

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 30 April 2007
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Cr E M O'Regan (Chair), Crs E C Wilkins and N Riley

IN ATTENDANCE: Manager, Consents (J S Hodson), Senior Consent Planner, Subdivision (M D Morris), Development Engineer (D Ley), Administration Officer (B D Moore)

1. N POLLOCK AND S MEIJER (PANGATOTARA ECO VILLAGE), MOTUEKA RIVER WEST BANK ROAD – APPLICATION RM060967, RM060968

1.1 Proposal

The application is for a subdivision (RM060967) and land use consent (RM060968).

The proposal is to subdivide Lot 1 DP 360528 (CT 246211) of 61.36 hectares into seven allotments, with Lots 1-6 being between 3,700 and 5,900 square metres in area and Lot 7 of 58.6 hectares in area. Lot 7 is to be held together between Lots 1-6, with each allotment being issued with an undivided one-sixth share and one certificate of title to be issued.

The application also originally had a land use consent to erect a “workers accommodation building”, but that has now been withdrawn.

A land use consent is sought to undertake earthworks associated with the forming of the access to proposed Lots 1-6.

The property is located on the Motueka River West Bank Road.

The legal description of the land is Lot 1 DP 350421, Certificate of Title 246211.

The land is zoned Rural 2 under the Proposed Tasman Resource Management Plan.

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

The Committee reserved its decision at 2.00 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Riley / Wilkins
EP07/04/13**

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

N Pollock and S Meijer

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
N Pollock and S Meijer	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs O'Regan / Riley
EP07/04/14**

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

CARRIED

2. N POLLOCK AND S MEIJER (PANGATOTARA ECO VILLAGE), MOTUEKA RIVER WEST BANK ROAD – APPLICATION RM060967, RM060968

**Moved Crs O'Regan / Wilkins
EP07/04/15**

THAT pursuant to Section 104D of the Resource Management Act, the Committee GRANTS consent to N Pollock and S Meijer 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 30 April 2007, commencing at 9.30 am

A Hearings Committee (“the Committee”) of the Tasman District Council was convened to hear the application lodged by **N Pollock and S Meijer** to subdivide land at Motueka River West Bank Road, Motueka Valley, into seven lots to create Pangatotara Eco Village. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Tasman District Council and referenced as RM060967 and RM060968.

- PRESENT:** **Hearings Committee**
Cr O’Regan, Chairperson
Cr Riley
Cr Wilkins
- APPLICANT:** Ms N Pollock and Mr S Meijer
- CONSENT AUTHORITY:** **Tasman District Council**
Mr M Morris (Senior Consent Planner, Subdivision)
Mr D Ley (Development Engineer)
- SUBMITTERS:** Mr P Searancke
Mr and Mrs N & F Holland
Ms J Pope on behalf of Nelson Motorcycle Club
Mr G Tucker
Mr R Roborgh
Mr L J Cattermole
- IN ATTENDANCE:** Ms J Hodson, (Manager, Consents) – Assisting the
Committee
Mr B Moore (Committee Secretary)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The application is for a subdivision (RM060967) and land use consent (RM060968).

The proposal is to subdivide Lot 1 DP 360528 (CT 246211) of 61.36 hectares into seven allotments, with Lots 1-6 being between 3,700 and 5,900 square metres in area and Lot 7 of 58.6 hectares in area. Lot 7 is to be held together between Lots 1-6, with each allotment being issued with an undivided one-sixth share and one certificate of title to be issued.

The application also originally had a land use consent to erect a “workers accommodation building”, but that has now been withdrawn.

A land use consent is sought to undertake earthworks associated with the forming of the access to proposed Lots 1-6.

The property is located on the Motueka River West Bank 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 2

Area(s): Land Disturbance Area 2

The proposed subdivision does not comply with Controlled Activity Rule 16.3.8 of the Proposed Tasman Resource Management Plan and is deemed to be a restricted discretionary activity in accordance with Rule 16.3.9 of the Plan.

The proposed earthworks do not comply with permitted activity Rule 18.6.7 or the controlled activity Rule 18.6.9 and is deemed to be a discretionary activity in accordance with Rule 18.6.10 of the Plan

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The applications were notified on 20 January 2007 pursuant to Section 93 of the Act. A total of 28 submissions were received. Five were in opposition, five were neutral and eighteen were in support of the application. In addition, the application contained four consents from affected parties. The following is a summary of the written submissions received and the main issues raised:

- Concerned about the proposed hydro development and the lack of information provided on this.
- Six dwellings will have an impact on waterways and impact on fish passage.
- Wanted an iwi monitor employed during construction to monitor the proposed earthworks.
- Concerned about subdivision of rural land and the possible negative effects on the rural character and productive values of the Tasman District. The proposal is innovative and may well enhance the rural character by encouraging regeneration of the native forest. There may be negative effects from housing visual effects and lighting at night.
- Provides a good example of low impact housing and encourages the regeneration of native bush. Long-term changes in titles may negate the communal aspect.
- Covenants needed protecting the existing native bush and prohibiting cats and dogs.
- That stormwater from hardstand areas is not to be discharged directly into streams.
- That riparian vegetative strips be retained and enhanced along all waterways.

