

MINUTES

TITLE: Environment & Planning Consents Subcommittee
DATE: Monday, 20 November 2006
TIME: 9.30 am
VENUE: Tasman Council Chambers, 189 Queen Street, Richmond
PRESENT: Crs E M O'Regan (Chair), T B King, M J Higgins

IN ATTENDANCE: Manager Consents (J Hodson), Planning Officer (M Morris), Development Engineer (D Ley), Planner (R Squires), Minute Secretary (V M Gribble)

1. APPLICATION No. RM051015, RM060669 – THAWLEY ORCHARD COMPANY LIMITED & P and M CLINTON-BAKER, ARANUI ROAD, MAPUA

1.1 Presentation of Application

Mr F Bacon, spoke to the application on behalf of the applicants.

The application seeks consent to subdivide Lot 4 DP 313820 of 7.4 hectares (Thawley property) and Lot 2 DP 11197 of 7.1 hectares (Clinton-Baker property) to create one additional title as proposed lot 2 and for a dwelling to be erected on this lot. The application also proposes another allotment which is to be amalgamated with lot 4 DP 313820 to create proposed lot 3 of 5000 square metres.

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 at 11.15 am.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs O'Regan / King
EP06/11/31

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

Thawley Orchard Company Limited & P and M Clinton-Baker

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
Thawley Orchard Company Limited & P and M Clinton-Baker	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

Moved Crs Higgins / King
EP06/11/32

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

2. APPLICATION No. RM051015, RM060669 – THAWLEY ORCHARD COMPANY LIMITED AND P AND M CLINTON-BAKER, ARANUI ROAD, MAPUA

Moved Crs O'Regan / Higgins
EP06/11/33

THAT pursuant to Section 104D of the Resource Management Act, the Committee GRANTS consent to Thawley Orchard Company Ltd and P and M Clinton- Baker 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, 20 November 2006, commencing at 9.30 am

A Hearings Committee ("the Committee") of the Tasman District Council was convened to hear the application lodged by Thawley Orchard Company Ltd and P and M Clinton- Baker applying to subdivide land at 128 Aranui Road, Mapua and to construct a dwelling on Proposed Lot 2. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Tasman District Council and referenced as RM051015 and RM060669.

PRESENT: **Hearings Committee**
Cr O'Regan, Chairperson
Cr King
Cr Higgins

APPLICANT: Thawley Orchard Ltd- Mr P and Mrs C Thawley
Mrs M Clinton Baker
Mr F Bacon- Planning Consultant on behalf of applicants

CONSENT AUTHORITY: **Tasman District Council**
Mr M Morris- Senior Subdivision Officer
Mr D Ley- Development Engineer
Ms R Squire- Planner, Community Services

SUBMITTERS: No submitters were in attendance

IN ATTENDANCE: Ms J Hodson , Manager Consents- Assisting the Committee
Mrs V Gribble- Committee Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The application is for a subdivision consent (RM051015) for a land use consent (RM060669).

The proposal is to subdivide Lot 2 DP 11197 (CT 6C/1399) and Lot 4 DP 3131820 CT NL 59827).to create three allotments; Lot 1 being 6.83 hectares, containing an existing dwelling, Lot 2 of 6.96 hectares and Lot 3 of 0.5 hectares (containing an existing dwelling).

A land use consent is required to erect a dwelling on the proposed Lot 2.

The land is located at 128 and 130 Aranui Road, Mapua.

The land is part of an area of low-lying rural land between Mapua and Ruby Bay.

The land access is via an existing right-of-way from Aranui Road.

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

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

Zoning: Rural 1

Area(s): None apply to this land.

The proposed subdivision does not comply with Controlled Activity Rule 16.3.7 of the proposed Tasman Resource Management Plan and is deemed to be a discretionary activity in accordance with Rule 16.3.7A of the Plan.

The construction of a dwelling on proposed Lot 2 does not comply with the Controlled Activity Rule 17.4.5 of the proposed Tasman Resource Management Plan and is deemed to be a restricted discretionary activity in accordance with Rule 17.4.6 of the Plan.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 19 August 2006 pursuant to Section 93 of the Act. A total of seven submissions were received. The following is a summary of the written submissions received and the main issues raised:

New Zealand Fire Service

Neither supported or opposed to the application but wanted the following consent notice condition imposed on the new certificates of title:

- a) The installation of a domestic water supply sprinkler system in any new dwelling on the proposed lots which fully complies with the Fire Systems for Houses NZS 4517:2002: or
- b) Compliance with the New Zealand Fire Service Code of Practice for fire fighting water supply SNZ PAS 4509:2003.

H and A Bone

Opposed to the application for the following reasons:

- Concerned about another user on the right-of-way which will exceed the number of users that are permitted in the TRMP.
- The subdivision should be reticulated for sewer as was required for the Bone subdivision.
- Any upgrade of the right-of-way must address safety issues such as widening of the right-of-way at the Aranui Road entrance and provision of speed humps to limit speed on all parts of the right-of-way.

JGR Tidswell

Neither opposed or supported the application, but advised that the number of users on the right-of-way is five and with the Clinton-Baker subdivision it will become six users.

Wanted the existing culvert crossing widened and fenced for safety reasons.

L H and J M Bone and the Bone Family Trust.

Opposed to the application for the following reasons:

- The number of users on the right-of-way will exceed six, which is the number permitted in the District Plan under Rule 16.2.2. With public use of parts of the right-of-way the actual use is even higher than the six registered users.
- Even with widening, the right-of-way will be still be unsafe and will lead to higher speeds on the right-of-way.
- A proper traffic safety study should be carried out on the right-of-way to advise on the true extent of usage and the impact of future pedestrian and cycle use.

New Zealand Historic Places Trust

Did not oppose the application but wanted an advice note added to the consent advising of the provisions of the Historic Places Act 1993.

M Sutherland

Supported the application but wanted the following points noted:

- If the drive way culvert crossing is to be upgraded then the opportunity should be taken to improve the capacity of the culvert.
- That the natural drainage that runs north to south on the property is not compromised by the proposed development.

RME Stephens

Supported the application.

No affected parties consent was provided with the application.

4. PROCEDURAL MATTERS

No procedural matters were raised at the hearing.

5. EVIDENCE HEARD

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

5.1 Applicant's Evidence

Mr F Bacon, tabled and read a submission on the application on behalf of the applicants.

The application seeks consent to subdivide Lot 4 DP 313820 of 7.4 hectares (Thawley property) and Lot 2 DP 11197 of 7.1 hectares (Clinton-Baker property) to create one additional title as proposed lot 2 and for a dwelling to be erected on this lot. The application also proposes another allotment which is to be amalgamated with lot 4 DP 313820 to create proposed Lot 3 of 5000 square metres.

Mr Bacon said widening of the culvert was not asked for. He said the walkway project is a community-wide project and additional costs associated with upgrading the culvert should not fall to the applicants. The subdivision isn't creating any additional discharge of water into that water course.

Mr Bacon said all three parties (Thawley, Clinton-Baker, Bone) have an interest in the right-of-way from Aranui Road.

Mr Bacon said the proposed building site on Lot 2 is quite some distance from the stream. Water not captured and stored will be disposed of by on-site soakage.

5.2 Submitters Evidence

J Hodson tabled and read a letter received from the NZ Fire Service.

J Hodson said there has been a meeting with Fire Service with regard to home sprinklers.

5.3 Council Reporting Officer's Report and Evidence

M Morris, Planner

Mr Morris said a consent notice put on Bones title required the right-of-way to be upgraded by 13 July 2006. There is now a compliance issue because the work has not been done. He will inform compliance that the work has not been done.

Cr O'Regan noted it appeared that the other two parties may be agreeable to sharing the upgrading costs.

Mr Morris noted the Clinton-Bakers also have the same upgrading condition on their subdivision application.

D Ley, Development Engineer

Mr Ley spoke to his report which covered the engineering aspects of creating a new lot on Lot 4 DP 313820 being a Rural 1 zone and set out in the planner's report.

Mr Ley noted the causeway near the Leisure Park is the first project (in this locality) in the LTCCP along with investigating stormwater in the area but it is unknown what size piping will be required. It will also depend on zoning in the area.

Mr Ley noted that the culvert is not within the right of way and suggested Mr Bacon address this in his summing up. He said the Mapua systems for both wastewater and water are inadequate and there are upgrades projected in the next few years to mitigate the problems.

Mr Ley said the right-of-way is deteriorating and needs to be resealed. If a 224 certificate was required, we wouldn't sign it off if it didn't meet Council standards. The condition should state that the ROW needed to be resealed.

R Squire, Planner

R Squire tabled the walk-way easements, the right-of-way maps and spoke to her report.

R Squire said depending on what upgrading is required, Community Services would be prepared to contribute, either by offset on contribution or by agreement.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Issue 1 - The right-of-way. Is the right of way suitable for another user, (given that some upgrading will be required)? Will the right of way be able to safely service the number of vehicles and pedestrians using it?
- b) Issue 2 - Services. Is there satisfactory provision of water supply (including for firefighting), wastewater disposal and stormwater disposal?
- c) Issue 3 - Productive land values. Is the proposal contrary to Council's policies and objectives relating to the protection of land of high productive value? (While this was not a highly contentious matter at this hearing, the issue must still be examined.)
- d) Issue 4 – walk-way easement and apparent discrepancy between the legal and the formed right-of-way. Is it reasonable for the Committee to impose the conditions requested by Council staff relating to these matters?

7. MAIN FINDINGS OF FACT

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

- a) The Committee heard that the widening of the right of way was intended to be undertaken jointly but that part of this upgrading should already have been completed. Although the number of users was one more than the standard indicated in the Plan, the Committee was satisfied that granting this application for one more user would be acceptable in traffic safety terms. The formation is generally straight and visibility is good and the entrance will be widened to 5 metres to allow for cars to safely manoeuvre at the entrance. However, the Committee noted the restricted legal width of the right-of-way and it was clear that any future application to add additional users would be unlikely to gain approval. The cost sharing arrangements for the upgrading and the maintenance of the right-of-way are outside of the Committee's jurisdiction.
- b) The Committee heard that the proposed dwelling would be provided with water storage from roof water and that there would be onsite disposal of wastewater and stormwater. The Council is not able to provide reticulated services at this time. The Committee noted the agreement of the applicant to accept a condition requiring a greater volume of water storage to serve for fire fighting than have a condition for the new dwelling to necessarily have a sprinkler system. The Committee was satisfied on the evidence provided that wastewater could be disposed of on-site but that this would need to be done carefully and the system designed must take into account the soil constraints and include secondary treatment.
- c) The Committee considered that while the issue of protection of land of high productive value is always something which needs to be carefully considered, in this case the loss of land was very minor and while the land is Class B, there are limitation on productivity in terms of water availability, high winter water table and sandy soils with poor moisture retention. For these reasons the subdivision and the creation of one additional dwelling in this location was not considered to be significant although it is acknowledged that it is not consistent with the overall principles of the protection of land of high productive value.
- d) The Committee noted the request from the Council's Community Services Department for an easement to enable the future linkage of the walk-way system in this locality. It also noted that the culvert appeared to be located outside the legal boundaries of the right-of-way.

The Committee considered that the proposal provided an opportunity to benefit the public walk-way system by requiring the requested easements. It also considered that the legal position of the right-of-way should be checked and if necessary rectified to cover the existing formation.

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:

- (i) Tasman Regional Policy Statement (TRPS);
- (ii) the Transitional Regional Plan (TRP);
- (iii) the proposed 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 the purpose of the Act as presented in Section 5.

9. DECISION

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

(The consents and conditions are set out following the reasons for the decision.)

10. REASONS FOR THE DECISION (both subdivision and land use)

The subdivision proposal is a Discretionary Activity and the land use, restricted discretionary under the Proposed Tasman Resource Management Plan. The Proposed Plan is the relevant Plan due to its advanced state and its development under sustainable management principles of the Resource Management Act. The property is zoned Rural 1 under the Proposed Plan.

The property is within a lowlying area that provides a rural buffer between Mapua and Ruby Bay. Although there has been subdivision into smaller lots in recent years the area still retains a pleasant rural amenity. The proposed lots are very similar in character to the other previously approved subdivisions in the immediate area.

With the use of the existing right-of-way and the high degree of shelter belt screening in the area, the actual effect on visual amenity will be no more than minor.

It is acknowledged that there will be some fragmentation effects of the subdivision in that it will result in an additional dwelling and associated residential area being created and therefore the application is not consistent with the objectives and policies which seek to avoid fragmentation of land of high productive value. However, the Committee recognises that there are existing constraints on the productive values of the land (water availability) and thus the loss of a small amount of Class B land is not considered a significant matter so as to warrant declining the application. The proposal is not considered to be contrary to the policies and objectives of the Proposed Tasman Resource Management Plan that seek to retain the existing rural character. A maximum height limit on the dwelling and controls on the colour and materials to be used will ensure the visual effects are not significant

Conditions requiring a raised building platform and a minimum floor level will act as mitigation in relation to the potential flooding of the land.

It is accepted that the proposed allotments can be serviced on-site without significant adverse effects on the environment. The upgrading of the right of way is required in order to provide for the additional traffic generated but the restricted legal width of the right of way means that further subdivision is unlikely to gain approval.

The Council wishes to create a walkway linkage and this subdivision offers to the opportunity to create an easement which contributes towards that project. Council may be willing to contribute towards the cost of the extension of the culvert but the details of that matter will need to be discussed with the Community Services Manager as it falls outside of this consent.

Issued this 29th day of November 2006

Councillor O'Regan
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM051015

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

**Thawley Orchard Company Limited and
P and M Clinton-Baker**

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: Subdivision of land to create 3 allotments

LOCATION DETAILS:

Address of property:	128 and 130 Aranui Road, Mapua
Legal description:	Lot 2 DP 11197 and Lot 4 DP 3131820
Certificates of title	CT 6C/1399 and CT NL 59827
Valuation number	1938023800 and 1938023700

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

CONDITIONS

1. General

The Section 223 title plan shall be accordance with the Cotton and Light Plan R.610 dated December 2004 except as amended to comply with any of the following conditions.

2. Financial Contribution

The consent holder shall pay a financial contribution (for reserves and community services) to the Council. The amount of the financial contribution payable shall be 5.5% of the total market value (at the time the subdivision is granted) of a notional building site of a 2,500 square metres within Lot 2. The consent holder shall engage the services of a registered valuer to undertake this assessment and a copy of the valuations shall be forwarded to the Council for calculation of the financial contribution. If the financial contribution payment is not made within two years of the date of granting of this consent, the consent holder shall prepare a revised valuation and the financial contribution shall be recalculated.

3. Street Numbers

The street numbers allocated are:

Lot 1	130 Aranui Road
Lot 2	128A Aranui Road
Lot 3	128 Aranui Road

The street numbers shall be shown on the engineering plans.

4. Right-of-Way - Existing and Proposed

- a) The existing right-of-way from the entrance to Lot 3 to Aranui Road shall be formed and permanently surfaced to a minimum 4.5 metre formation width with stormwater control to an approved system.

Note: The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat. A reseal following widening will be required.

- b) Two areas shall be widened to a 5.0 metre width, i.e.

At the entrance with Aranui Road;
At the first bend heading north east.

The length of widening shall be for a distance of 10 metres.

- c) The present culvert shall be widened to accommodate the 4.5 metre carriageway width and the right-of-way formation continued through to the extended boundary of Lots 1 and 2.
- d) The 6 metre wide access leg serving the bulk of Lot 2 from the existing right-of-way, shall be formed to a minimum 3.5 metre metalled formation width, with adequate provision for drainage.
- e) If the extended culvert and access formation is not contained within the legal right of way, the right of way shall be extended as necessary to cover it.

5. Culvert Upgrade

The existing culvert shall be upgraded with concrete end buttresses to allow for the additional width of the required formation and shall have 150 mm high concrete nib on each side of the formation over the culvert.

6. Servicing

Live telephone and electric power connections shall be provided to the proposed building site on Lot 2 and all wiring and connections shall be located underground and be to the standard required by the supply authority. Confirmation that these requirements have been met shall be provided by way of a statement from the supply authority and a copy of the supplier's certificate of compliance shall be provided to the Council prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.

7. Existing Wastewater Disposal System on Lot 3

The consent holder shall commission a report by a suitably qualified person on the existing waste water disposal system associated with the dwelling on Lot 3. The report shall be submitted to Council. If it is shown that the system does not comply with the standard for a permitted activity in Rule 36.1.4 of the TRMP, the system shall be upgraded to comply with that Rule or a resource consent shall be obtained.

8. Consent Notices

That Consent Notices pursuant to Section 221 of the Resource Management Act 1991 be prepared and registered against the title of proposed Lot 2. The consent notices shall specify:

- i) That any dwelling on Lot 2 shall have a minimum floor level of at least 3.9 metres above mean sea level and a maximum height of 6.5 metres (taken from the existing natural ground level of 2.18 metres above sea level).
- ii) All buildings shall have foundations specifically designed by a suitably qualified Chartered Professional Engineer, based on the results of site specific soil investigation.
- iii) Treatment of domestic wastewater on Lot 2 shall be by way of a treatment system that that is able to treat the wastewater to a secondary standard prior to being discharged to land. Secondary treatment is defined as meeting the following standards:
 - 5-day biochemical oxygen demand (BOD₅) shall be less than 20 milligrams per litre;
 - Total suspended solids shall be less than 30 milligrams per litre; and

The type of wastewater treatment system selected shall take into account the likely occupancy patterns of the property (e.g. holiday versus permanent occupancy). The treated wastewater shall be discharged to land by way of pressure compensating drippers at a rate not exceeding 2.5 litres per square metre per day (equivalent to 2.5 millimetres per day). The on-site wastewater treatment and disposal system be designed, supervised and certified by a chartered professional engineer and shall take into account the contents of the report entitled "Engineering Report-Wastewater Management and Foundation Certification- Thawley Orchard Company Ltd – Aranui Rd, Mapua, Nelson " by Tasman Consulting Engineers dated 31 May 2006.

- iv) All stormwater from paved areas and roofs (not captured for storage) shall be discharge into a Council approved stormwater drainage system located at least 20 metres from the wastewater disposal field.
- v) All topsoil and uncertified filling shall be removed under the concrete 'slab-on-ground" construction in accordance with NZS 3604:1999.

Such consent notices shall be prepared by a solicitor at the consent holder's expense and shall be complied with on an ongoing basis.

9. Building Platform

The building site shall be filled as necessary to provide a minimum finished ground level of 3.5 metres above mean sea level.

The raised building platform shall be of a sufficient size to contain a dwelling, associated garaging and effluent disposal system (except the drainage field).

Certification that the building site is suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on each lot the area suitable for the erection of residential buildings.

Where fill material has been placed on any part of the building site, a certificate shall be provided by a suitably experienced chartered professional Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989. The engineer's report shall also confirm that the minimum 3.5 metres ground level has been achieved over all parts of the building site.

10. Engineering Plans

All engineering works as outlined above shall be shown on engineering plans and to the requirements as set out in the Tasman District Council engineering standards and amendments. A 223 certificate cannot be issued until the Engineering plans have been received and approved by Council.

11. Engineering Works

All of the above engineering works shall be constructed in accordance with the Council's Engineering Standards (unless otherwise authorised by this consent) and are to be to the District Engineer's satisfaction. The Tasman District Council Engineering Department shall be contacted at least 48 hours prior to the commencement of any engineering works on this subdivision.

12. Engineering Certification

- a) At the completion of works, a suitably experienced chartered professional engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required.
- b) Certification that a site has been identified on each new lot suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on each lot the area suitable for the erection of residential buildings.

- c) Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

13. Easements

Easements are to be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council (if required by Council) or appurtenant to the appropriate allotment.

An easement for public access shall also be created as shown on the attached Plan A.

Reference to easements is to be included in the Council resolution on the title plan.

Advice Note – Archaeological

That should any archaeological or waahi tapu sites be uncovered at any time during any earthworks or construction, then all works shall cease and the Ngati Rarua Iwi Trust and New Zealand Historic Places Trust be consulted prior to any works being re-commenced.

Advice Note - Development Contributions

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

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

This consent will attract a development contribution on one allotment in respect of roading.

Issued this 29th day of November 2006

Councillor O'Regan
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM060669

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

Thawley Orchard Company Limited

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: Construction of a dwelling on Proposed Lot 2.

LOCATION DETAILS:

Address of property:	128 Aranui Road
Legal description:	Proposed Lot 2 being a subdivision of Lot 4 DP 313820
Certificate of title	Not issued at this time

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

CONDITIONS

1. The dwelling on Lot 2 shall be erected on the raised earth platform on the building site specified on the Cotton and Light application plan R610 dated December 2004. All parts of the building site shall be at least 3.5 metres above mean sea level.
2. The commencement date of this consent shall be the date of the issuing of the new title for the respective allotment.
3. That the materials and colour of the dwelling built on Lot 2 shall be designed and constructed having regard to the amenity and natural character of the locality. The building consent for the dwelling shall be accompanied by a report from a suitably qualified person certifying that the above matters have been incorporated into the design of the dwelling.
4. The floor level of the dwelling and any associated buildings shall be at least 3.9 metres above mean sea level.

5. The maximum height of the dwelling shall be 6.5 metres, based on the existing (pre subdivision) natural ground level. For avoidance of doubt, the existing ground level at the time of application was assessed at 2.18 metres above mean sea level.
6. Rainwater from the roofs of any dwelling built on Lot 2 shall be collected and stored in an on-site water storage tank(s) that has a capacity of not less than 45,000 litres. The water storage system shall be fitted with an accessible 50 millimetre diameter "Camlock" coupling to enable connection with fire fighting equipment.

NOTATIONS:

1. The dwelling shall comply with all bulk and location rules for a Rural 1 dwelling under rule 17.4.4 of the proposed Tasman Resource Management Plan unless otherwise limited by this consent.
2. This resource consent does not constitute building consent and if the project involves any form of building, consent should be sought pursuant to the Building Act 1991.
3. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should the monitoring costs exceed the initial fee, Council will recover this additional amount from the resource consent holder. Costs can be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

ADVICE NOTES

1. Parts of the coast at Mapua have been identified as an area that has been subject to pre-European occupation. There have been a number of archaeological sites identified in this area and a precautionary approach is appropriate. In the event any archaeological site is discovered during works associated with any form of land disturbance, all works shall cease and the applicant shall contact the Tasman District Council, Ngati Rarua Iwi Trust and the New Zealand Historic Places Trust. The discovery of an archaeological site is subject to the provisions of the Historic Places Act and an application must be made to the Historic Places Trust for the required authority to modify or destroy the site.

Issued this 29th day of November 2006

Councillor O'Regan
Chair of Hearings Committee

Date Confirmed:

Chair: