Bayley requested that the ground levels around the boundary be averaged so that the top of the fence would not have to follow the contours. The fence is to be set off the boundary with a collection drain on the outside of the fence which will catch any stormwater runoff from the site and divert it back into the stormwater reticulation system.

With regard to the density of the CRD, Ms Bayley stated that the overall coverage of the proposal is 33% which is in line with the Council's permitted standard for the residential zone.

All stormwater is to be piped into the Council's reticulation system. However, some stormwater will be detained on site before entering the reticulation.

Ms Bayley stated that she concurred with the Council's planning officer's report and his assessment of the relevant objectives and policies in the TRMP.

Ms Bayley stated that the applicant does not accept the requirement to raise building floor levels 600 millimetres above the crown of Parker Street. Part of the site is to be filled by approximately 400 millimetres to provide fall for services. This will provide a finished ground level of 50 millimetres above the crown of Parker Street. She also stated that the applicant will construct building platforms to be 150 millimetres higher than the finished ground level in line with the Building Code. She stated that, if concerned, the Committee could require that this be increased to 225 millimetres as a requirement for building in a potential hazard area.

With regard to traffic and roading, Ms Bayley stated that the footpath along the section of Wilkie Street adjacent to the site does not need to be remote from the road. She stated that the formation should be allowed to be extended to the intersection with Parker Street in its current form. Ms Bayley did accept the need for a remote footpath on Parker Street.

Ms Bayley stated that the applicant preferred that water meters be installed on Lot 4 for each unit so that they could be billed directly, otherwise the Body Corporate will need to be involved and will have to have a separate metering system and on-charge the units. Access to the meters on the site could be guaranteed by means of an easement.

Mr A Fon (Engineering Consultant)

Mr Fon addressed stormwater and stated that the design flow for a Q_{20} event is 385 litres per second. The peak of this flow that is not able to be catered for by the stormwater system will be temporarily stored in a detention area in the Village Green. Secondary flow paths will be required for any event greater than a Q_{20}. Secondary flow paths will principally be the internal road network.

Mr Fon considered the requirement for building floor levels to be 600 millimetres above the crown of Parker Street to be excessive and impractical. Generally the Building Act only requires 150 millimetres above the crown of the nearest road.

Mr Fon explained the perimeter fence as being 200 to 300 millimetres on the applicant's side of the boundary with a swale drain outside of the fence which would catch stormwater runoff from the subject site and pipe it back into the stormwater reticulation system via a number of underground pipes from the swale drain. It was anticipated that maintenance of the drain would be done by the adjacent property owners as it was on the outside of the fence.

Cr Ensor asked about the proximity of the site, particularly the caretaker's dwelling, to the Rural 1 land on the other side of Parker Street. Hops were described has having minimal spraying requirements; generally just some Roundup around the base of poles. There is also a shelterbelt between the hop plantation and Parker Street.

Cr Dowler asked whether the applicant had considered creating a walkway/pedestrian entrance onto Wilkie Street alongside proposed Lot 3. Ms Bayley stated that the applicant was not willing to do this for security reasons.

Cr Ensor referred to the statement in evidence that the CRD was to be sustainable. He asked about provision for harvesting and storage of rainwater, and allowances for vegetable gardening. The applicant stated that there would be room for vegetable gardening in the exclusive allotment areas of each unit which are a minimum of 33 square metres. A small water tank to catch rainwater would be offered as an option for each unit.

Cr Ensor also asked for clarification of the operation of the detention pond. Mr Fon said that it would only have water in it occasionally and during large rain events. The rest of the time it would be well kept as grass as part of the Village Green.

5.2 Submitters' Evidence

Ms M Dowie (5 Hulbert Street)

Ms Dowie stated that she is concerned about the density of the development, contamination of groundwater and the boundary fence. She said that as her property was lower the fence would be higher than 1.8 metres on her boundary if it is to be constructed on an average height basis.

Ms Dowie stated that she does not believe that a solid wooden fence will provide privacy as the noise is still there. There will be no sense of integration in the residential community. The people will be barricaded off. She also stated that high solid fences may reduce security. A more open fence would reduce the light blockage, the wind shear and provide more openness.

Ms Dowie presented photos showing her view over the subject property and showed where a solid wood fence would come to.

Ms M Burling-Gratton (24 Fry Street)

Ms Burling-Gratton questioned the need for the fence and that it would further shade a cold damp area in winter. She stated that she would prefer trellis as the upper part of the fence to allow more light penetration.

Ms Burling-Gratton wanted certainty that stormwater would not be shed from the subject site causing flooding of surrounding properties.

Ms E Hawke (8 Parker Street)

Ms Hawke stated that she no longer has concerns in the area of stormwater contamination.

Ms Hawke considered that better connectivity was required with more than just single entry and exit point to the development to enable walking and cycling. She stated that the over 50s are a group who particularly love to walk. She considered that the Regional Land Transport Strategy and Regional Cycling and Walking Strategy should be considered in the decision.

Anyone walking to town or wanting to enter the development from Fry, Hulbert or Wilkie Streets will have to walk a circuitous route to do so, and they may decide it is easier to drive as a result.

Ms Hawke considered that the development will also funnel all its traffic onto Parker Street and will create traffic congestion on an already narrow road. She considered the level of traffic to be high already with some rural type traffic contributing to high levels of urban traffic.

Overall, Ms Hawke considered that the application should be declined, and if it is not declined then the layout of the village should be amended to enable a choice of travel and options for pedestrians and cyclists.

5.3 Council's Reporting Officers' Report and Evidence

Mr P Gibson (Consent Planner, Land Use and Subdivision)

Mr Gibson considered the principle issues to be the character and amenity of the area, the traffic efficiency and safety, and lastly the servicing effects including floor heights and secondary flow path issues.

Mr Gibson addressed the recommended conditions.

With regard to the recommended condition that requires a planting plan to be provided Mr Gibson considered that it would be useful for the Council to see what is planned to be planted on both the Village Green and on the Parker Street road frontage.

With regard to the recommended condition requiring a covenant to be placed on the title, Mr Gibson considers it to be important that all parties, including possible future owners, are aware of the fence requirements.

Cr Ensor asked about social interaction and access to the site. Mr Gibson stated that Ms Ros Squire (Reserves Planner for the Council's Parks and Reserves Department). Mr Gibson also stated his hope that an agreement could be reached between the applicant and neighbours with regard to the design of the perimeter fence.

Mr E Verstappen (Resource Scientist, Rivers and Coast)

Mr Verstappen stated that the Council is in its infancy in terms of understanding the level of flood hazard on the Motueka Plains. While accurate topographical data is now available, this is insufficient to accurately determine flood hazard. Detailed flood modelling in the area will not be available for several years.

Mr Verstappen stated that he is of the opinion that a 2% Annual Exceedence Probability (AEP) event (50 year storm event) may cause a failure of the substandard stopbank system and cause serious flooding in the subject area. He believed that there is the potential for a significant flood hazard on this site, however admitted that the level of risk is largely unknown. He also stated that it is very hard to know how flood waters will act. As a result he has taken a cautious approach as, while the probability of the event is low, the effects are great.

He stated that in a hypothetical flood with an unknown flood level a floor level of 600 millimetres above the crown of Parker Street there may be a freeboard for the proposed units of in the order of 225 millimetres. Such a floor level could be achieved by just raising floor levels. This could be done by a number of means and raising all the ground area of the site should be avoided.

Cr Ensor asked what floor levels have been required for other subdivisions nearby. Mr Verstappen stated that each application will have been considered on its merits but that, in general, staff have asked that ground and/or floor levels be raised.

Mr D Ley (Development Engineer)

Mr Ley supported the use of a perimeter cut-off drain around the site to catch and divert stormwater runoff.

Mr Ley stated that complaints are received from people on mobility scooters that they get jostled by kerb crossings when footpaths are not remote from the road.

Mr Ley stated that he considers the proposal to be a private complex and that the Council's responsibility should end at the boundary. He asked that one water meter be required at the boundary and that the Body Corporate should on-charge the costs as appropriate. If the Council was to individually meter the units it would mean that the applicant would own the internal pipework but that the Council would own and maintain the meters within that pipework. He stated that it is tidier if the responsiblities finish at the boundary.

Mr Ley supported the use of on-site stormwater storage for augmenting water supply and reducing stormwater runoff. He referred to a design in the Council's Engineering Standards and Policies 2008 which contains an appropriate design. He also commented on the high groundwater levels in the area that makes on-site discharge of stormwater impractical.