- The application is contrary to the Council Tasman Regional Policy Statement and the Rural Futures objectives and outcomes.
- The Rural 2 zoning will be degraded by this proposal.
- Will create urbanisation of the rural landscape.
- Will create cross-boundary-related complaints and degradation of the existing rural amenity and rural recreational activities.
- Creation of small blocks such as this creates issues such as transport effects, drainage, water, light pollution and noise.
- Potential for unrealistic expectations of quiet peaceful rural environment.
- A rural emanations easement is needed on the new titles to protect existing rural activities, including recreation activities in the surrounding areas.
- Concerned about the precedent that would be set if this subdivision was approved in that it would reinforce the belief that any land can be subdivided.
- There is a need for community consultation on the framework for rural subdivision in the District.
- Will bring a higher population density to an area that should only have one dwelling per 50 hectares.
- Opposed to the proposed workers accommodation in that it brings more people to the property.
- The subdivision with the associated wastewater and earthworks will affect water quality in the stream that provides water for stock.
- The subdivision will add to the traffic on the Motueka River West Bank Road, which will make the road less safe.
- There are vague statements such as that the access will be in gravel and then in another section saying it will be sealed.
- Getting rid of the pine trees will create adverse effects such as erosion during the removal of the trees.
- Need for the provision of sufficient water supply for firefighting. Wanted either sprinklers fitted in all the dwellings or firefighting water supply in accordance with SNZ PAS 4509:2003.
- The proposed development is in close proximity to an existing recreational facility, i.e., the Hurley track, which has been used by the Nelson Motorcycle Club for over 20 years and is a nationally recognised training facility for the Nelson area. The proposed eco village will not be able co-exist with the track, which is in line of sight from the subdivision site.
- Wanted double glazing for all dwellings and noise insulation in the walls.

- If it is approved then all the valley's unproductive land will become fair game for developers to create further clusters to look down on people who may be penalised for owning productive land.
- The road and access works will create significant noise effects.
- Having a company controlling Lot 7 will cause problems and create uncertainty on responsibilities for management of the property.

4. PROCEDURAL MATTERS

No procedural matters were raised.

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

Ms N Pollock and Mr S Meijer attended the hearing and made a verbal presentation and displayed photographs and plans of the proposed subdivision. The applicants tabled a copy of the subdivision plan for the benefit of the Hearing Panel. The applicants outlined the project vision, which they said presented social opportunities, a sharing of resources and skills and an opportunity to live and learn with nature.

They said that the site had been selected because of its low fertility, proximity to Motueka, the orientation of the north-facing building sites and the general geography and topography. They described the existing flora and fauna and spoke about the distances from the proposed building platforms to the site boundary.

The design parameters of the subdivision were described as being a type of cluster housing, with minimal visual impact and based on permaculture principles. They said that the privacy of residents within the subject site would be guaranteed and a narrow access road was proposed in order to avoid big cuts in the Separation Point Granite country and in order to provide easier maintenance.

The applicants outlined the expected benefits from the proposed subdivision, which would be in an increase in native flora and fauna. They claimed that the outcome would be an increase in biodiversity and also be of some benefit for the local economy. They said that the proposed subdivision would increase rural amenity and recreational opportunity. They said the proposed subdivision would put no pressure on Council services, as it would be based on a high level of self-sufficiency. The intention was to allow a subdivision that was affordable for families and the landowners would work together to restore the permanent forest cover. The applicants then discussed the concerns of submitters and claimed that conditions and proposed mitigation measures would avoid the submitters' concerns and alleviate cross-boundary effects. The applicants discussed the proposed conditions of consent, as suggested by Council officers, and expressed that they were quite happy with most conditions. The applicants intended to use a number of covenants to control on-site activity. The applicants described how they proposed to install internal sprinkler systems in future houses. The applicants intended that future housing

would rely on solar or wind power. They described how their proposed effluent disposal system could meet Council requirements. The applicants provided copies of proposed covenants to apply to Lots 1-6.

The applicants responded to the matters raised by submitters in the right of reply. Assurance was offered that the subdivision as proposed and the deletion of proposed workers accommodation could provide a development with less effect on privacy than one obtrusive dwelling. The applicants said potential devaluation of land was not substantiated. They said that only those submitters who are living on the other side of the river opposed the application. The proposed management company and open space areas would enable people to be able to use the open space areas more effectively. The applicants sought that the firefighting condition be specified for either the sprinkler system or water tank storage. The applicants expressed agreement for the proposed 6 metre turnout areas onto each allotment from the right-of-way access road. The applicants reminded the Hearing Panel that there are two streams in this subdivision catchment area, plus rainwater available for drinking water. The applicants acknowledged the submission from the Nelson Motorcycle Club and said that the suggestion for double glazing is not necessary and that thermal and acoustic glazing are different in design. The applicants were satisfied that the noise level from the motorcycle track could be lived with but they were not sure about the requirement for a rural emanations easement.

5.2 Submitters' Evidence

Mr P Searancke said he was concerned that six lots located in close vicinity within the proposed subdivision could create potential for problems between owners. He sought that a rural emanations easement apply to the subdivision because of surrounding farming, forestry and other land use activity.

Mr and Mrs N and F Holland were prospective residents of the proposed subdivision and said that they supported the application and want to live in this environment. They said the proposed form of sustainable living and healthy housing makes sense and could be a good example to others. Mr Holland said that the proposal for individual titles was appealing.

