

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 14 May 2007
TIME: 10.00 am
VENUE: Lake Rotoiti Community Hall, St Arnaud

PRESENT: Cr E M O'Regan (Chair), Crs S G Bryant and E E Henry

IN ATTENDANCE: Co-ordinator, Resource Consents (R E Lieffering), Consent Planner, Subdivision (D A Hewett), Development Engineer (D Ley), Resource Scientist, Rivers & Coast (E L Verstappen), Community Services Planner (R D Squire), Administration Officer (B D Moore)

1. ST ARNAUD TRUSTEE SERVICES LTD, STATE HIGHWAY 63, ST ARNAUD – APPLICATION RM060419

1.1 Proposal

The proposal is to subdivide the existing title of 4.0469 hectares (Lot 2 DP 7513 18598) into two titles with Lot 1 comprising 6,850 square metres and Lot 2 comprising 1.665 hectares.

The application site is located on the northern side of State Highway 63 approximately 526 - 600 metres east of the St Arnaud Commercial Zone and 100 metres east of Borlase Avenue. Access to the site is from State Highway 63 (Wairau Valley Highway).

The application site consists of flat low-lying land. Features of the site include the Black Valley Stream, which meanders through the site to the north and west, an area of indigenous vegetation directly bordering the Department of Conservation estate to the north of Black Valley Stream and a man-made pond (Lot 1). The site is presently in pasture, with stands of manuka trees located on proposed Lot 1.

The site itself is bounded by a Conservation Zone to the north and west and a Rural 2 Zone to the east. It is opposite a Residential Zone located on the south side of State Highway 63.

The legal description of the land is Lot 2 DP 7513 18598, comprising 4.0469 hectares.

In addition to the creation of one additional title, the subdivision also involves the amalgamation of two allotments; Lots 2 and 4.

Cr O'Regan said that the Council had received an e-mail message on Saturday 12 May 2007, which advised that Nick King would speak at this hearing on behalf of Mr and Mrs J Coote.

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 Bryant / Henry
EP07/05/31**

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

St Arnaud Trustee Services Ltd

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 |
|--|--|--|
| St Arnaud Trustee Services Ltd | Consideration of a planning application | A right of appeal lies to the Environment Court against the final decision of Council. |

**Moved Crs Henry / O'Regan
EP07/05/32**

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

CARRIED

2. ST ARNAUD TRUSTEE SERVICES LTD, STATE HIGHWAY 63, ST ARNAUD – APPLICATION RM060419

**Moved Crs O'Regan / Bryant
EP07/05/33**

THAT pursuant to Section 104D of the Resource Management Act, the Committee GRANTS consent to St Arnaud Trustee Services Ltd 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 Lake Rotoiti Community Hall, St Arnaud

on Monday, 14 May 2007, commencing at 10.00 a.m.

A Hearings Committee ("the Committee") of the Tasman District Council was convened to hear the application lodged by St Arnaud Trustee Services Limited relating to subdivision of land at St Arnaud. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Tasman District Council and referenced as RM060419.

- PRESENT:** **Hearings Committee**
Cr E M O'Regan, Chairperson
Cr E Henry
Cr S Bryant
- APPLICANT:** Mr D Dew (for St Arnaud Trustee Services Limited)
- CONSENT AUTHORITY:** **Tasman District Council**
Ms D Hewett (Consent Planner – Subdivision)
Ms R Squire (Community Services Planner)
Mr D Ley (Development Engineer)
Mr E Verstappen (Resource Scientist – Rivers and Coast)
Dr R Lieffering (Coordinator Resource Consents)
- SUBMITTERS:** Mr M Weir (for Transit New Zealand)
Mr J Gendall (for himself and on behalf of Mr App)
Mr N King (on behalf of J & S Coote)
- IN ATTENDANCE:** Dr R Lieffering (Coordinator Resource Consents) - Assisting the Committee
Mr B Moore- Committee Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant, St Arnaud Trustee Services Limited, applied to the Council to subdivide an existing title of 4.0469 hectares (Lot 2 DP 7513). The subdivision would result in six allotments being created, but only Lots 1 and 2 would be developable. Lot 3 is proposed to vest in the Department of Conservation as Scenic Reserve, Lot 4 would be amalgamated with Lot 2, and Lots 5 and 6 would be vested in the Council as Local Purpose Reserve (Esplanade Reserve).

Lot 1 would comprise 0.685 hectares and amalgamated Lots 2 and 4 would comprise 2.035 hectares. Lot 3 would be 0.67 hectares, Lot 5 would be 0.43 hectares and Lot 6 would be 0.1 hectares.

Lot 2 currently has a dwelling on it. No land use consents were applied for to construct buildings on Lot 1.