Mr Ley also supported more pedestrian linkages into the development, particularly onto Wilkie Street. He stated that a lockable gate system would overcome the security concerns. He did not consider that there would be a large increase in vehicle movements as a result of the development and stated that Parker Street is capable of handling the expected traffic increase.

5.4 Applicant's Right of Reply

Mr Fon reiterated that they have tried to keep filling to a minimum and that flood prediction is guess-work at this stage. Therefore, he considered the imposition of minimum floor levels at 600 millimetres above Parker Street to be a "blunt tool" and inappropriate. He considered the 150 to 225 millimetre requirements under the Building Code to be appropriate.

Mr Fon stated that the stormwater detention area will only rarely have water in it and only for very short amounts of time. It will be fully grassed and maintained as the amenity is important to the applicant.

Finally, the swale drain would be on the outside of the fence with the fence and retaining wall that it sits on being 200 to 300 millimetres inside the boundary. He

considered that the maintenance of the drain should be done by the surrounding property owners as it benefits them.

Ms Bayley confirmed that all building heights were calculated on the basis of 400 millimetres of fill.

With regard to the heights of units, Ms Bayley stated that all units along the southern boundary would be single storied but that there may be two storied units along the eastern and western boundaries.

Ms Bayley stated that the applicant has volunteered to provide a landscape plan for the Village Green area and the area of road reserve in front of the development. The front area will be planted with native grasses and other plants but not large trees that would affect visibility.

Ms Bayley stated that a pedestrian access would only reduce the distance into town by half a block and that security is the main reason why pedestrian access has not been considered.

With regard to the fence, Ms Bayley stated that the applicant is not prepared to do this for security reasons as there will be fill and this will reduce the height of the fence from the inside. She stated that, in the TRMP, it is a permitted activity to construct such a fence.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

Stormwater

a) How should stormwater runoff from the raised site be dealt with so that it does not cause adverse effects for neighbouring properties?

b) What should the minimum floor level of each building above the crown of Parker Street be?

c) What level of rainwater harvesting is appropriate given the large amount of stormwater that will be produced by the development?

Walkways and Public Access

d) What type of footpath should be extended along Wilkie Street adjacent to the site?

e) Should more walking, cycling and mobility scooter access be provided to the site? What is the appropriate balance between accessibility and security?

Water meters

f) What is the most appropriate water meter and water billing regime?

Site Fence

g) What is the most appropriate type of boundary fencing for the site? Should some level of fence permeability be required?

7. MAIN FINDINGS OF FACT

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

a) The applicant has volunteered to construct a perimeter catch drain to stop overland flow running off onto neighbouring properties. The Committee considers this to be an appropriate way to ensure that off-site effects are avoided.

b) The Committee acknowledges the lack of information available to experts in trying to determine the flood risk. However, the Committee does not consider that it is warranted to require the raising of the floor level to that recommended by Council staff (600 millimetres above the crown of Parker Street). While Mr Verstappen is correct in that the magnitude of the event would be great, the Committee considers that the very low probably of such an event, along with the other various adverse effects that would result from such an increase in building height, make such a requirement unreasonable.

c) The applicant has not properly considered rainwater harvesting as a means to A. reduce the volume of stormwater discharges, B. reduce demand for water during dry periods, and C. reduce costs resulting from water charges. The Committee believes that sending all stormwater (including relatively clean roof runoff) down the stormwater reticulation system, and then having to purchase and take water from the environment during dry periods is an obsolete model and outmoded thinking. The Committee is aware that the applicant is trying to maximise the area of land available for it to provide housing, and is probably trying to reduce clutter. However, there are some modern measures that are essential for modern developments in reducing the impact on the environment and making settlements more sustainable. Rainwater harvesting and use is one such measure, particularly in a dry area such as Tasman.

d) The Committee is satisfied that a footpath that is remote from the carriageway is not necessary on the relevant section of Wilkie Street, given that it is a short stretch and will be inconsistent with the other footpaths on the Street.

e) The Committee accepts the evidence of Ms Hawke that greater consideration should be given to forms of access other than by motor vehicle. There is a good option for a pedestrian access onto Wilkie Street. While the Committee is aware that the applicant is seeking to keep security as a high priority, there will be a live-in staff member who can lock or unlock a gate. Alternatively, the applicant may consider a card triggered gate or similar. The benefits of better pedestrian access at this location are increased by the start of a public walkway on the other side of Wilkie Street. The Committee agrees with Ms Hawke that the over 50s group is one which loves to walk and this should be encouraged in all practicable ways.

While Ms Bayley stated that the walkway will only benefit the residents who are travelling into Motueka centre by half a block or so, the Committee considers that there is a psychological incentive to use non-vehicular modes of transport if there is a shorter distance to go and the residents are not leaving by the main gate.

f) While the issue of access to the site for inspection of water meters could be solved by means of a covenant, a number of issues, as outlined by Mr Ley, remain with having water meters inside the CRD. The Committee considers it more appropriate that a single water meter be provided and that the Body Corporate should on-charge water costs as appropriate.

g) Solid 1.8 metre high fences are anticipated and provided for in the residential zone by the TRMP. The Committee does not see any reason or adverse effect that would necessitate a departure from the permitted baseline standard in this case. Most, if not all, buildings along the southern boundary are well set back from the boundary.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

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

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

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

9. DECISION

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

10. REASONS FOR THE DECISION

Effects on the Environment

The density of development is in line with what can be done as a permitted activity in the residential zone. The Committee is satisfied that the proposal will not adversely affect the amenity and residential character of the area beyond what is anticipated by the rules for the residential zone.

Currently the land zoned Rural 1 on the other side of Parker Street is planted in hops which create little in the way of adverse cross-boundary effects from spray drift. Also there is a shelterbelt which will further reduce the residential-rural cross boundary effects. In the future there may be the potential for more significant cross-boundary effects to occur if a different crop is planted or rural land use is undertaken.

The development will not create a great deal of extra traffic. The traffic increase will be less than what could be expected from the full residential development of the site. All other servicing can be satisfactorily provided. However, localised improvements to the site and Parker Street will be needed to offset the increased traffic, such as the provision of footpaths.

Overall the Committee considers the proposal to be well thought out and will provide an important service to the community. While there are a number of matters which are lacking in the development, such as pedestrian connectivity and some measures to improve sustainability and efficiency of resource use, these have been dealt with through imposition of conditions on the relevant resource consents.

Objectives and Policies of the TRMP

The relevant objectives and policies of the TRMP are:

Objective 5.1.2 (Adverse off-site effects)
Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

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

Objective 5.2.2 (Amenity Values)
Maintenance and enhancement of amenity values on site and within communities throughout the District.

Policies:
5.2.3.1 To maintain privacy in residential properties, and for rural dwelling sites.
5.2.3.2 To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites.
5.2.3.3 To promote opportunity for outdoor living on residential properties, including rural dwelling sites.
5.2.3.4 To promote amenity through vegetation, landscaping, street and park furniture, and screening.
5.2.3.7 To enable a variety of housing types in residential and rural areas.

Objective 5.3.2 (Visual and Aesthetic Character)
Maintenance and enhancement of the special visual and aesthetic character of localities.

Policies:

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

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

Objective 6.1.2 (Sustainable Urban Design and Development)
Urban buildings, places, spaces and networks that together, by design, sustain towns as successful places to live, work and play.

Policies:

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

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

Objective 6.2.2 (Land Effects from Urban Growth)
Urban growth that avoids or mitigates the loss of land of high productive value and the risks of extending onto land subject to natural hazards.

Policies:

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

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

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

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

Objective 6.3.2 (Urban Infrastructure Services)
Sustainable urban growth that is consistent with the capacity of services and has access to the necessary infrastructure such as water supply, roading, wastewater and stormwater systems.

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

Objective 6.3.2 and its supporting policies seek sustainable urban growth that does not overtake the capacity of services and has access to the necessary infrastructure such as water supply, roading, wastewater, and stormwater systems. The Committee is satisfied that this objective will be met.

Objective 11.1.2 (Land Transport Effects)
A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied, or mitigated.

Policies:
11.1.3.1 To promote the location and form of built development, particularly in urban areas, that:
(b) provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreational areas;
(d) allows opportunities for viable passenger transport services to be realised;
(e) provides a clear and distinctive transition between the urban and rural environments;

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

The proposal will generally meet the Council's land transport objectives and policies. Conditions have been put in place to further encourage non-vehicular transport.

Overall, the Committee considers the proposal to be consistent with the objectives and policies of the TRMP.

Section 104D of the Act

A resource consent with a non-complying status cannot be granted unless either the adverse effects of the activity on the environment are minor, or the activity is not contrary to the objectives and policies of the TRMP. In this case, the Committee considers that both of these "gateways" are passed and the proposal can therefore be considered under Section 104B.