A submission from Nelson Motorcycle Club was addressed by Ms J Pope. She said that the subject subdivision is within line of sight of the permanent motorcycle track known as Hurley Track and said that this is used on a daily basis for practice and between four to six events per year, which can be either one or two days each. Ms Pope said that there is a need to ensure that future owners of the lots are aware of the motorcycle track and noise. She also said that the Motueka High School use the Hurley Track on a weekly basis during school terms. She said she would like the applicants and future owners to experience and comment on the motorcycle track noise level.

Mr G Tucker opposed the proposed subdivision and said that six houses on a piece of land will have more effect than one house. He quoted a Massey University study, which said that land value decreases by 8% for every 10% increase in density. Mr Tucker said he was concerned about the proposed density of people on the subject site and the effect it would have. He said in regard to cost and money it would be cheaper to develop the subdivision on this site rather than one subject to the Rural 3 Zone rules. He said that low productivity of the land does not justify subdivision. Mr Tucker expressed concern about the downstream effects on the

availability of water from the stream for stock and was concerned about the potential for silt in the streams and wastewater run-off. Mr Tucker then read a letter on behalf of J Kelly and E Iannuzzi, as those submitters were unable to attend the hearing. The submitters were concerned about the potential for six families residing on the hill just across the river to create noise that will be disturbing and could reduce their quality of life and that the proposal will reduce the submitters' privacy and be an invasion of the peace and quiet of the valley.

Mr R Roborgh spoke in support of the applications and described the block as steep with a flat ridge, and includes old and young pine trees. He said that logging effects of those trees to be removed would not be long-term. He said that some *Pinus pinasta* trees on the site have self-seeded and that pine trees use more water than the proposed native trees on the site. He said the proposal for six allotments was better than one owner in regard to vegetation control and better than forestry usage. He acknowledged that the on-site soil type requires care to ensure excavations do not cause erosion and that pole foundations were suggested for future housing.

Mr L J Cattermole, the existing owner of the subject site, said that he lived in the area since 1960 and resides on an adjacent 8 hectare site. He said that motorcycle noise is just at background volume level.

A letter from a submitter, Dr R E Kiddle, was tabled. The letter dated 28 April 2007 indicated support for the application and agreement with the recommended conditions of consent in the staff report from Mr M D Morris.

A letter dated 24 April 2007 from the New Zealand Fire Service was read by Ms J Hodson and the submitter sought that a tank of 45,000 litres for firefighting purposes be located within 90 metres of each house site.

5.3 Council's Reporting Officer's Report and Evidence

Development Engineer, Mr D Ley, commented on the road access proposal for the subdivision. He said that the final engineering plan should include passing bays for the road access to be located at intervals of between 50-100 metres. He said proposed Condition 8.8 for the access should include some area for people off the right-of-way within each allotment.

Senior Consent Planner, Subdivision, Mr M D Morris, spoke to his report contained within the agenda. Mr Morris was supportive of the discretionary activity subdivision proposal and sought that adequate conditions of consent be imposed to avoid adverse effects. He acknowledged that the smaller sized allotments were of concern to submitters but noted that the house sites are mainly behind the rocky outcrop and so will not be a visual effect on the properties on the other side of the valley. He said that a dwelling on each title would be a permitted activity in the Rural 2 Zone. Mr Morris asked that his proposed conditions of consent be amended so that there be a requirement for financial contributions on five allotments. He said his proposed Condition 8.8 should require that each lot be provided with a metalled turnout of 6 metres length. He referred to proposed Condition 8.18 for firefighting and questioned how the applicant could provide sprinklers on a site without power. He said the sprinkler system needs a dedicated firefighting water storage tank with an effective roof catchment area to provide run-off to capture the rainwater. He referred to the report on the land disturbance consent from Consent Planner, Ms D Hills,

saying that the six new building platform areas needed to be endorsed on the engineering plans. Mr Morris said the requirement for all excavated earthworks material to be end-hauled would be up to the engineer to show or certify alternatives such as benching on the engineering plans. He reminded the Hearing Panel that private covenants can be removed without Council approval.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Will the proposed subdivision cause effects on the environment that are significant in terms of the existing rural character and amenity values?
- b) Will the proposed subdivision cause cross-boundary effects or reverse sensitivity issues that are significant in terms of the existing surrounding rural and recreational activities?
- c) Is the proposed subdivision contrary to the policies and objectives of the Rural Zone?
- d) Will the subdivision be serviced satisfactorily in relation to water supply, access and wastewater disposal?

7. MAIN FINDINGS OF FACT

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

- a) The Committee considered that the effects of five additional dwellings in this location would have no more than a minor effect on the rural character and amenity of the area. The building sites are clustered together and the various conditions volunteered and imposed will ensure that they are not highly visible in the rural landscape.
- b) The Committee considered that there would be no significant cross-boundary effects generated by the proposed eco village due to the separation distance in this case. However, because the residential lots are high above the valley, there is potential for reverse sensitivity to become an issue regarding rural noise and particularly recreational activities.
- c) The Committee was satisfied that the application would produce an outcome that was not inconsistent with the Rural 2 Zone policies and objectives, productive land values are not affected and rural amenity is protected and even enhanced by the intended regeneration programme.
- d) The Committee considered that the subdivision could be adequately serviced, although it was recognised that the access formation would be a significant cost.