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 1 and Landscape Priority Area

The proposed activity does not comply with Controlled Activity Rule 16.3.8(b) of the proposed Tasman Resource Management Plan as the proposed allotments are less than 50 hectares and the activity is deemed to be a discretionary activity in accordance with Rule 16.3.9 of the Plan.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was limited notified on 15 March 2007 pursuant to Section 94(1) of the Act. A total of four submissions were received. The following is a summary of the written submissions received and the main issues raised:

| Summary of Submitters and Issues | | | |
|----------------------------------|--|--|-------|
| Submitter | Issues | Support/Oppose | Heard |
| Transit New Zealand | <ul style="list-style-type: none"> Integrity of the District Plan - Precedent Not consistent with Objective 11.1.0 PTRMP Cumulative trend of ribbon development along the highway Limited Access Road (LAR). Section 93 approval may not be made | Oppose | Yes |
| John and Stephanie Coote | <p>Zoning and Landscape Priority Area to remain as such</p> <p>Do not support the creation of an esplanade reserve on the southern side of the stream; potential source of conflict between owners and public where the public could wander over private land; fence the new boundary</p> <p>Recently planted non-native gum trees on western and southern boundary and road reserve will grow above height of native trees, and significantly impact views from house on Lot 1 DP7513 and properties on the other side of the road; remove these trees</p> <p>Deer fence on boundary inconsistent and inappropriate with special nature of area; remove fence and replace with one in keeping with the area.</p> <p>Building and fence on legal road – public land; move fence and shed back to legal boundary or agreed position</p> <p>Clearly mark and define boundaries of the subdivision</p> <p>Lower speed limit to 50kph from 200 metres east of our main access onto SH63.</p> | Neutral, grant consent subject to conditions being met | Yes |
| Department of Conservation | Supports subdivision in that it provides for the vesting of Lot 3 in the Crown (DoC) as reserve and Lots 5 and 6 in TDC (Local purpose esplanade reserve). The creation of a reserve provides the opportunity to enhance conservation values of Black | Supports | No |

| | | | |
|--|---|--|-----|
| | Valley Stream and to provide public access and recreational use. | | |
| William R App (John Gendall presenting on behalf) | Recently planted exotic trees on adjoining boundary to be removed because they will block sun, pose a risk of fallen branches in high winds and visually not in keeping with the native surroundings. No more native trees to be cut down (removed) and no more exotic trees to be planted; ensures natural boundary remains. Proposed house must not be visible from our residence; no two storey house, no unnatural colours and tree removal. | Neutral, grant consent subject to conditions being met | Yes |

4. PROCEDURAL MATTERS

The only procedural matter arising at this hearing was the dual functions of Dr R Lieffering. Dr Lieffering's primary role at the hearing was to assist the Committee with any matters which arose. Part of this function also includes assisting the Committee during deliberations and writing of the decision. Dr Lieffering, whilst not the primary reporting officer on the applications, had prepared a supplementary report on the wastewater management options for any dwelling on Lot 1. The Chair advised those present at the hearing of Dr Lieffering's dual functions and no party raised any objection to this matter.

5. EVIDENCE HEARD

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

5.1 Applicant's Evidence

Mr Dew, who set up, and is a beneficiary of the applicant company, presented evidence in respect of the application. No additional witnesses were called by Mr Dew.

Mr Dew's evidence covered a number of matters as summarised below.

- Connection to the Council's reticulated wastewater system is the preferred option but as an alternative the wastewater can adequately be dealt with on-site and he was happy to treat wastewater to a secondary level if that meant the pond on the property did not need to be filled in.
- He questioned why the neighbouring property owner (Mr App) did not have to have a 5 metre wide planting strip on his side of the boundary.
- He disagreed that the new dwelling should be completely screened from the house on Mr App's property and he was opposed to any height restriction.
- He considered that the Coote submission was generally in support but that a number of the matters raised were outside the scope of the application.
- He considered that Transit New Zealand, through Mr Weir, did not know the background or history to the property and therefore their submission was incorrect.

- The property formerly had access off the legal road (paper road) but the sight lines were not very good and he contacted Transit's Nelson agent (Opus) to move the access to its current location.
- If Transit do not provide a Section 93 notice for an additional user on the existing access then he would revert back to using the legal road as the access, but this would result in a poorer location for the access.
- A building site of 15 metres by 20 metres was accepted.
- He opposed the requirement to use a landscape architect to prepare a planting plan.
- He opposes having to pay any financial contribution as he is vesting land in the Department of Conservation and also the Council.