Purpose and Principles of the Act

Overall, the Committee is satisfied that the proposal is consistent with Part 2 of the Act and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

The requirement for a pedestrian, cycling or mobility scooter access off Wilkie Street has been required by conditions. The rationale for this is described in paragraph (e) of Section 7 above.

Conditions are imposed which require harvesting and use. This is considered to be an important part of reducing resource use and the impacts of stormwater collection and discharge. While the Committee is aware that the requirements will add to the initial cost of the development, they will certainly reduce the ongoing costs to the residents as a group and the Body Corporate by (potentially) many thousands of dollars per year. The Committee considers it to be appropriate and fair that the costs, both financial and environmental, are not passed on to the residents when some robust design and investment now will reduce costs for many years to come.

The Committee does not consider it appropriate that adjacent landowners be burdened with maintaining a drain that is only required due to the recontouring of the subject property, particularly when there will be a caretaker on the subject property charged with doing maintenance of this kind. Therefore, conditions require that a high quality sealed drain be constructed around the perimeter of the site and that it be maintained by the consent holder.

12. LAPSING OF CONSENT(S)

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM080175), this consent is given effect to when a Survey Plan is submitted to the Council for the subdivision under Section 223 of the Act. Once the Survey Plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Land Use Consent, (RM080360 – comprehensive residential development) will lapse five years after the issue of the certificates of title for Lot 4. This is a pragmatic approach to ensure that delays with the subdivision do not compromise the effective ‘life’ of the land use consent for the dwellings to be erected on the titles created by the subdivision.

13. EXPIRY OF CONSENT(S)

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided and also provided that the use is not discontinued for a continuous period of more than 12 months.

Issued this 26th day of January 2009

Cr N Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080175

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

Brown Acre Village Limited
(hereinafter referred to as "the consent holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide two titles into five freehold titles, being Lots 1, 2 and 3 each of 720 square metres, Lot 4 of 2.45 hectares and Lot 5 of eight square metres.

LOCATION DETAILS:

Address of property:	Parker Street, Motueka
Legal description:	Pt Lot 10 DP 3266 and Lot 1 DP 6563
Certificate of title:	CT 417538 and CT NL5C/209
Valuation number:	1956005201
Easting and Northing:	2510408E 6011307N

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

CONDITIONS

Subdivision Development

1.1 The subdivision development shall be undertaken in accordance with the information submitted with the application, including the subdivision plan entitled Lots 1 – 5 being Proposed Subdivision of CT NL5C/209 & 2A/616 prepared by Staig & Smith Limited, dated 9 December 2008, and attached as Plan A, and the plan entitled Unit Plan of Proposed Lot 4 prepared by Staig & Smith Limited, dated 19 December 2008, and attached as Plan B. Notwithstanding the above, if there is any conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.

1.2 Notwithstanding Condition 1.1, the survey plan submitted for the purposes of Section 223 of the Act shall be amended as follows:

a) A pedestrian access strip that is sufficiently wide to allow a mobility scooter and a pedestrian to pass shall be shown between Lot 3 and Lot 1 DP 4252.

Staging

2.1 The subdivision shall be undertaken in two stages:

Stage 1 – the creation of five freehold titles being:

- proposed Lot 1 of 720 square metres;
- proposed Lot 2 of 720 square metres;

- proposed Lot 3 of 720 square metres minus the area used as a pedestrian access strip pursuant to Condition 1.2;
- proposed Lot 4 of 2.45 hectares; and
- proposed Lot 5 of 8 square metres.

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

Stage 1 Conditions (Creation of Lots 1 – 5)

Easements

3.1 Easements shall be created over any services located outside the boundary of the allotment that they serve. Reference to easements shall be included in the Council resolution on the Section 223 certificate and shown in a memorandum of easements on the survey plan required by Section 223 of the Act.

Amalgamation

4.1 Lot 5 hereon shall be either:

a) held together with Lot 3 hereon and one computer freehold register be issued,

OR:

b) transferred to the owner of Lot 1 DP 4252 and one computer freehold register be issued provided that Lot 5 is transferred to the owners of Lot 1 DP 4252 as tenants in common in the shares they currently own.

LINZ reference 802134

Advice Note:
If amalgamated with Lot 1 DP 4252 this amalgamation will provide access for Lot 1 DP 4252 at 12 Wilkie Street as their existing driveway is constructed over proposed Lot 5.

Hop Canopies

5.1 All existing hop canopies shall be removed from the site.

Roading and Vehicle Crossings

6.1 The consent holder shall, at its cost, widen Wilkie Street along the Wilkie Street frontage of the subdivision so that it is at a width that is consistent with the carriageway between the subdivision site and the intersection of Wilkie and Fry Streets. The consent holder shall also construct a 1.4 metre wide footpath along the eastern side of Wilkie Street between the existing footpath and the intersection with Parker Street. The footpath may either be remote from or adjoining the kerb and channel of the carriageway.

6.2 A vehicle kerb crossing for each of Lots 1 to 3 shall be formed and sealed. The vehicle crossings shall have a minimum carriageway width of 4.0 metres and shall be designed and constructed with:

a) a formed and sealed surface between the edge of the seal of the carriageway of the new road to at least 6.0 metres from the edge of the carriageway;

b) be sealed with chip seal (minimum Grade 4 chip first coat, followed by a Grade 6 void fill second coat), asphaltic concrete or concrete.

Water Supply

7.1 A water supply connection shall be provided to each lot/dwelling and a Council approved water meter shall be installed at the toby for each lot. The water meter shall comply with Section 9 of the Council's Engineering Standards and Policies 2008. The location and details of each meter shall be recorded on the Council's Water Meter Location Form (available from the Council's Engineering Consents Officer) and submitted to the Council's Engineering Manager for approval.

Advice Note
Water connection fees may be payable in accordance with the Council's LTCCP.

Sewer

8.1 Full sewer reticulation discharging to the Council's approved system in Wilkie Street shall be installed complete with any necessary manholes and a connection to Lots 1 to 3. Lot laterals shall terminate at the building site and be capped off to prevent infiltration. All reticulation shall be installed in accordance with the Council's operative Engineering Standards and Policies. This will include work outside the subdivision to connect to or upgrade existing systems.

Stormwater

9.1 A stormwater drain connection which drains to an approved system shall be provided to each lot/dwelling. The stormwater drain(s) shall be constructed in accordance with the Council's Engineering Standards and Policies 2008.

9.2 Lots 1 to 3 shall be contoured as necessary to ensure that:

a) The minimum finished ground level is 50 millimetres higher than the crown level of Wilkie Street opposite each lot;

b) Stormwater does not flow from the road reserve onto Lots 1 to 3 either as backflow from stormwater connections or as surface run-off.

c) No fill shall be placed which interferes with the natural run-off from neighbouring land. Where filling of the site obstructs the natural run-off from an adjoining property then provision shall be made for the drainage of that property.

d) There is continuous fall towards the road/street that the site is draining to.

e) surface stormwater is not discharged or diverted onto any adjacent residential property.

Electricity and Telephone

10.1 Full servicing for underground power and telephone cables shall be provided to the boundary of Lots 1 to 3. The consent holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

10.2 Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "Road to Vest" on the survey plan if adjacent to a road or road to vest.

Engineering Plans

11.1 Engineering Plans detailing all works and services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works on the subdivision. All Plans shall be in accordance with either the Council's Engineering Standards and 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;
b) any reticulation of services such as water, wastewater and stormwater;
c) all internal and boundary stormwater control and drainage patterns;
d) all earthworks and site filling.

11.2 All works shall be done in accordance with the approved Engineering Plans.

Engineering Certification

12.1 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 all works have been constructed in accordance with the approved Engineering Plans and the conditions of this consent.

12.2 Certification from a Chartered Professional Engineer or Geotechnical Engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability) that all building platforms and nominated building sites on Lots 1 to 3 are suitable for the erection of residential buildings shall be submitted to the Council's Engineering Manager. The certificate shall define on Lots 1 to 3 within the building location area, the area suitable for the erection of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering.

Advice Note
Any limitations identified in Schedule 2A may, at the discretion of the Council, be the subject of 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.

12.3 Where fill material is, as part of developing this subdivision, placed on any part of Lots 1 to 3, a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification shall, as a minimum, be in accordance with Appendix A of that standard.

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

12.4 "As built" plans of all engineering works (all services, lighting, roading etc.) shall be provided to and approved by the Council's Engineering Manager prior to the lodgement of a Section 223 Survey Plan so that easement areas can be accurately determined.

Financial Contribution – Stage 1

13.1 The consent holder shall pay a financial contribution for reserves and community services in accordance with following:

a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of the total size of each allotment for Lots 1 and 2.

b) The consent holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.

c) If payment of the financial contribution is not made within two years of 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 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Notes:
A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the consent holder.

The 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 the Council's Development Contributions Policy under the Local Government Act 2002.

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

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

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

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

Easements

14.1 Easements shall be created over any services located outside the boundary of the allotment that they serve. Reference to easements shall be included in the Council resolution on the Section 223 certificate and shown in a memorandum of easements on the survey plan required by Section 223 of the Act.

14.2 All the stormwater drainage features that form part of the stormwater drainage network shall be physically and legally protected from future development that may adversely affect the efficient functioning of the network. This is of importance to secondary flow paths over Lot 12 DP 3266 to be protected in favour of the subject property.

Consent Notices

15.1 The following consent notices shall be registered on Unit Title Principal Units 1 to 69 pursuant to Section 221 of the Resource Management Act. 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.

Approved Dwelling Design

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

Finished Floor Level

b) That each dwelling shall have a minimum dwelling finished floor level (FFL) of 225 millimetres above the crown of Parker Street opposite each allotment.

Maximum Height

c) The maximum height of each dwelling shall be 6.5 metres above natural ground level except that the consent holder volunteers that Units 29, 30, 41, and 42 are a maximum of 5.5 metres in height and do not have mezzanine floors.

Sight Distances

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

Stormwater

e) The property owners/body corporate is responsible for the maintenance and upkeep of the stormwater detention pond and associated system and keeping all parts of the system in good operational order at all times.

f) All systems associated with the stormwater discharge (such as the interceptors, connecting drains, swales, water tables, tanks and soak pits) shall be maintained in effective, operational order at all times.

g) The perimeter drain (See Condition 23.6 of Resource Consent RM080175) shall be maintained at least annually during the month of April by the property owners/body corporate so that it is kept clear, functions effectively and is maintained in good repair.

h) All systems associated with stormwater shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.

Hop Canopies

16.1 All existing hop canopies shall be removed from the site.

Pedestrian Walkway

17.1 The pedestrian walkway required to be created by Condition 1.2 shall be sealed with either asphaltic concrete or concrete and shall be splayed where it meets the footpath along Wilkie Street to allow turning onto the footpath.

Advice Note
It may be appropriate to install a lockable or, for example, card triggered security gate on the pedestrian access for security purposes. As the pedestrian access is for the purpose of serving the residents of Lot 4 and their visitors such security measures are anticipated by this consent.

Roading

18.1 The consent holder, at its cost, shall:

a) widen Parker Street on the subdivision side of the road to match the road's width on either side of the subdivision site.

b) construct kerb and channel and a 1.4 metre wide footpath along the subject-site's Parker Street frontage. The footpath along Parker Street shall be remote from the kerb and channel and shall smoothly adjoin the footpath along Wilkie Street required by Condition 6.1 and the existing footpath along Parker Street to the west.

Advice Note:
The Council's Development Engineer advises that the berm area between the title boundary and the footpath may be planted in groundcovers rather than grassed provided that the plantings meet the Engineering Standards and Policies 2008 with regard to low ground covers and the location of underground services and are

satisfactory to the Council's Engineering Manager. The planting shall not impede users of the footpath.

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

Vehicle Crossing

19.1 A vehicle kerb crossing to serve the internal road on the common property on Lot 4 shall be formed and sealed. The vehicle crossing shall have a minimum carriageway width of 6.0 metres at the boundary of the site.

19.2 A vehicle kerb crossing to serve PU 69 (the caretaker's residence) shall be formed and sealed. The vehicle crossing shall be of a width, measured at the boundary of the site, of between 3.5 metres and 6.0 metres.

19.3 All crossings described by Conditions 19.1 and 19.2 shall be designed and constructed with:

a) a formed and sealed surface between the edge of the seal of the carriageway of the new road to at least 6 metres from the edge of the carriageway;

b) be sealed with chip seal (minimum Grade 4 chip first coat, followed by a Grade 6 void fill second coat), asphaltic concrete or concrete.

19.4 A kerb crossing shall be formed for PU 1- 30, and PU 37 – 68. Pram crossings shall be formed at the internal street intersections.

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

Parking Spaces

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

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

Water Supply

21.1 Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed and a water meter and approved housing box shall be provided for each Principal Unit. Details of the reticulation system shall be included with the Engineering Plans as required by Condition 26.1. For Lot 4 containing the comprehensive residential development, the Council's responsibilities shall end at the boundary with a meter/valve and back flow prevention system.

21.2 Principal Units 1 to 69 shall be plumbed so that all toilet flushing and garden watering in the comprehensive residential development preferentially uses water from the rainwater storage tanks required to be provided by Condition 23.1. If option (a) in Condition 23.1 is implemented then the water shall also preferentially be used for irrigation of the common garden areas and Village Green.

Advice Note:
Using water for toilet flushing will ensure that surplus stormwater is effectively used even through the winter when irrigation and garden watering is not generally needed.

Sewer

22.1 Full sewer reticulation discharging to the Council's approved system shall be installed complete with any necessary manholes and a connection to Principal Units 1 - 69. This may include work outside the subdivision to connect to or upgrade existing systems. Discharge shall be via a private wastewater pump station and then to a private manhole before discharging to the Council's system via a gravity line to the existing manhole in Parker Street. Laterals shall terminate at the building site and be capped off to prevent infiltration. All reticulation shall be installed in accordance with the Council's operative Engineering Standards and Policies.

Stormwater

23.1 The consent holder shall install one of the following two rainwater harvesting systems. Either:

a) One or more water storage tanks shall be installed at a centralised location. The centralised water storage tank(s) shall have a total combined volume of not less than 44,000 litres. All roof runoff from the Principal Units 1 to 69 on the development shall be piped to the centralised storage site. The water stored in the centralised storage tank(s) shall be used in the manner set out in Condition 21.2. The overflow from the centralised storage tanks, as well as any runoff from paved areas shall be connected to the approved system.

Or,

b) Each pair of Principal Units and PU69 shall be served by a rainwater tank that is sized and installed in accordance with Drawing No. 725 of the Council's Engineering Standards and Policies 2008. All roof water shall be directed to the rainwater tank. The water stored in the tanks shall be used in the manner set out in Condition 21.2. The overflow and discharge pipes from the tanks, as well as any runoff from paved areas shall be connected to the approved system.

Advice Note:
Two options have been provided to allow the consent holder some freedom in designing an appropriate rain water harvesting system. It may be that, due to unforeseen practical or technical considerations that minor changes must be made to the systems described above. It is considered likely that the first rain water harvesting option is the cheaper and more effective as far fewer tanks will need to be purchased, they can probably be concrete as opposed to plastic, and the tanks will be able to supply water for watering and irrigation of the common land areas.

23.2 A full stormwater reticulation discharging to the Council's existing 825 millimetre diameter pipe in Parker Street (corner of Parker Street and Te Maatu Drive) shall be installed complete with all necessary manholes, sumps, inlets, and a connection to each allotment. This will include work outside the subdivision.

23.3 Secondary flowpaths shall be created in accordance with the plan entitled *Concept Engineering Plan: Stormwater* drawing number R002 Rev 2 drawn by Connell Wagner Limited and dated 21 April 2008.

23.4 Each lot shall be recontoured to have a finished ground level of a minimum of 50 millimetres above the crown level of Parker Street opposite each lot. There shall be a continuous fall to Parker Street.

23.5 Each lot shall be contoured as necessary to ensure that:

a) Stormwater does not flow from the road reserve onto Lot 4 either as backflow from stormwater connections or as surface run-off.

b) No fill shall be placed which interferes with the natural run-off from neighbouring land. Where filling of the site obstructs the natural run-off from an adjoining property then provision shall be made for the drainage of that property.

c) surface stormwater is not discharged or diverted onto any adjacent residential property.

23.6 A perimeter drain around lot 4 shall be established as follows: The perimeter fence shall be constructed on the boundary and a sealed impermeable drain shall be constructed on the consent holder's side of the boundary (and fence). Any water that collects in the perimeter drain shall be directed into the stormwater reticulation system to be installed as a condition of this consent.
The drain shall be maintained at least annually during the month of April by the property owner/body corporate so that it is kept clear, functions effectively and is maintained in good repair.

Advice Note
A consent notice shall be placed on the title requiring the maintenance of the perimeter drain (Condition 15.1(g)).

23.7 Bare ground shall be revegetated as soon as practicable to minimise the movement of sediment within runoff.

23.8 Prior to undertaking any activities authorised by this consent, the consent holder shall prepare a Stormwater Design and Management Plan. This Plan shall be submitted to the Council's Engineering Manager for approval before any works commence. The Stormwater Design and Management Plan shall set out the practices and procedures to be adopted in order that compliance with the conditions relating to stormwater can be achieved and the effects of the activity are minimised to the greatest extent practicable. The Stormwater Design and Management Plan shall, as a minimum, address the following matters:

a) Design plans for the components of the stormwater system;

b) Design calculations;

c) A construction-phase sediment management plan which identifies how sediment shall be controlled; and

d) A maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection and sediment control measures of all the stormwater system.

23.9 The on-site stormwater detention pond shall be constructed to detain and slow release back into the principal system at a volume/capacity of 70 cubic metres / 61 litres per second (increased to 200 cubic metres as per Connell Wagner Limited letter of 5 November 2008). The stormwater disposal system shall be designed in generally accordance with the information submitted to the Council by Connell Wagner Limited dated 5 November 2008 on behalf of the applicant and plans received by the Council on 7 November 2008 attached as Plan C.

23.10 Notwithstanding this consent, the stormwater disposal systems shall be designed in accordance with the Council's Engineering Standards and Policies 2008. If the consent holder chooses to install a system that does not comply with the Council's Engineering Standards 2008, written approval from the Council's Engineering Manager for the design shall first be obtained.

23.11 The stormwater retention pond and associated works shall be completed and certified by a Chartered Professional Engineer to the satisfaction of the Council's Engineering Manager prior to section 224 certification is issued for Stage 2 of this development.

Electricity and Telephone

24.1 Full servicing for underground power and telephone cables shall be provided to all lots. The consent holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

24.2 Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "Road to Vest" on the survey plan if adjacent to a road or road to vest.

Street Lighting

25.1 The consent holder shall provide street lighting in accordance with the Council's Engineering Standards and Policies 2008 along the adjacent sections of Parker and Wilkie Streets. This work will include the installation of cabling, poles, outreach arms, and lanterns outside the site.

Engineering Plans

26.1 Engineering Plans detailing all works and services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works on the subdivision. All Plans shall be in accordance with either the Council's Engineering

Standards and 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;
b) any reticulation of services such as water, wastewater and stormwater;
c) all internal and boundary stormwater control and drainage patterns;
d) all earthworks and site filling.

26.2 All works shall be done in accordance with the approved Engineering Plans.

Engineering Certification

27.1 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 all works have been constructed in accordance with the approved Engineering Plans and the conditions of this consent.

27.2 Certification from a Chartered Professional Engineer or Geotechnical Engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability) that all building platforms and nominated building sites on Lots 1 to 3 are suitable for the erection of residential buildings shall be submitted to the Council's Engineering Manager. The certificate shall define the area suitable for the construction of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering.

Advice Note
Any limitations identified in Schedule 2A may, at the discretion of the Council, be the subject of 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.

27.3 Where fill material is, as part of developing this subdivision, placed on any part of Lots 1 to 3, a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification shall, as a minimum, be in accordance with Appendix A of that standard.

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

27.4 "As built" plans of all engineering works (all services, lighting, roading etc.) shall be provided to and approved by the Council's Engineering Manager prior to the lodgement of a Section 223 Survey Plan so that easement areas can be accurately determined.

Maintenance Performance Bond

28.1 The consent holder shall provide the Council with a bond to cover maintenance of any roads or services that will vest with the Council. The amount of the bond shall be $1,100 per allotment to a maximum of $25,000, or a figure agreed by the Engineering

Manager, and shall run for a period of two years from the date of issue of the section 224(c) certification for Stage 2 of the subdivision.

Financial Contribution

29.1 The consent holder shall pay a financial contribution for reserves and community services in accordance with following:

a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of Principal Units 1 - 68.

b) The consent holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.

c) If payment of the financial contribution is not made within two years of 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 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Notes:
A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the consent holder.

The 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 the Council's Development Contributions Policy under the Local Government Act 2002.

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

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

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

SUBDIVISION ADVICE NOTES

Tasman Resource Management Plan

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

Other Council Requirements

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

Street Numbering

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

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

Road Name Plates

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

Road Opening Permit

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

Development Contributions

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

Related Consents

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

Sprays

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

Archaeological sites

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

New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorized site damage.

Issued this 26th day of January 2009

Cr N Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080360

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

Brown Acre Village Limited
(hereinafter referred to as "the consent holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To undertake a comprehensive residential development consisting of 69 new dwellings, on each of the Principal Units described in subdivision consent RM080175 and to construct a garage able to accommodate four cars.

LOCATION DETAILS:

Address of property:	Parker Street, Motueka
Legal description:	Pt Lot 10 DP 3266 and Lot 1 DP 6563
Certificate of title:	CT 417538 and CT NL5C/209
Valuation number:	1956005201
Easting and Northing:	2510408E 6011307N

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

CONDITIONS

Land Use Development

1.1 The subdivision development shall be undertaken in accordance with the information submitted with the application, including the subdivision plan entitled Lots 1 – 5 being Proposed Subdivision of CT NL5C/209 & 2A/616 prepared by Staig & Smith Limited, dated 9 December 2008, and attached as Plan A, and the plan entitled Unit Plan of Proposed Lot 4 prepared by Staig & Smith Limited, dated 19 December 2008, and attached as Plan B. Notwithstanding the above, if there is any conflict between the

information submitted with the application and any conditions of this consent, the conditions shall prevail.

1.2 Notwithstanding Condition 1.1, a pedestrian access strip that is sufficiently wide to allow a mobility scooter and a pedestrian to pass shall be provided between Lot 3 and Lot 1 DP 4252.

Financial Contributions

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

Financial Contribution – Building	
Component	
Building Consent ($0 to $50,000 value)	0%
Building Consent ($50,001 to $200,000 value)	0.5%
Building Consent (above $200,001 value)	0.25%

Notes:

1. The financial contribution is GST inclusive.
2. The building consent value is GST exclusive.
3. The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.
4. The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.

Building Coverage

3.1 The building coverage proposed shall not exceed that shown on the plan in Plan B dated 19 December 2008 attached.

Maximum Height

4.1 The maximum height of each dwelling shall be 6.5 metres above natural ground level except that the applicant volunteers that Units 29, 30, 41, and 42 are a maximum of 5.5 metres in height and do not have mezzanine floors.

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

Floor Levels

5.1 Each dwelling shall have a minimum dwelling finished floor level (FFL) of 225 millimetres above the crown of Parker Street opposite each unit.

Outdoor Living Areas

6.1 Each dwelling shall be provided with an outdoor living area to which its occupants have exclusive rights of use.

Planting Plan

7.1 A Planting Plan detailing the planting proposed within the Village Green and along the Parker Street road frontage for Stage 1 of the development shall be provided to the Council prior to any building consents for the dwellings being lodged for the relevant Phase of the development. Planting shall be implemented by the November following the completion of each Phase of the development. All planting shall be maintained and plants shall be replaced within 3 months of dying.

Hop Canopies

8.1 All existing hop canopies shall be removed from the site.

Pedestrian Walkway

9.1 The pedestrian walkway required to be created by Condition 1.2 shall be sealed with either asphaltic concrete or concrete and shall be splayed where it meets the footpath along Wilkie Street to allow turning onto the footpath.

Advice Note
It may be appropriate to install a lockable or, for example, card triggered security gate on the pedestrian access for security purposes. As the pedestrian access is for the purpose of serving the residents of Lot 4 and their visitors such security measures are anticipated by this consent.

Screening Covenant

10.1 Prior to any building consents for the dwellings being lodged, a covenant pursuant to Section 108 of the Resource Management Act 1991 shall be entered into and registered against the certificate of title for the land on which each dwelling is to be located. The covenant shall state that:

a) A fence shall be maintained at all times on all side and rear property boundaries of Lot 4. This fence shall be up to 1.8 metres above the existing ground level prior to any filling taking place at the boundary (not the filled ground level). The fence may be levelled to average ground level but shall at no point be higher than 1.8 metres above existing ground level.

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

Roading

11.1 The consent holder, at its cost, shall:

a) widen Parker Street on the subdivision side of the road to match the road's width on either side of the subdivision site.

b) construct kerb and channel and a 1.4 metre wide footpath along the subject-site's Parker Street frontage. The footpath along Parker Street shall be remote from the kerb and channel and shall smoothly adjoin the footpath along Wilkie Street required by Condition 6.1 of resource consent RM080175 and the existing footpath along Parker Street to the west.

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

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

Vehicle Crossings

12.1 A vehicle kerb crossing to serve the internal road on the common property on Lot 4 shall be formed and sealed. The vehicle crossing shall have a minimum carriageway width of 6.0 metres at the boundary of the site.

12.2 A vehicle kerb crossing to serve PU 69 (the caretaker's residence) shall be formed and sealed. The vehicle crossing shall be of a width, measured at the boundary of the site, of between 3.5 metres and 6.0 metres.

12.3 All crossings described by Conditions 12.1 and 12.2 shall be designed and constructed with:

a) a formed and sealed surface between the edge of the seal of the carriageway of the new road to at least 6 metres from the edge of the carriageway;

b) be sealed with chip seal (minimum Grade 4 chip first coat, followed by a Grade 6 void fill second coat), asphaltic concrete or concrete.

12.4 A kerb crossing shall be formed for PU 1- 30, and PU 37 – 68. Pram crossings shall be formed at the internal street intersections.

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

Sight Distances

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

Parking Spaces

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

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

Water Supply

15.1 Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed and a water meter and approved housing box shall be provided for each Principal Unit. Details of the reticulation system shall be included with the Engineering Plans as required by Condition 20.1. For Lot 4 containing the comprehensive residential development, the Council's responsibilities shall end at the boundary with a meter/valve and back flow prevention system.

15.2 Principal Units 1 to 69 shall be plumbed so that all toilet flushing and garden watering in the comprehensive residential development preferentially uses water from the rainwater storage tanks required to be provided by Condition 17.1. If option (a) in Condition 17.1 is implemented then the water shall also preferentially be used for irrigation of the common garden areas and Village Green.

Advice Note:
Using water for toilet flushing will ensure that surplus stormwater is effectively used even through the winter when irrigation and garden watering is not generally needed.

Sewer

16.1 Full sewer reticulation discharging to the Council's approved system shall be installed complete with any necessary manholes and a connection to Principal Units 1 - 69. This may include work outside the subdivision to connect to or upgrade existing systems. Discharge shall be via a private wastewater pump station and then to a private manhole before discharging to the Council's system via a gravity line to the existing manhole in Parker Street. Laterals shall terminate at the building site and be capped off to prevent infiltration. All reticulation shall be installed in accordance with the Council's operative Engineering Standards and Policies.

Stormwater

17.1 The consent holder shall install one of the following two rainwater harvesting systems. Either:

a) One or more water storage tanks shall be installed at a centralised location. The centralised water storage tank(s) shall have a total combined volume of not less than 44,000 litres. All roof runoff from the Principal Units 1 to 69 on the development shall be piped to the centralised storage site. The water stored in

the centralised storage tank(s) shall be used in the manner set out in Condition 15.2. The overflow from the centralised storage tanks, as well as any runoff from paved areas shall be connected to the approved system.

Or,

b) Each pair of Principal Units and PU69 shall be served by a rainwater tank that is sized and installed in accordance with Drawing No. 725 of the Council's Engineering Standards and Policies 2008. All roof water shall be directed to the rainwater tank. The water stored in the tanks shall be used in the manner set out in Condition 15.2. The overflow and discharge pipes from the tanks, as well as any runoff from paved areas shall be connected to the approved system.

Advice Note:
Two options have been provided to allow the consent holder some freedom in designing an appropriate rain water harvesting system. It may be that, due to unforeseen practical or technical considerations that minor changes must be made to the systems described above. It is considered likely that the first rain water harvesting option is the cheaper and more effective as far fewer tanks will need to be purchased, they can probably be concrete as opposed to plastic, and the tanks will be able to supply water for watering and irrigation of the common land areas.

17.2 A full stormwater reticulation discharging to the Council's existing 825 millimetre diameter pipe in Parker Street (corner of Parker Street and Te Maatu Drive) shall be installed complete with all necessary manholes, sumps, inlets, and a connection to each allotment. This will include work outside the subdivision.

17.3 Secondary flowpaths shall be created in accordance with the plan entitled Concept Engineering Plan: Stormwater drawing number R002 Rev 2 drawn by Connell Wagner Limited, dated 21 April 2008 and attached to this consent as Plan C.

17.4 Each lot shall be recontoured to have a finished ground level of a minimum of 50 millimetres above the crown level of Parker Street opposite each lot. There shall be a continuous fall to Parker Street.

17.5 Each lot shall be contoured as necessary to ensure that:

a) Stormwater does not flow from the road reserve onto Lot 4 either as backflow from stormwater connections or as surface run-off.

b) No fill shall be placed which interferes with the natural run-off from neighbouring land. Where filling of the site obstructs the natural run-off from an adjoining property then provision shall be made for the drainage of that property.

c) surface stormwater is not discharged or diverted onto any adjacent residential property.

17.6 A perimeter drain around lot 4 shall be established in one of the following two ways. Either:

a) The perimeter fence shall be constructed approximately 200 to 300 millimetres on the consent holder's side of the boundary and a sealed impermeable drain is constructed between the fence and the boundary along the length of the

perimeter fence. Any water that collects in the perimeter drain shall be directed into the stormwater reticulation system to be installed as a condition of this consent.
The drain shall be maintained at least annually during the month of April by the consent holder so that it is kept clear, functions effectively and is maintained in good repair.

An easement in favour of each neighbouring property shall be created over the Lot 4 to enable adjoining residents to undertake maintenance if necessary.

Or:

b) The perimeter fence shall be constructed on the boundary and a sealed impermeable drain is constructed on the consent holder's side of the boundary (and fence). Any water that collects in the perimeter drain shall be directed into the stormwater reticulation system to be installed as a condition of this consent.

The drain shall be maintained at least annually during the month of April by the property owner/body corporate so that it is kept clear, functions effectively and is maintained in good repair.

17.7 Bare ground shall be revegetated as soon as practicable to minimise the movement of sediment within runoff.

17.8 Prior to undertaking any activities authorised by this consent, the consent holder shall prepare a Stormwater Design and Management Plan. This Plan shall be submitted to the Council's Engineering Manager for approval before any works commence. The Stormwater Design and Management Plan shall set out the practices and procedures to be adopted in order that compliance with the conditions relating to stormwater can be achieved and the effects of the activity are minimised to the greatest extent practicable. The Stormwater Design and Management Plan shall, as a minimum, address the following matters:

a) Design plans for the components of the stormwater system

b) Design calculations

c) A construction-phase sediment management plan which identifies how sediment shall be controlled.

d) A maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection and sediment control measures of all the stormwater system.

17.9 The on-site stormwater detention pond shall be constructed to detain and slow release back into the principal system at a volume/capacity of 70 cubic metres / 61 litres per second (increased to 200 cubic metres as per Connell Wagner Limited letter of 5 November 2008). The stormwater disposal system shall be designed in generally accordance with the information submitted to the Council by Connell Wagner Limited dated 5 November 2008 on behalf of the applicant and plans received by the Council on 7 November 2008 attached as Plan C.

17.10 Notwithstanding this consent, the stormwater disposal systems shall be designed in accordance with the Council's Engineering Standards and Policies 2008. If the consent holder chooses to install a system that does not comply with the Council's Engineering Standards 2008, written approval from the Council's Engineering Manager for the design shall first be obtained.

17.11 The stormwater retention pond and associated works shall be completed and certified by a Chartered Professional Engineer to the satisfaction of the Council's Engineering Manager prior to applications for building consent for any dwelling being lodged.

17.12 The following shall apply:

a) The property owners/body corporate is responsible for the maintenance and upkeep of the stormwater detention pond and associated system and keeping all parts of the system in good operational order at all times.

b) All systems associated with the stormwater discharge (such as the interceptors, connecting drains, swales, water tables, tanks and soak pits) shall be maintained in effective, operational order at all times.

c) The perimeter drain shall be maintained at least annually during the month of April by the property owners/body corporate so that it is kept clear, functions effectively and is maintained in good repair.

d) All systems associated with stormwater shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.

Electricity and Telephone

18.1 Full servicing for underground power and telephone cables shall be provided to all lots. The consent holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power and telephone connections have been made to the boundaries of the allotment.

18.2 Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "Road to Vest" on the survey plan if adjacent to a road or road to vest.

Street Lighting

19.1 The consent holder shall provide street lighting in accordance with the Council's Engineering Standards and Policies 2008 along the adjacent sections of Parker and Wilkie Streets. This work will include the installation of cabling, poles, outreach arms, and lanterns outside the site.

Engineering Plans

20.1 Engineering Plans detailing all works and services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works on the subdivision. All Plans shall be in accordance with either the Council's Engineering Standards and 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;
(b) any reticulation of services such as water, wastewater and stormwater;
(c) all internal and boundary stormwater control and drainage patterns;
(d) all earthworks and site filling.

20.2 All works shall be done in accordance with the approved Engineering Plans.

Engineering Certification

21.1 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 all works have been constructed in accordance with the approved Engineering Plans and the conditions of this consent.

21.2 Certification from a Chartered Professional Engineer or Geotechnical Engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability) that all building platforms and nominated building sites on Lots 1 to 3 are suitable for the erection of residential buildings shall be submitted to the Council's Engineering Manager. The certificate shall define the area suitable for the construction of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering.

Advice Note
Any limitations identified in Schedule 2A may, at the discretion of the Council, be the subject of a consent notice pursuant to Section 221 of the Resource Management Act 1991. 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.

21.3 Where fill material is, as part of developing this subdivision, placed on any part of Lots 1 to 3, a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification shall, as a minimum, be in accordance with Appendix A of that standard.

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

21.4 "As built" plans of all engineering works (all services, lighting, roading etc.) shall be provided to and approved by the Council's Engineering Manager at the completion of the works.

LAND USE ADVICE NOTES

Tasman Resource Management Plan

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

Other Council Requirements

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

Related Consents

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

Archaeological Matters

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

Development Contributions

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

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

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

Road Opening Permit

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

Sprays

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

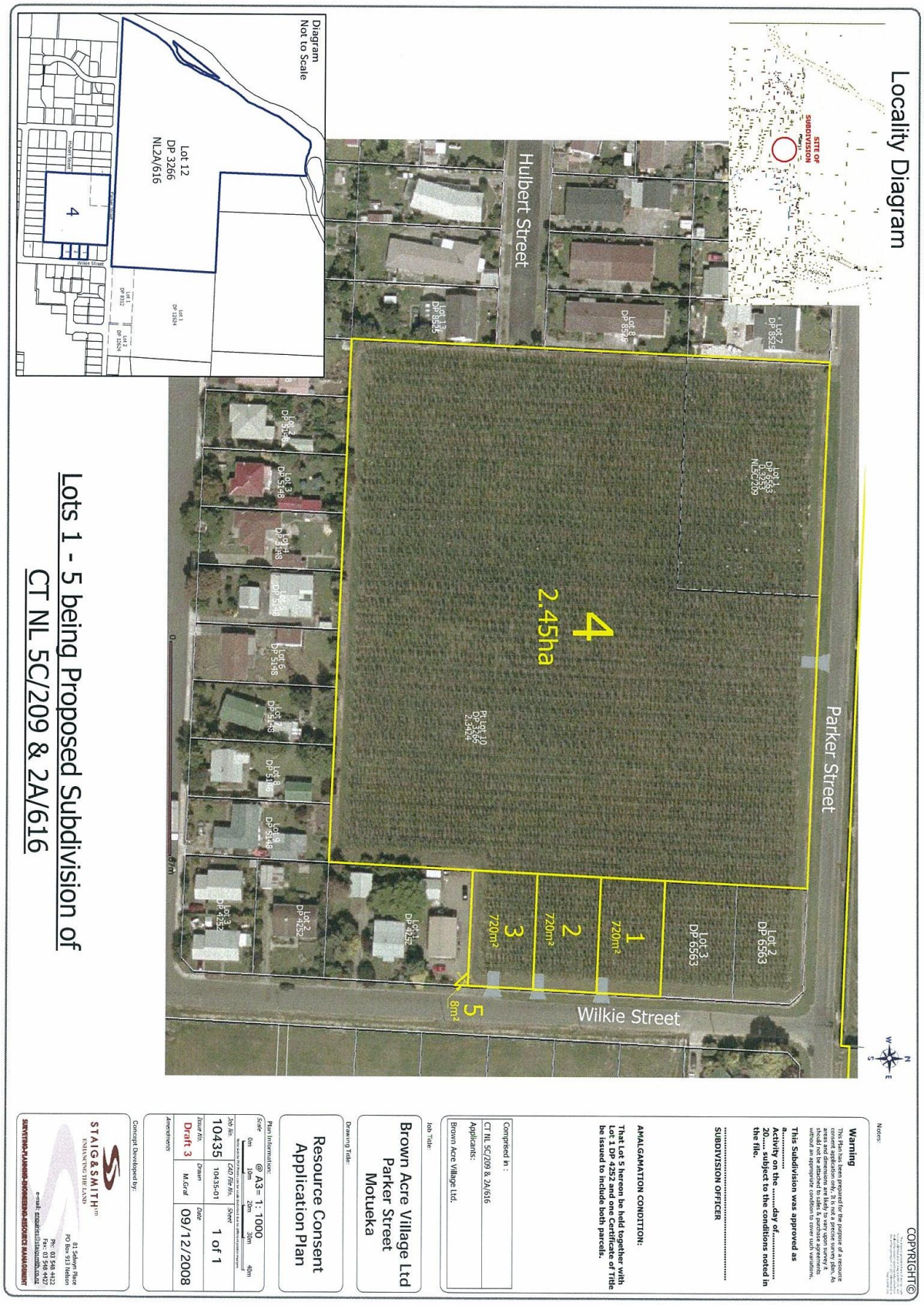
Archaeological Sites

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

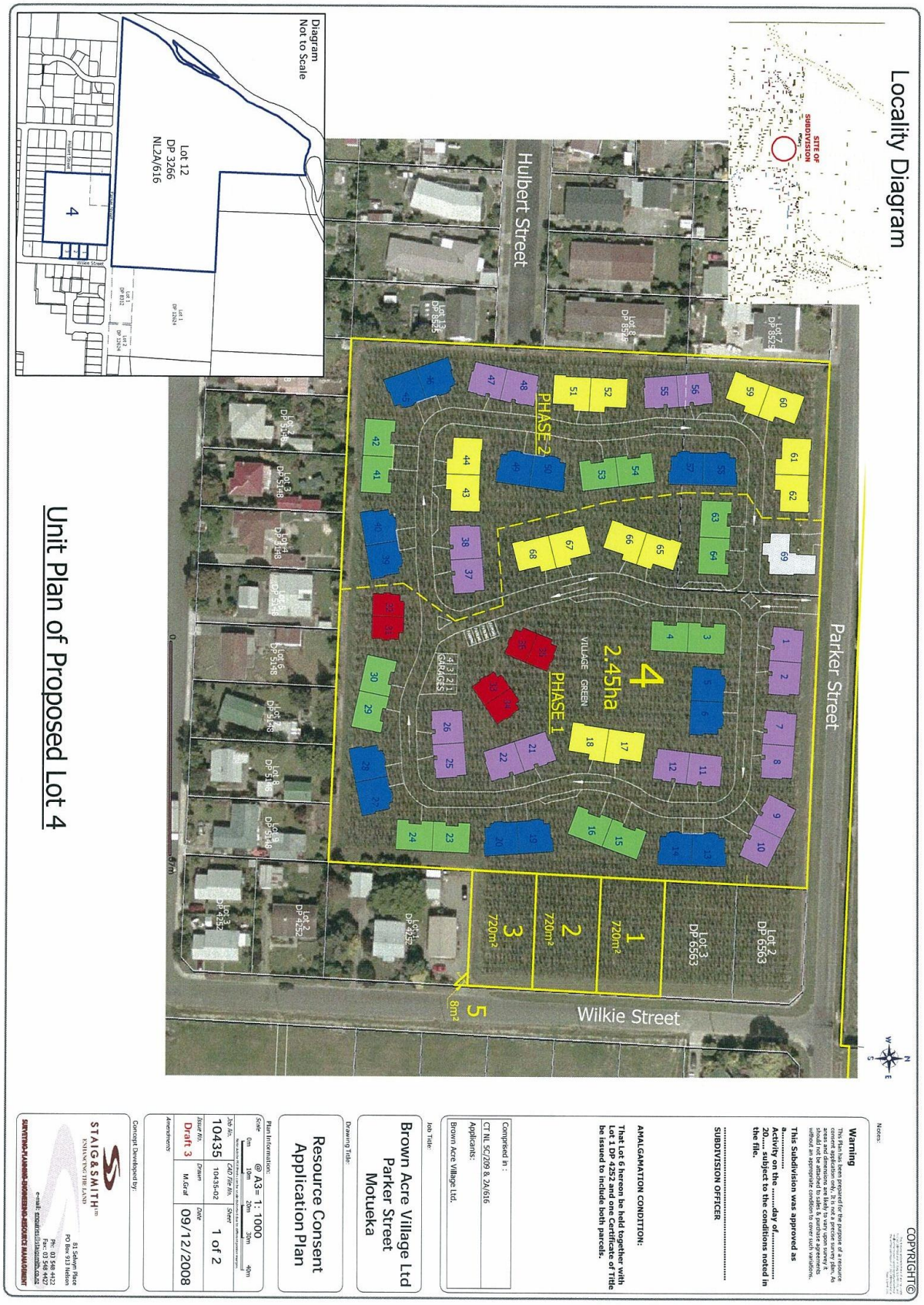
Issued this 26th day of January 2009

Cr N Riley
Chair of Hearings Committee

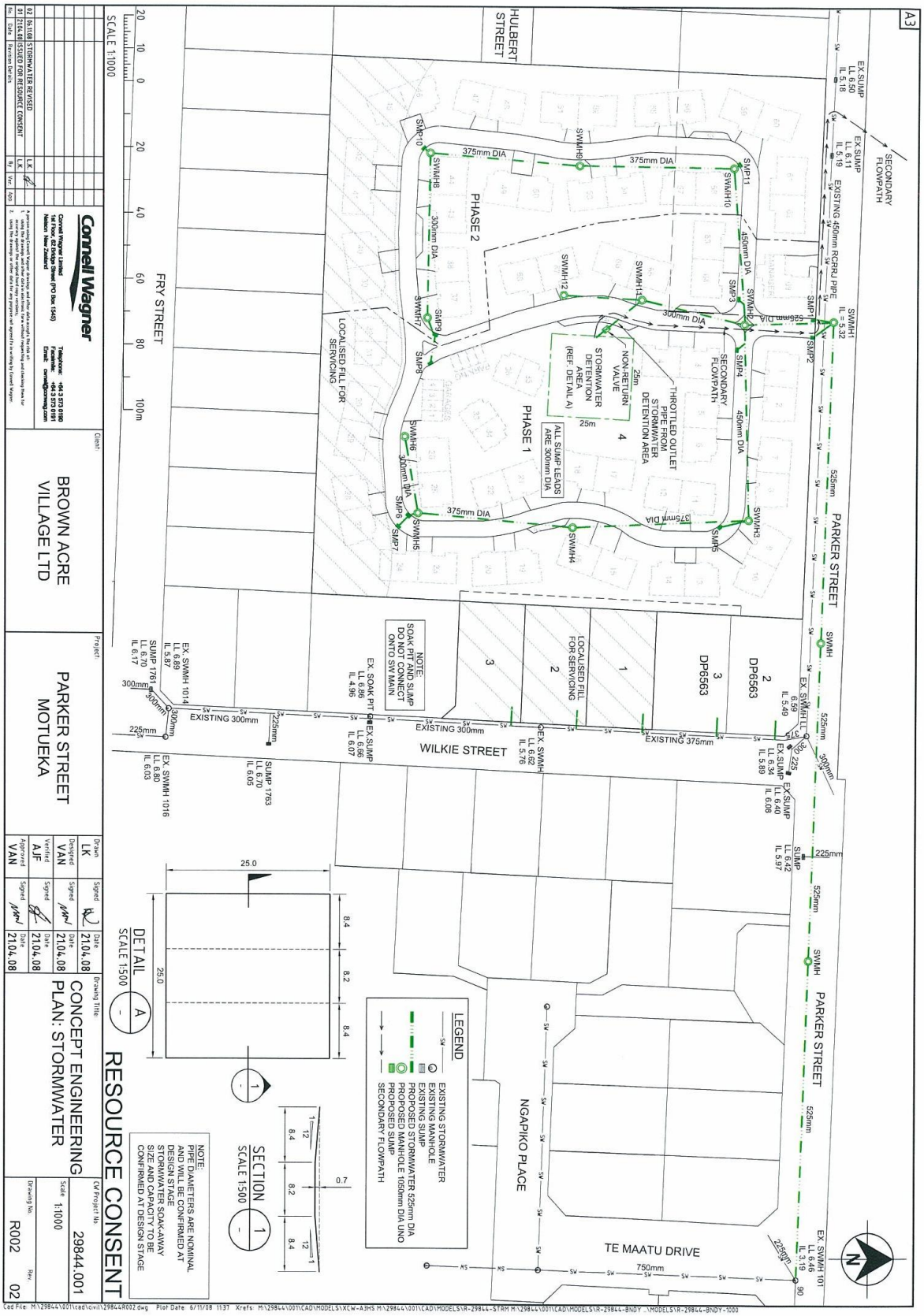
Plan A – RM080175 and RM080360
Subdivision Plan



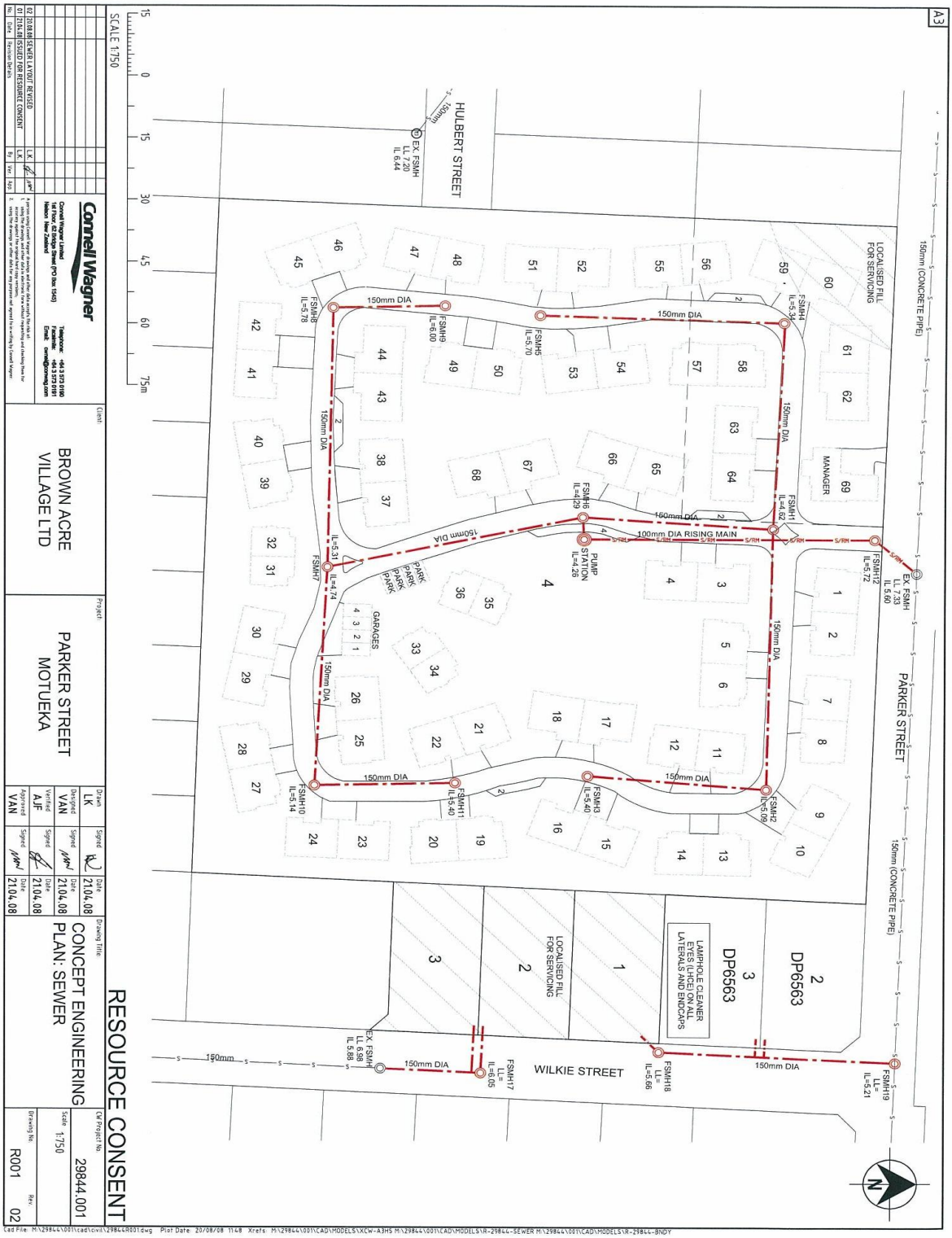
Plan B – RM080175 and RM080360
Comprehensive Residential Development Plan



Plan C – RM080175 and RM080360
Stormwater Engineering



Plan D – RM080175 and RM080360
Wastewater Engineering



Date Confirmed: **Chair:**