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);
- b) the Transitional Regional Plan (TRP);
- c) the Proposed Tasman Resource Management Plan (PTRMP);

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 104 B and C of the Act, the Committee **GRANTS** consent subject to conditions attached in the following documents.

10. REASONS FOR THE DECISION

The land is zoned Rural 2 in the Proposed Tasman Resource Management Plan. The subdivision proposed is for five additional lots (six in all) able to be built on, plus one large lot to be maintained and enhanced for bush regeneration and owned jointly by the six landowners through a Management Company. The applicant has proposed protective covenants on the bush. The applicant has clear intentions to create an “eco village” concept that encompasses a low impact environmental philosophy and “community” aspects, although the lots will be individually owned. The Committee noted the removal of the workers accommodation part of the application in relation to concerns expressed by submitters.

The land is classified as “H” and has a southern exposure and is essentially unproductive. The land is steep and must be carefully managed to avoid instability issues. There is an existing access road serving the property that will be required to be realigned in order to achieve a suitable gradient.

The Committee considered that the location of the building sites will not have an adverse impact on the rural character and amenity of the area. The Committee is satisfied that the creation of five additional building sites (one would be already allowed) on this land will not be contrary to the relevant policies and objectives for the Rural 2 Zone. The Committee noted the concerns of some of the submitters in relation to the subdivision of Rural 2 land. However, the Committee was clear that the proposal is a discretionary activity within the zone and this creates the ability for the Council to consider applications within the Rural 2 Zone for subdivisions that do not meet the 50 hectare standard, and approve applications which were not contrary to the policies and objectives. The intended bush protection and regeneration plans will result in enhanced ecological values within the site, which is a positive effect.

The Committee was satisfied that with careful management and engineering expertise, the various earthworks proposed to create the building sites and access could be constructed without significant adverse effects. However, development on such steeply sloping land certainly would require a high degree of diligence to manage the issues of stormwater, wastewater and land stability.

The Committee noted the intended use of composting toilets in the dwellings, which will reduce the amount of wastewater to be disposed of on-site. They also noted the intended use of a very high quality system for the treatment and disposal of grey water, which will effectively mitigate any potential adverse effects on downstream water supplies. The Committee imposed a consent notice to ensure that such high quality systems were constructed on each lot when building consents are approved.

The Committee noted the intention of the applicants to create a range of restrictive covenants, which would control matters such as the colour and material used for building, vegetation removal, animals allowed to be kept, etc. To this extent, the Committee considered that it was unnecessary to duplicate these controls on colour and dogs and cats by making them a consent notice registered on the titles. It was clear that the applicants intend this to take care of these matters. The Committee noted and accepted the offer of no further subdivision of the lots.

The Committee noted the concerns of the Nelson Motorcycle Club in relation to the potential reverse sensitivity issues associated with the nearby motorcycle track and similar concerns from other submitters in relation to existing rural agricultural uses. The Committee considered a consent notice drawing attention to Condition 15 was an appropriate means of ensuring future owners are aware of these factors.

11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee considered that the recommended building and earthworks conditions recommended by Terra Firma were a crucial aspect of the consent. These conditions would be registered on the title and also would form conditions of the land disturbance consent. This work would have to be completed prior to the completion of the subdivision and included individual vehicle access to each lot; an area to provide for at least two cars to be parked off the right-of-way, and ensuring access for emergency service vehicles to each lot.

Issued this 18th day of May 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM060967

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

N POLLOCK AND S MEIJER
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: subdivision of land at Motueka River West Bank Road into seven lots to create Pangatotara Eco Village.

LOCATION DETAILS:

Address of property: Motueka River West Bank Road, Motueka Valley
Legal description: Lot 1 DP 360528
Certificate of title: CT 246211

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

CONDITIONS

1. The subdivision shall be carried out generally in accordance with the Newton Survey Plan No: N202:RC01 dated 10/06 (copy attached).
2. Financial contributions are required on five allotments (Lots 1-5).

The following will apply:

Reserves and Community Services

Payment of a reserves and community services levy assessed at 5.5% of the total market value of a 2,500 square metre notional building site contained within each of Lots 1-5.

The valuation will be undertaken by Council’s valuation provider within one calendar month of Council receiving a request for valuation from the Consent Holder. The request for valuation should be directed to the Consents Administration Officer at Council’s Richmond office. The cost of the valuation will be paid by Council.

If payment of the financial contribution is not made within two years of the date of this consent and a revised valuation is requested as provided by Rule 16.5.5(d) of the Proposed Tasman Resource Management Plan, the cost of the revised valuation shall be paid by the Consent Holder.

Advice Note:

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 Contributions Policy under the Local Government Act 2002.

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

This consent will attract a development contribution on five allotments in respect of roading.

3. The right-of-way shall be formed to an all-weather surface and to a 3.5 metre lane width, together with shoulders and side drains and generally as shown on Plan N202:RC03 (copy attached). Any drainage pipes shall be directed to areas that will not create erosion or instability.

Passing bays shall be formed as generally shown on Plan N202:RC02 (copy attached) and to the requirements of the Proposed Tasman Resource Management Plan. The maximum grade of the right-of-way shall be 1-in-6.