5.2 Submitters' Evidence

Mr J Gendall

Mr Gendall spoke to his submission. He lives in the house on Mr App's property (the property immediately to the west of the subject site). His main concerns were as follows:

- He did not want another residential subdivision next door like the one on the southern side of State Highway 63.
- Black Valley is a special place and should be protected.
- He did not want a house located close to his and wanted his privacy protected.
- If any house was built on Lot 1 it should blend in with the local environment.
- The existing eucalypt trees along the boundary are inappropriate as they are exotic and will grow into large trees and dropping branches could result in damage to his property.
- He was concerned about having an esplanade reserve adjacent to Black Valley Stream being used as a walkway or for public access as people would possibly walk to his property boundary and assume that they could carry on walking through Mr App's property but this would be trespassing.

Mr N King

Mr King spoke on behalf of J and S Coote, who own land to the southeast of the subject site (across the legal road). Mr King raised the following concerns:

- The construction of deer fences was unnecessary. Although probably legal he questioned why they are needed for the property.
- Concerned about public access to the land to be vested.

Transit New Zealand (Mr M Weir)

Mr Weir tabled a Statement of Evidence in relation to Transit New Zealand's submission. Mr Weir is the Wellington regional planning manager for Transit, an area that includes Tasman district.

Mr Weir stated that:

- State Highway 63 was declared a Limited Access Road (LAR) in June 1977.
- Increasing the number of traffic movements to and from LARs is generally undesirable.
- The subdivision cannot proceed unless the Minister of Transport (at the request of Transit New Zealand) issues a notice pursuant to Section 93 of the Transit New Zealand Act 1989.
- Subdivision consent is a prerequisite to the consideration of an application to obtain a Section 93 notice.
- The existing licensed crossing place to the property is for "a house".
- Transit's main concern relates to the precedent that the granting of this consent would have on ribbon development on the highway leading to a cumulative loss impacting on the safety and efficiency of the state highway.
- The precedent effect is a legitimate factor when assessing an application for a discretionary activity.
- Transit stated that it "does not have any concerns about the standard of the access nor are there visibility problems associated with this access".
- Traffic generated from any new dwelling on Lot 1 would only result in a minor effect in respect of traffic flows.
- Transit sees no reason why any subdivisions considerably lower than the controlled activity threshold size (50 hectares for Rural 2) should be allowed adjacent to State Highway 63.
- If consent is granted then the reasons for the decision will be considered by Transit when it considers an application pursuant to Section 93(1) of the Transit New Zealand Act 1989 to change the conditions of the license.

5.3 Council's Reporting Officer's Report and Evidence

Ms D Hewett

Ms Hewett spoke to her staff report. She advised that there were matters that were unique to this site which would mean that granting of the subdivision consent would not lead to further ribbon development along the State Highway and therefore there would be no precedent effect.

In respect of the building location area, she felt that this should be reduced to a 15 by 15 metre area and that this be located in the area currently devoid of vegetation. This would provide good screening of any dwelling from the State Highway and also from the house on Mr App's property.

She considered that, provided the recommended conditions of consent were imposed to mitigate adverse effects that the effects on the environment would be no more than minor and the granting of this consent would not be contrary to the objectives and policies of the Act. In addition, the granting of the consent would meet the purpose of the Act as outlined in Section 5 of it.

Dr R Loeffering

Dr Loeffering spoke to his report on wastewater management for the development that may occur on Lot 1. He confirmed that connection to the Council's reticulation system would be the preferred option but if this were not possible that the wastewater could be managed on-site. He stated that he was pleased to hear that the applicant was prepared to accept a higher level of pre-treatment (secondary treatment) and the use of dripper lines should on-site disposal be required. He reinforced the fact that if on-site wastewater treatment and disposal was required that special attention should be given to the type of secondary treatment plant installed if the dwelling is not going to be permanently occupied as some of the treatment plants on the market struggle with intermittent loadings.

Mr D Ley

Mr Ley spoke to his report and tabled a sketch drawing of a possible way for the dwelling on Lot 1 to connect to the Council's sewage reticulation system and this would involve the use of a private pump station on Lot 1. He confirmed that such a connection was reliant on permission from Transit New Zealand to install a pipeline under State Highway 63. Any such pipeline would need to be a gravity system which would mean that a manhole would be required on the northern side of State Highway 63 into which wastewater from the dwelling would need to be pumped. He stated that there could be odour problems associated with this manhole and the pump station on Lot 1 but that there were mitigation measures available such as venting through a bark garden to minimise odours.

Mr Ley advised that in respect of traffic safety the proposal would result in minimal adverse effects. The existing access is in good condition and sight distances are better than the position of the legal road (paper road).

Mr E Verstappen

Mr Verstappen spoke to his report. He advised that he had omitted to include consideration of stormwater from part of State Highway 63 flowing directly onto Lot 1 when he had considered minimum floor levels. He made an amendment to recommended Condition 3 of the conditions presented in Ms Hewett's report by changing the minimum building platform level from 643.0 metres to 643.9 metres. He also considered that the minimum finished floor level should be either 644.4 (a change from 644.2) metres or 500 millimetres above existing ground level, whichever is the higher. This would provide protection from flooding both from Black Valley Stream as well as stormwater runoff from State Highway 63.

Ms R Squire

Ms Squire spoke to her report. She maintained that an esplanade reserve of 10 metres width must be vested in the Council as this is required by Section 230 of the Act. She stated that the reserve could form part of a walkway in the area. In addition, the purpose of the esplanade strip would be for the maintenance and enhancement of in stream values of Black Valley Stream.

Ms Squire also considered that the full financial contribution (5.5%) for reserves and community services should be collected because although a walkway may not necessarily be created adjacent to Black Valley Stream immediately, the money would still be used within the Lakes-Murchison ward for other projects.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Will the granting of this consent create a precedent for further ribbon development in the St Arnaud area, and in particular along State Highway 63, thereby being contrary to the key land transport objectives of the TRMP?
- b) Will the proposal result in significant adverse effects on the rural character, landscape character and amenity values?
- c) What measures are appropriate in respect of vegetation retention/planting, building location, and building height to mitigate adverse effects on neighbouring properties?

7. MAIN FINDINGS OF FACT

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

- a) Whilst the subject site is zoned Rural 2, it is bounded by a Conservation zone to the north and east and a Residential zone to the south (across State Highway 63). The subject site is part of a relatively small Rural 2 zoned block of land, approximately 11 hectares in area in 6 titles, which is bounded by Conservation, Residential, and Open Space zones. There certainly is the potential that the granting of this consent could lead to similar applications being lodged by the other 5 owners of land within this Rural 2 enclave but the extent of such development is constrained, particularly by the Conservation zoning to the east of the enclave. Therefore, the Committee is satisfied that this application would not set a precedent for ribbon development further to the east of Coote property.

The Committee heard from Transit New Zealand who confirmed that the effects associated with traffic flows from an additional dwelling in this locality would be minor and that there are no visibility problems associated with the current access. The standard of the access was also considered to be adequate by Transit and the Committee do not agree with Transit that the granting of this consent would be contrary to Objective 11.1.0 of the TRMP.

- b) The subject site and surrounding area to the north of State Highway 63 is predominantly rural in character in because of the open landscape that exists and the absence of urban features and density of development, and the presence of indigenous vegetation and physical features such as the Black Valley Stream. The smaller parcels of Rural 2 land (2 hectares to 7 hectares) provides a transition zone between the two distinct character zones of residential and conservation/open space zones on the northern side of State Highway 63.

Proposed Lot 1 is relatively well screened from view from State Highway 63 and the residential properties to the south of State Highway 63 as a result of existing manuka stands along the road frontage of the property and within the allotment.

The introduction of a rural residential allotment and associated dwelling into this rural landscape will have some effect. These effects are most likely to arise from residential activities such as night-lighting, noise, vehicle movements and visual effects associated with new dwellings, accessory buildings, plantings and access. The Committee considers that these effects in this location are no more than minor and can be mitigated by conditions.

- c) Visual effects on neighbouring properties associated with any dwelling on Lot 1 including building height and colour, and removal of indigenous vegetation. In this respect the owners and occupiers of Lot 1 DP 7513 (owned by Mr App and occupied by Mr Gendall) are most affected due to the proximity of this property to Lot 1.

The Committee considers that the visual effects of development on Lot 1 DP 7513 can be mitigated by the retention of the existing indigenous vegetation west of the proposed building location area as well as a restriction in the size and location of the building area. The Committee does not consider it appropriate to include a height limit on the building which is more restrictive than the zone rules because the existing manuka stands are sufficiently tall to provide reasonable screening of any building that is constructed.

A condition has been imposed in relation to building height (7 metres above the building platform level) but this figure is effectively the same as the permitted activity height of 7.5 m above natural ground level in the TRMP when the amount of filling required to construct the building platform area is taken into account (~ 0.5 metres of fill will be required).

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 District Plan;
- (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 104B of the Act, the Committee **GRANTS** consent subject to conditions. The conditions of consent are attached to this decision.

10. REASONS FOR THE DECISION

The Committee considers that adverse effects of the subdivision can be mitigated and are therefore no more than minor. Further the granting of this consent meets the purposes of Act as set out in Section 5.

The Committee considers that the granting of this consent is consistent with the objective and policies of the TRMP and will not create a precedent for further ribbon development along State Highway 63 (see further discussion in Section 7(a) above).

Submitters have expressed a wide range of concerns regarding specific aspects of the proposal and the Committee considers that the conditions of consent (attached) are sufficient to address these concerns, in particular effects on adjacent neighbours (see further discussion in Section 7(c) above).

11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee has imposed a number of conditions of consent (see attached). Whilst many of these are commonly imposed on subdivision consents, a number are unique to this proposal.

- There are conditions imposed which require the vesting of some of the land in the Department of Conservation and also the Council (Conditions 4-6). The vesting of land in the Department of Conservation was volunteered by the applicant and the Department has indicated that it accepts ownership of this land. The vesting of land in the Council alongside Black Valley Stream is a requirement under Section 230 of the Act.
- Conditions 7 and 8 restrict the building location area to a rectangle measuring 15 metres by 20 metres being no closer than 10 metres from State Highway 63. At the hearing the applicant agreed with this restriction.
- Condition 9 requires the a building platform area to be constructed to a minimum height. This level equates to 500 millimetres above the highest part of existing ground level within the building location area.
- Condition 19 requires a 5 metre wide indigenous planting strip to be planted along the boundary with Lot 1 DP 7513. Condition 20 requires the existing eucalypts trees along the same boundary to be removed.
- There are a number of conditions (Conditions 21 and 28(ix)) which relate to wastewater management. The Committee's first preference is that any dwelling on Lot 1 is connected to the Council's reticulation system, however this is

depended on obtaining an authorisation from Transit New Zealand to install a pipeline under State Highway 63. If this is not possible then on-site wastewater treatment and disposal will be required.

- Condition 27 requires the consent holder to provide a financial contribution. The Committee does not agree with the arguments put forward at the hearing by the applicant that these contributions should be waived.
- Condition 28(ii) limits the height of any dwelling on Lot 1 to 7 metres above the finished level of the building platform. This figure is effectively the same as the permitted activity height of 7.5 m above natural ground level in the TRMP for the Rural 2 zoning when the amount of filling required to construct the building platform is taken into account (~ 0.5 metres of fill will be required).
- Conditions 28(iii)-(vi) require the ongoing retention of indigenous vegetation around the building location area.

Issued this 24th day of May 2007

Cr E M O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM060419

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

St Arnaud Trustee Services Limited

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To subdivide an existing title comprising 4.0469 hectares into four titles, two of which are to be vested.

LOCATION DETAILS:

Address of property: State Highway 63, St Arnaud

Legal description: Lot 2 DP 7513

Certificate of title: CT NL3A/1147

Valuation number: 1918039205

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

CONDITIONS

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan entitled “Proposed Sbdn Lot 2 DP 7513, St Arnaud Trustee Services Ltd” Job No. 894, Plan #2 dated 16 February 2007, prepared by Survey Solutions (NZ) Ltd, and attached to this consent. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

Advice Note: The indicative location of the building area on the attached plan has been superseded by Condition 7 and the minimum floor level indicated on the plan has been superseded by a minimum building platform level as specified in Condition 9.

Amalgamation Conditions

2. Lots 2 and 4 shall be amalgamated and one certificate of title issue. LINZ reference 652256
3. The amalgamation conditions shall be shown on the survey plan which is submitted for the purposes of Section 223 of the Act.

Advice Note:

The District Land Registrar has advised that these conditions are practicable provided all the normal requirements apply to the issuing of amalgamated titles. These include requirements that the land is in the same ownership and that any existing joint family settlements are cancelled or extended to include all the land being amalgamated.

Vesting of Ownership Conditions

4. The survey plan which is submitted for the purposes of Section 223 of the Act shall show Lot 3 as vesting in the Department of Conservation as Scenic Reserve.

Advice Note:

This condition was volunteered by the Consent Holder and the Department of Conservation has confirmed that it will accept ownership of Lot 3.

5. The survey plan which is submitted for the purposes of Section 223 of the Act shall show Lots 5 and 6 as vesting in the Tasman District Council as Local Purpose Reserve (Esplanade). The Local Purpose Reserve (Esplanade) shall have a width of 10 metres.

Advice Note:

Ownership of Lots 5 and 6 may, in the future, be vested in the Department of Conservation if the Department wishes to accept such ownership and also if the Community Services Department of the Council wishes to transfer ownership.

6. The survey plan which is submitted for the purposes of Section 223 of the Act shall show the bed of Black Valley Stream as vesting in the Tasman District Council.

Building Location and Building Platform – Lot 1

7. The location of any new buildings on Lot 1 shall be contained entirely within a rectangle measuring 15 metres (east-west direction) by 20 metres (north-south direction) and shall be located generally in the location shown on Plan A attached to this consent. The building location area shall be shown on the survey plan which is submitted for the purposes of Section 223 of the Act.

Advice Note:

For the avoidance of doubt, the construction of the building platform within the building location area on Plan A will involve the removal of indigenous vegetation.

8. The southern edge of the building location area on Lot 1 shall be setback a minimum distance of 10 metres from the legal boundary of State Highway 63.
9. The Consent Holder shall fill the building location area so as to form a building platform which has a finished level of 644.7 metres above mean sea level.
10. The building platform referred to in Condition 9 shall be constructed and pegged prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Easements

11. Easements shall be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council for Council reticulated services or appurtenant to the appropriate allotment.

12. Easements shall be created over any right-of-way and shall be shown in a Schedule of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by a Solicitor at the Consent Holder's expense.
13. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Advice Note:

Any services located within the Council's road reserve will require a License to Occupy to be obtained. In addition, any services located on land administered by Transit New Zealand may require additional permissions.

Power and Telephone

14. Full servicing for live underground power and telephone cables shall be provided to the boundary of Lot 1. 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.

Right-of-Way and Vehicle Access to Lot 1

15. The right-of-way shown as "ROW appurt Lot 1" on the plan entitled "Proposed Sbdn Lot 2 DP 7513, St Arnaud Trustee Services Ltd" Job No. 894, Plan #2 dated 16 February 2007, prepared by Survey Solutions (NZ) Ltd, and attached to this consent shall be formed to the following specifications:

| Right of Way Specifications and Formation Standards | | | | | |
|--|--------------------|----------------------|---------------------|--------------------|--------------------|
| Right of Way | Allotments | Surface width | Shoulders | Side Drains | Legal Width |
| Right of Way appurt Lot 1 | Lots 1, Lots 2 & 4 | 4.5 metres | 2 x 500 millimetres | 2 x 1.0 metre | 7.50 metres |

Advice Note:

Transit New Zealand has advised that a notice needs to be issued pursuant to Section 93 of the Transit New Zealand Act 1989 for an additional user for the existing access onto State Highway 63, being a Limited Access Road.

16. The right-of-way referred to in Condition 15 shall be formed and surfaced with a minimum requirement of a 150 millimetre depth AP40 compacted basecourse with the formation of side drains to convey stormwater runoff away from the right of way carriageway.

Advice Note:

No additional sealing of the existing access is required. The current access is sealed to a distance of ~6 metres from the edge of State Highway 63 and this is considered sufficient for the number of users.

17. A culvert crossing shall be installed to provide access to Lot 1 as required, at the access location shown on the plan entitled "Proposed Sbdn Lot 2 DP 7513, St Arnaud Trustee Services Ltd" Job No. 894, Plan #2 dated 16 February 2007, prepared by Survey Solutions (NZ) Ltd, attached to this consent.

18. A turnout shall be formed between the right-of-way referred to in Condition 15 and Lot 1 in the location shown on the plan entitled "Proposed Sbdn Lot 2 DP 7513, St Arnaud Trustee Services Ltd" Job No. 894, Plan #2 dated 16 February 2007, prepared by Survey Solutions (NZ) Ltd, and attached to this consent. The turnout shall have a width of at least 3.5 metres and shall be surfaced with a minimum standard of 150 millimetre depth AP40 compacted basecourse. The 150 millimetre depth AP40 compacted basecourse surface shall extend at least 5 metres into the legal boundary of Lot 1.

Landscape Buffer Planting

19. An indigenous vegetation buffer strip at least 5 metres wide shall be planted along the western boundary of Lot 1 (the boundary with Lot 1 DP 7513) prior to a completion certificate being issued pursuant to Section 224(c) of the Act. The indigenous vegetation shall comprise species that are commonly found in the local area.
20. All existing eucalypt species within 20 metres of the western boundary of Lot 1 (the boundary with Lot 1 DP 7513) shall be removed prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Authorisation from Transit New Zealand for Wastewater Pipeline under State Highway 63

21. The Consent Holder shall attempt to obtain the appropriate authorisation from Transit New Zealand for a wastewater pipeline to be installed under State Highway 63. A copy of this authorisation or, in the event that such authorisation is denied, a letter from Transit New Zealand outlining why authorisation is denied, shall be provided to the Council's Engineering Manager prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Advice Note:

The Council wishes to have any buildings that are constructed on Lot 1 connected to the Council's wastewater reticulation system. The closest sewer manhole is located on the southern side of State Highway 63 and therefore to connect to the Council's system an authorisation from Transit New Zealand is required. At the time this consent was granted such authorisation had not been obtained by the Consent Holder. Transit New Zealand has indicated that it would be reasonable in its consideration of any request to install a pipeline under State Highway 63. The type of consent notice that will appear on the title of Lot 1 will be dependent on whether authorisation from Transit New Zealand is forthcoming (see Condition 28(ix) below).

Commencement of Works and Inspection

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

Engineering Works

23. All engineering works, including construction of the right-of-way, culvert and access to Lot 1 referred to in Conditions 15-18, shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 or to the Council's Engineering Manager's satisfaction.

Engineering Certification

24. At the completion of works, a suitably experienced chartered professional engineer or registered surveyor shall provide the Council's Engineering Manager written certification that the right of way, culvert and access to Lot 1 referred to in Conditions 15-18 have been constructed in accordance with the consent conditions and the Tasman District Council Engineering Standards and Policies 2004.
25. Certification that the building platform and nominated building site on Lot 1 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 Lot 1 within the building location area, the area suitable for the erection of residential buildings and shall be in accordance with Appendix B Section 11 of the Tasman District Engineering Standards and Policies 2004.
26. Where fill material has been placed on any part of Lot 1, 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 statement of suitability of earth fill for residential development shall be made in accordance with Appendix A Section 11 of the Tasman District Engineering Standards and Policies 2004 and shall be provided to the Council's Engineering Manager.

Financial Contributions

27. 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 a notional 2,500 square metre building site within Lot 1.
 - (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 Note:

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

Advice Note:

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

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

This consent will attract a development contribution on one allotment in respect of roading and also wastewater if connection to the Council's wastewater reticulation system is possible, as discussed in Condition 21.

Consent Notices

28. The following consent notices shall be registered on the certificate of title for Lot 1 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
- i) That the construction of buildings on Lot 1 shall be restricted to the building location area shown on Title Plan DP ...and buildings shall be fully contained within the area identified.
 - ii) The maximum height of any dwelling on Lot 1 shall be restricted to 651.1 metres above mean sea level, this being 7.0 metres above finished level of the building platform (644.7 metres above mean sea level).
 - iii) All indigenous vegetation on Lot 1 between building platform area and the boundary of the adjacent western property (Lot 1 DP 7513) shall be retained to provide screening.
 - iv) All indigenous vegetation to the north east of the building platform area shall be retained, to provide screening and to assist with buildings blending in with the local landscape.
 - v) All indigenous vegetation within 10 metres of the boundary of Lot 1 and State Highway 63 shall be retained to provide screening.
 - vi) The 5 metre wide planted indigenous vegetation buffer strip along the western boundary of Lot 1 shall be maintained to the satisfaction of the Council at all times.

- vii) Prior to the issue of a building consent for any dwelling or building on Lot 1, the owner shall submit to the Council's Environment and Planning Manager for approval, a report and associated design for a stormwater treatment and disposal system for that particular allotment and building curtilage area designed by a person suitably qualified and experienced in designing such systems. The design of the stormwater discharge system shall ensure:
- The adverse effects of any stormwater runoff on Black Valley Stream and neighbouring properties are mitigated and the effects are no more than minor;
 - The stormwater discharge system is designed in a way such that the discharge does not interfere with or discharge onto any wastewater disposal fields, if any are present on the allotment; and
 - The methodology for stormwater soakage investigation and design is in keeping with the New Zealand Building Code 2002 Surface Water Clause E1; E1VM1 and E1/AS1 if ground soakage is to be used.
- viii) Reticulated power and telephone services to any buildings on Lot 1, where provided, shall be located underground from the property boundary of the property to the building.

Where authorisation from Transit New Zealand **is** obtained to install a wastewater pipe under State Highway 63 and therefore connection to the Council's reticulated wastewater system is possible (refer Condition 21 of Consent RM060419) the following Consent Notice shall be registered:

- ix) Any dwelling or building on Lot 1 that produces domestic wastewater shall connect to the Council's wastewater reticulation system located on the south side of State Highway 63. The pipeline under State Highway 63 which will connect into the existing Council manhole shall be a gravity system. The owner of Lot 1 shall provide to the Council's Engineering Manager for approval, a full set of engineering plans which show all components of the connection system from the dwelling to the Council's sewer manhole on the south side of State Highway 63, including details of any pump station that may be required and any odour mitigation controls. The engineering plans which are to be submitted for Council's approval shall first be approved by Transit New Zealand for any components located under State Highway 63 and/or within road reserve administered by Transit New Zealand. Following construction of the works, the owner of Lot 1 shall supply to the Council's Engineering Manager a full set of as-built plans for the works.

Where authorisation from Transit New Zealand **is not** able to be obtained to install a wastewater pipe under State Highway 63 and therefore connection to the Council's reticulated wastewater system **is not** possible (refer Condition 21 of Consent RM060419) the following Consent Notice shall be registered:

- ix) Treatment of domestic wastewater from any dwelling or building on Lot 1 shall be by way of a treatment system that treats 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. The on-site wastewater treatment and disposal system shall be designed, supervised and certified by a chartered professional engineer.

GENERAL ADVICE NOTES

Council Regulations

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

Other Proposed Tasman Resource Management Plan Provisions

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.

A resource consent is required for the construction of buildings on the respective allotments.

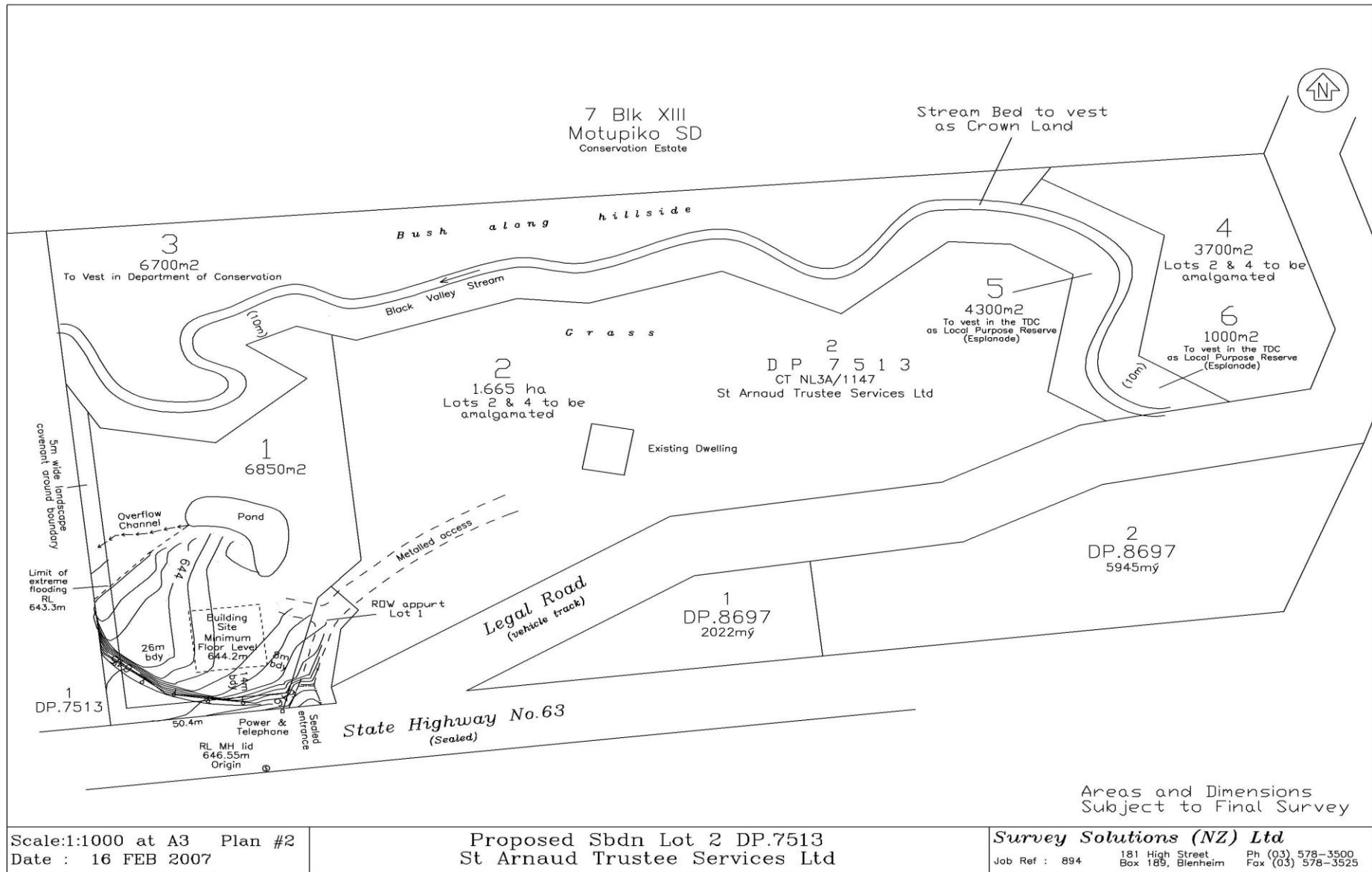
In respect of stormwater discharges on Lot 1, the criteria of Tasman Resource Management Plan Permitted Activity Rule 36.4.2 must be complied with or, alternatively, a resource consent (discharge permit) is obtained for the stormwater discharge.

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 resource 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. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Issued this 24th day of May 2007

Cr E M O'Regan
Chair of Hearings Committee



PLAN A - RMO60419



ExploreTasmanMap

21/5/2007 **DISCLAIMER:**

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Date Confirmed: _____

Chair: _____