4. The intersection with the Motueka River West Bank Road shall be formed as per Diagram 1 of Schedule 16.2C of the Proposed Tasman Resource Management Plan and sealed at least 10 metres back from the road carriageway edge. Low shrubs and plants shall be trimmed back at each side of the intersection to improve sight distance onto the highway.

The access shall be more or less level for the first 5 metres back from the Motueka River West Bank Road edge of seal.

5. Engineering plans shall be submitted for the above and comply with the Tasman District Council Engineering Standards unless otherwise allowed by a specific condition of this consent.

As-built plans of the access will be required at the completion of the works and approved by the Engineering Manager prior to the issue of a Section 224(c) certificate.

6. Live telephone connections shall be provided to Lots 1-6 and all wiring shall be underground to the standard required by the supply authority. Confirmation of the above from the supply authority and a copy of the supplier's Certificate of Compliance shall be provided to the Council.

Advice Note:

Ducting for a possible future power supply could be installed at the time of right-of-way construction.

7. Each of Lots 1-6 shall be provided with a 3.5 metre wide metalled access, with a maximum gradient of 1-in-6, plus water tables and culverts where necessary and an area of sufficient size to contain at least two car parks. Note that the vehicle access does not have to go all the way to the building sites, but shall be long enough to accommodate the parking of two cars off the right-of-way for each lot and provide access and turning for emergency service vehicles.
8. All earthworks associated with this development shall be done in accordance with the conditions of land use consent RM060968.
9. Certification of the building sites (defined by a registered surveyor) for residential development on Lots 1-6 shall be provided by a chartered professional engineer in accordance with the Tasman District Council Engineering Standards, Section 11, Appendix B.

Advice Note:

The building site certification relates to the general suitability of the defined building site; it does not remove the need for specific site investigations, design and inspections as required by the New Zealand Building Code, NZS3604:1999 and NZS4431:1989.

10. Certification that all engineering works have been completed in accordance with the Tasman District Council Engineering Standards or in accordance with the conditions of this consent or RM060968 shall be provided by a chartered professional engineer prior to the issue of the Section 224 certificate.
11. The existing native bush on the site shall be protected by a way of a QEII covenant. The documentation and signing of the covenant shall be completed prior to the signing of the Section 224 certificate.
12. The native bush regeneration plan shall be provided for the remainder of Lot 7, detailing the ongoing plan to allow the long-term regeneration of native bush and removal of the pine trees. The plan shall be to the satisfaction of the Council's Manager, Consents and shall ensure that any adverse effects on the environment resulting from the removal of the pine trees are kept to a minimum.
13. Prior to the submission of a Section 223 plan, the applicant shall provide a scaled plan from a registered surveyor showing all the regenerating bush areas on all the allotments that are not covered by the QEII covenants. These shall be set out as covenant areas on the Section 223 title, with the covenants protecting the regenerating native vegetation within these areas and compliance with the native bush regeneration plan set out in Condition 12.

Consent Notices

14. Consent notices shall be registered on proposed Lots 1-6, to provide for the following:
 - a) Recommendations 1-9 from Terra Firma Engineering Report dated 12 November 2006 as follows:
 - 14.1 That any building work shall be set back from the bottom of any adjacent cuts a minimum of 100% of the total height of the batter unless the cut is fully retained as part of the development
 - 14.2 Any proposal to build a dwelling outside of the certified area will require specific geotechnical investigation and separate certification.
 - 14.3 Foundations for all buildings shall extend through topsoil, and be founded on "good ground" as defined in NZS3604:1999. All foundations shall be investigated by a chartered professional engineer practising in geotechnical engineering and designed and constructed under the supervision of a chartered professional engineer experienced in foundation design. Allowance shall be made in design for lateral loads acting on foundations on ground sloping at steeper than 3H:1V.

- 14.4 All retained fill shall meet the requirements of NZS4431:1989 – *Code of Practice for Earthfill for Residential Development*. All fill shall be investigated and designed by a chartered professional engineer practising in geotechnical engineering and shall include adequate stripping, benching and underdrainage of the underlying materials.
- 14.5 All retaining walls higher than 500 millimetres shall be specifically investigated and designed by a chartered professional engineer practising in geotechnical engineering. All walls shall be adequately drained.
- 14.6 All stormwater from roofs, hardstanding or impermeable areas, retaining wall drainage, surface drains and subsoil drains and from standing water such as swimming pools and ponds shall be collected and discharged in a controlled manner to a disposal area in the axis of an existing creek, drainage path, or to slopes with an angle of less than 18 degrees (3H:1V) for at least 30 metres downslope of the discharge point. Measures shall be put in place at the discharge point to protect against scour damage from the additional flow.
- 14.7 The lot shall be maintained in a vegetation cover that enhances slope stability and minimises surface erosion. In particular, the requirement for on-site wastewater disposal requires a disposal area to be planted with evergreen species, and this should be done on all denuded moderately steep to steep slopes on the lots, with an emphasis on deep-rooting varieties.
- 14.8 That a domestic water sprinkler system be installed in any new dwelling, which fully complies with the Fire Systems for Houses NZS4517:2002 **or** compliance with the New Zealand Fire Service Code of Practice for firefighting water supply SNZ PAS 4509:2003.
- 14.9 That no power servicing has been provided at the time of subdivision and it is the landowner's responsibility to provide their own power supply. That if power servicing is to be provided from the reticulated supply line, then the supply shall be laid underground from the road reserve boundary to the allotment.
- 14.10 That there shall be no further subdivision of Lots 1-7 except by way of minor boundary adjustments that do not create a new lot.
- 14.11 That no residential buildings shall be allowed on Lot 7.
- 14.12 That each dwelling be provided with a potable water supply and at least 23,000 litres of water storage.
- 14.13 A wastewater treatment and disposal system shall be designed for each of Lots 1-6 and be approved by the Council's Co-ordinator, Regulatory Services prior to installation. Such system may incorporate composting toilets.
- 14.14 That each lot may be subject to rural and rural recreational noise emanating from permitted activities in the locality and drawing attention to Condition 15 of RM060967.
15. The landowner shall not call upon the Council to investigate any complaint regarding noise associated with any permitted nearby rural or rural recreational activity.

16. Easements for all services located outside the allotments that they serve. Easements shall be provided for power along the access route to each of Lots 1-6 to allow for future power servicing.
17. All engineering works are to be in accordance with Tasman District Council Engineering Standards, or to the satisfaction of the Tasman District Council Engineering Manager, or in accordance with a specific condition of this consent. Certification that all works have been completed in accordance with this condition shall be provided.
18. **Amalgamation Pursuant to Section 220(3) of the Resource Management Act 1991**

That Lot 7 hereon be held as to six one-sixth shares by the owners of Lots 1, 2, 3, 4, 5 and 6 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.

District Land Registrar reference: 655958.

Issued this 18th day of May 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM060968

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

N POLLOCK AND S MEIJER
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: Earthworks and land disturbance to create access road and building sites for Pangatotara Eco Village subdivision at Motueka River West Bank Road.

LOCATION DETAILS:

Address of property: Motueka River West Bank Road, Motueka Valley
Legal description: Lot 1 DP 360528
Certificate of title: CT 246211

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

CONDITIONS

1. The earthworks shall be completed generally in accordance with the application submitted by Pangatotara Eco Village dated 1 November 2006, the accompanying geotechnical report regarding land disturbance by Terra Firma Engineering Ltd dated 12 November 2006, and the engineering report by Engineering Sustainable Solutions Ltd (ESS Ltd) dated November 2006 and the letter from ESS Ltd dated 29 April 2007. In particular, this includes:
 - a) land disturbance to realign and extend an internal access road;
 - b) land disturbance for six new building platforms;
 - c) control of erosion and run-off; and
 - d) retention of existing vegetation and new plantings where necessary to stabilise the cut faces and to provide some visual screening from the surrounding Motueka Valley area.
2. The Consent Holder shall notify the Co-ordinator Compliance Monitoring at least 24 hours prior to commencing any earthworks on site.
3. The recommendations and Conditions 1-9 in the report by Terra Firma Engineering Ltd dated 12 November 2006 shall be strictly adhered to when the earthworks are carried out, unless otherwise instructed by a chartered professional engineer due to unforeseen site conditions, circumstances or constraints.
4. All temporary or permanent cuts of the property greater than 500 millimetres in height shall be specifically investigated by a chartered professional engineer practising in geotechnical engineering, or an experienced engineering geologist. No existing slopes inclined steeper than 2.5 H:1V shall be steepened by unretained cutting. All cuts over 500 millimetres in height shall be fully retained unless specifically deemed unnecessary by a chartered professional engineer practising in geotechnical engineering. This includes cuts on the access road, which should be reviewed prior to any construction proceeding.

All earthworks shall be carried out in accordance with the engineer's instructions, and particular care shall be taken to avoid initiating problems due to scour or erosion of partially completed surfaces. Measures shall be put in place to divert surface run-off, or where not practicable, to keep run-off velocities low.

5. Prior to the placement of any fill, vegetative material shall be removed and all fill material shall be compacted in layers not exceeding 300 millimetres and stabilised to prevent downhill movement into watercourses. Endhauling shall be carried out as required by the supervising engineer.

All stockpiles shall be placed in accordance with the directions of the supervising engineer to ensure that there is no downslope movement.

6. The Consent Holder shall take all practicable measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the construction period. In particular, the earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least. All sedimentation mitigation or control measures shall be maintained by the Consent Holder for as long as there is a potential for sediment movement (resulting from earthworks) to occur and until the site is adequately reinstated.

Advice Note:

The use of debris fences, straw bales, cut-off drains, ponds or other such methods should be used to ensure that any run-off is limited. Water run-off channels (cut-offs, water tables) should be lined with stone to prevent scour, where necessary.

7. All bare areas shall be revegetated (especially on the downslope side of the road) as soon as is practicable and no later than three months after the completion of the works to limit erosion and downhill movement of exposed soil material.
8. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.
9. Council may, for the duration of this consent, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:
 - a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.
10. Pursuant to Section 125 of the Act, this consent shall lapse five years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act. In addition, once the consent has been given effect to, all earthworks shall be completed within two years.

Advice Note:

The consent is given effect to once the earthworks have commenced.

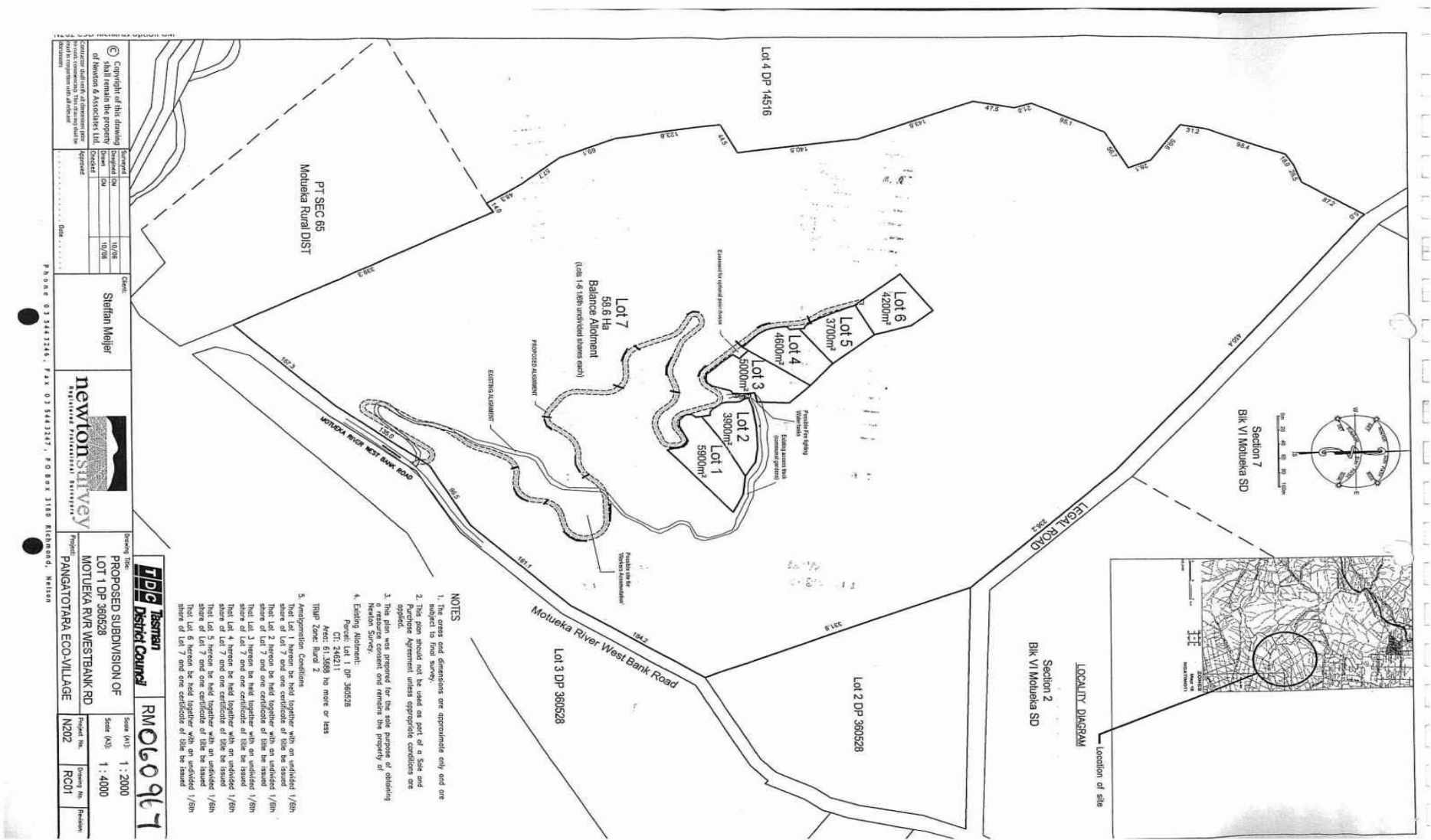
ADVICE NOTES

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
3. Access by the Council's officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
6. The building site certification relates to the general suitability of the defined building site; it does not remove the need for specific site investigations, design and inspections as required by the New Zealand Building Code, NZS3604:1999 and NZS4431:1989.
7. Whilst there are no known archaeological sites on the site, the subject property is near an archaeological site. If during any site disturbance works, any material is found that may have any archaeological significance, all work should stop immediately and the consent holder should contact Tiakina te Taiao, and the Historic Places Trust, who should be consulted so that the appropriate action pursuant to the Historic Places Act is undertaken.

Issued this 18th day of May 2007

Councillor O'Regan
Chair of Hearings Committee

Plan N202: RC01



- NOTES**
1. The gross odd dimensions are approximate only and are subject to final survey.
 2. This plan should not be used as part of a Sale and Purchase Agreement unless appropriate conditions are included.
 3. This plan was prepared for the sole purpose of obtaining a resource consent and remains the property of Newton Survey.
 4. Easement Alignment:
 Period: Lot 1 DP 380528
 Lot 2 DP 380528
 Lot 3 DP 380528
 Lot 4 DP 14516
 Lot 5 DP 380528
 Lot 6 DP 380528
 Lot 7 DP 380528
 All DP areas shall be more or less
 TMAP Zone: Rural 2
 5. Development Conditions:
 That Lot 1 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 2 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 3 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 4 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 5 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 6 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 7 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 1 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 2 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 3 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 4 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 5 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 6 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.
 That Lot 7 hereon be held together with an undivided 1/8th share of Lot 7 and one certificate of title be issued.

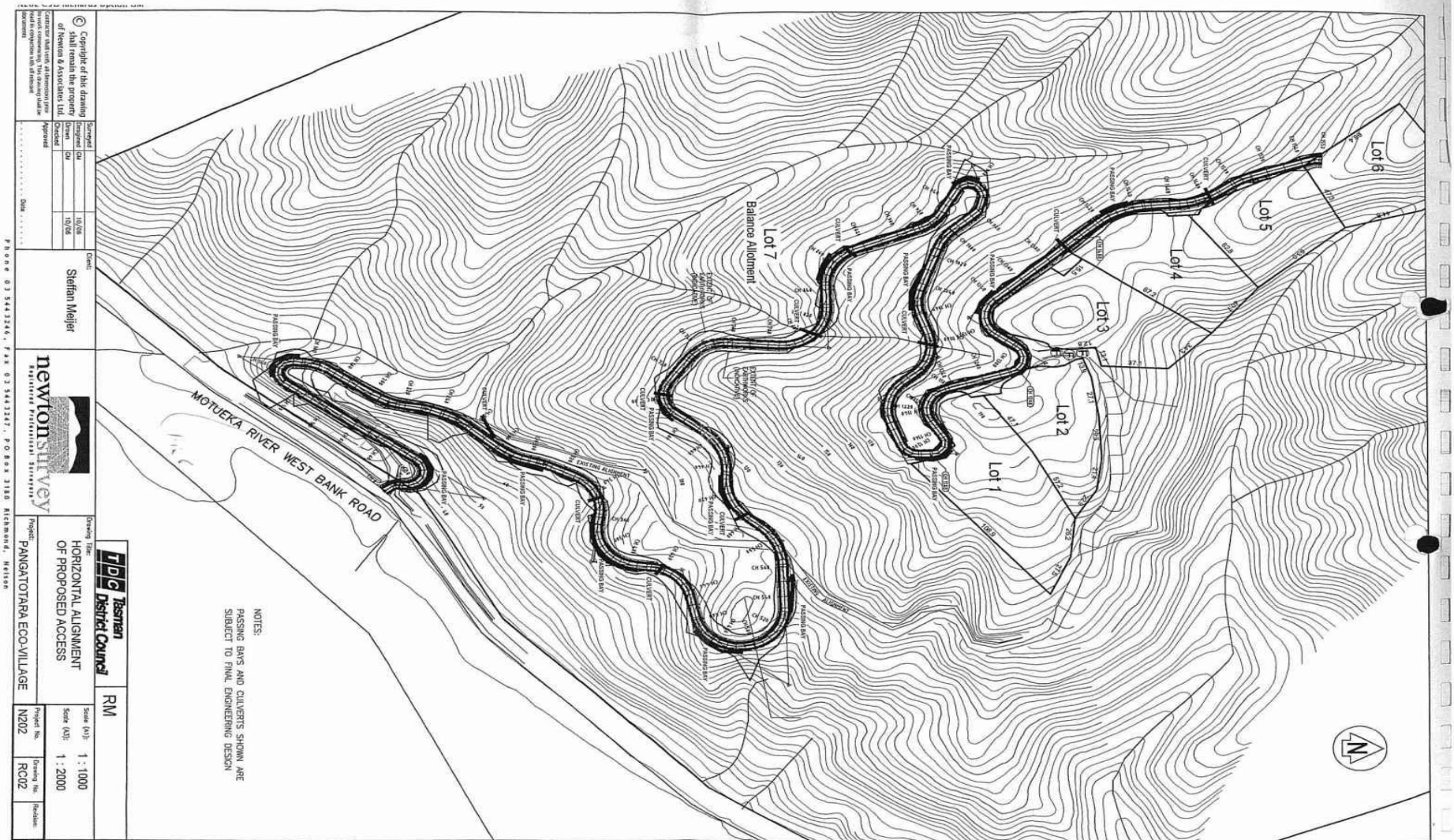
Copyright of this drawing shall remain the property of Newton & Associates Ltd. For use in connection with the project only. This drawing is not to be used for any other purpose without the written consent of Newton & Associates Ltd.	Drawn by: 10/28 Checked by: 10/28 Approved by: 10/28	Client: Sheffan Meijer	Drawing Title: PROPOSED SUBDIVISION OF LOT 1 DP 380528 MOTUEKA RVR WESTBANK RD	Scale (N/S): 1 : 2000 Scale (E/S): 1 : 4000
	Date:	Project: PANGATOTARA ECO-VILLAGE	Project No: N202	Revision: RC01

PHONE 03 344 3166 FAX 03 344 3247 P O BOX 3188 RICHMOND, NEW ZEALAND



Tasman District Council RM060967

Plan N202: RC02



NOTES:
 PRESSING BARS AND CULVERTS SHOWN ARE
 SUBJECT TO FINAL ENGINEERING DESIGN

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Drawing Title: HORIZONTAL ALIGNMENT OF PROPOSED ACCESS Project No: N202	Client: Stefan Meijer Project: PANGATOTARA ECO-VILLAGE	Drawing No: RC02

Date Confirmed:

Chair: