

# MINUTES

**TITLE:** Environment & Planning Committee  
**DATE:** Monday, 10 December 2007  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond

**PRESENT:** Cr S G Bryant (Chairman), Crs M J Higgins and E J Wilkins

**IN ATTENDANCE:** Consultant Planner (G Rae), Principal Resource Consents Advisors (R Askew), Community Services Planner (R Squire), Resource Scientist (E Verstappen), Development Engineer (D Ley), Administration Officer (B D Moore)

## 1. A TIDSWELL, 162 ARANUI ROAD, MAPUA – APPLICATION Nos. RM070743 AND RM070744

### 1.1 Proposal

The applicant applied to subdivide a rural 1 title into two allotments of 2.43 hectares and 4.28 hectares within the land described in Certificate of Title 150295. A house was proposed for Lot 1. The applicant's title has a 1/5<sup>th</sup> share in Lot 13 DP 336741, an access lot over which right-of-way and service easements are provided. The applicant, Ms Alexandra Tidswell, appeared at the hearing together with Resource Management Consultant, Mrs J Hilson. Also present at the hearing were Mr and Mrs J and J Tidswell as the application site is owned by J E E and J G R Tidswell Family Trust. The applicant's Project Engineer, Mr Ron O'Hara, was also present.

## 2. EVIDENCE HEARD

The following is a summary of the evidence heard at the hearing.

### 2.1 Applicant's Evidence

Mrs J Hilson, Resource Management Consultant for the applicant, tabled and read a statement of evidence. The evidence described how the property overlooks both Tasman Bay and Mapua Inlet but is in two distinct areas, divided by remnant beach dunes and extensive plantings roughly central to the site. The existing carriageway within Lot 13 varies in width from 3 metres to 3.5 metres in formation from seal to gravel and is about 1.4 kilometres in length. The access from Aranui Road is sealed over its first 400 metres in length as far as the splash water over Seaton Valley stream.

The north eastern coastal boundary is vulnerable to coastal erosion and the applicant contributed in excess of \$200,000.00 to the construction of a major seawall along the property frontage. The evidence stated that in recent years, the Council has approved three other small lots but limited rural subdivision in this area for Bone, Clinton-Baker and Thawley. Each resulted in one additional title, all accessed via a common right-of-way from Aranui Road and as yet undeveloped. As there is no sewerage connection to the property, domestic effluent will be treated and disposed

of within the confines of each lot through a system as recommended by Mr R O'Hara of Tasman Consulting Engineers.

Proposed Lot 1 will be supplied from the Mapua water supply and Lot 2 will have a 23,000 litre rainwater storage tank. An esplanade strip for the purpose of public access is to be provided along the Tasman Bay side of the property, aligned to the top of the seawall. The evidence addressed the concerns of submitters. The evidence said that taking a full 20 metre esplanade reserve along the coast and estuary is neither practical nor necessary in achieving the purpose for which esplanade reserves or strips are created under the Resource Management Act.

The applicant agreed to the suggested minimum building level provided by Council Officer, Mr E Verstappen. The proposed new house on Lot 1 will be 200 metres inland of the coastal hazards area and the existing bach of 50 years could, if necessary, be relocated to achieve compliance with the coastal hazards area setback rule. The evidence discussed the relevant principles under the NZ Coastal Policy Statement in relation to the subject site. Mrs Hilson listed in the evidence a number of recommended changes to the proposed conditions of consent for the subdivision and land use applications.

### **3. SUBMITTERS' EVIDENCE**

#### **3.1 Mapua Districts Cycle and Walkways Group**

Sarah McLeod spoke to this submission seeking a walkway along the length of the southern boundary of the Tidswell property, bordering the Leisure Park. They also sought that a safe walkway for public access be constructed on the seawall. The submission referred to the public benefits of creating a linked network of walkways.

#### **3.2 RME Stephens**

Mr M Stephens said he supported this application but was concerned that the public perception that public access can be gained over 1 kilometre along the top of the rockwall stop bank. The applicant sought that safe complying access from the beach to the stop bank be provided at each of the Leisure Park/Tidswell and Tidswell/Cunliffe properties along with appropriate private property signage installed.

#### **3.3 D Mitchell**

Mr D J Mitchell of 107 Aranui Road, Mapua, tabled and read a submission. He expressed his concerns as the potential for additional residential housing within a sensitive coastal environment and in an area of coastal hazard. He said the public needs good beach access and the area needs erosion control. He said it was necessary to take the full esplanade reserve entitlement. Mr Mitchell spoke of the application being an undesirable precedent for further subdivision and was concerned about flooding and inundation near the coast. He expressed concern about additional effluent dispersed to land near the estuary. He referred to there being lack of information with regard to earthworks and that earthworks were being undertaken without local iwi consent.

Mr Mitchell expressed his concern about the creation of further traffic down Aranui Road. He suggested that a reserve strip be created on the south side of both Lot 1 and Lot 2 for future public access to the beach from the inlet area.

### **3.4 Council Reporting Officer's Reports and Evidence**

Community Services Planner, Ms R Squire, recommended that the existing esplanade reserve adjoining the Waimea Estuary be 20 metres wide. Ms Squire sought further public access across the right-of-way at 126 to 130 Aranui Road. Ms Squire sought that public access be obtained on the southern side of proposed Lots 1 and 2 from the estuary to the beach.

Resource Scientist, Eric Verstappen, commented on the hazard risks to the Tidswell property saying that the foreshore along the subject site at Ruby Bay has been subject to both seawater inundation and coastal erosion. He said there is nothing to prevent the existing rockwall being overtopped and that scarring behind the wall has caused it to fail in the past and required rebuilding. Mr Verstappen said that staff have agreed that a minimum ground level of 3.5 metres and 3.7 metres floor level for the new dwelling is acceptable. He referred to sea level rise predictions and that this together with differing pressure levels and estuary effects can cause surging on the coast.

Mr Verstappen commented that proposed Lot 1 is sitting behind the causeway which stops many effects such as wave run-up. He said he did not see remnant liability to Council.

Development Engineer, D Ley, recommended that the right-of-way be sealed but subject to agreement of all users it can remain unsealed. He confirmed that no new water connections are available off Council's supply at Mapua in this location. He agreed to the proposed ground level for the new dwelling as 3.5 metres.

Consultant Planner, Mr G Rae, then spoke to his report contained within the agenda and addressed the concerns of submitters. He confirmed his recommendation that Council grants consent to these applications for subdivision and the proposed new dwelling on Lot 1 for reasons including the subject site not being productive land, having a location next to the Leisure Park and being similar to the established pattern of development and subdivision in this location. He referred to the proposed conditions of consent as contained within his report.

Mr Rae recommended that planting and an earth bund should be carried out along the northern boundary of proposed Lot 1.

### **3.5 Applicant's Right of Reply**

Mr O'Hara explained that the proposed effluent treatment is a very comprehensive process that will involve 90% of treatment within the tank and disposal with below surface drippers.

Mrs Hilson said that the proposed conditions of consent must be provided to address resource management issues. She said that relinquishment of the right-of-way is not possible at this time. She said that the southern boundary walkway access is opposed by the applicant. She said that other users have not been involved in this resource consent process. Mrs Hilson referred to the potential for covenants over Lots 1 and 2 for access over Lot 13 which would be possible with all owners/users in agreement. She said that a legal mechanism to impose protection of legal liability for the Council would not be opposed by the applicant. She said there were no known urupu sites on the subject land. However the nearest one was on the adjacent Talley

property. She said the proposed minimum floor level is more than adequate to provide protection from the risk of inundation for the proposed new dwelling.

Mrs Hilson said that the applicant could absolve the Council of any liability, to satisfy Mr Mitchell's concerns. Mrs Hilson confirmed that the applicant would volunteer a 20 metre esplanade strip for walkway purposes but that the applicant did not see that 20 metres is needed. The applicant volunteered to carry out bunding work on the northern boundary of Lot 1 but was not in agreement with the proposed landscaping. 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 1.45 pm.

## **RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Higgins / Bryant  
EP07/12/01**

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

A Tidswell

**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:**

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

**Moved Crs Wilkins / Higgins  
EP07/12/02**

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

**CARRIED**

**2. A TIDSWELL, 162 ARANUI ROAD, MAPUA – APPLICATION Nos. RM070743 AND RM070744**

**Moved Crs Bryant / Higgins  
EP07/12/03**

**THAT pursuant to Section 104D of the Resource Management Act, the Committee GRANTS consent to A Tidswell 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 10 December 2007, commencing at 9.30am**

A Hearings Committee (“the Committee”) of the Tasman District Council was convened to hear the application lodged by **Alexandra Tidswell** to subdivide a title of 6.72 hectares into two titles being proposed Lot 1 of 2.43 hectares and proposed Lot 2 of 4.28 hectares. In addition it is proposed to erect a dwelling on proposed Lot 1. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Tasman District Council and referenced as RM070743 (subdivision) and RM070744 (land use).

- PRESENT:** **Hearings Committee**  
Cr S Bryant, Chairperson  
Cr M Higgins  
Cr E Wilkins
- APPLICANT:** Mrs J Hilson, Consultant Planner for the Applicant  
Mr R O’Hara, Chartered Professional Engineer for the Applicant;  
Ms A Tidswell, Applicant  
Mr and Mrs J Tidswell, Trustees of subject property
- CONSENT AUTHORITY:** **Tasman District Council**  
Mr G Rae, Consultant Planner, Council Reporting Officer;  
Mr E Verstappen, Resource Scientist – Rivers and Coast;  
Ms R Squire, Community Services Planner;  
Mr D Ley, Development Engineer.
- SUBMITTERS:** Ms S McLeod, Representing Mapua Districts Cycle and Walkways Group  
Mr M Stephens, Representing R M E Stephens  
Mr D Mitchell
- IN ATTENDANCE:** Mr R Askew, Principal Resource Consents Adviser,  
Assisting the Committee  
Mr B Moore, Committee Secretary

## **1. DESCRIPTION OF THE PROPOSED ACTIVITY**

The proposal is to subdivide a 6.7211 hectare block of Rural 1 zoned land at Mapua into two allotments. Proposed Lot 1 is on the inlet side of the property, containing some 2.43 hectares of land on which it is proposed to erect a new residential dwelling. Proposed Lot 2 comprises 4.28 hectares, with frontage to Tasman Bay, and contains an existing dwelling and sleepout.

The new lots would have an equal 1/10 share in Lot 13 DP 336741, being a right of way allotment. The driveway would be extended along the northern boundary of proposed Lot 1 to provide access to the dwelling on Lot 2.

## **2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (“PTRMP”) ZONING, AREAS AND RULE(S) AFFECTED**

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

Zoning: Rural 1  
Area(s): Coastal Hazard Area, Coastal Environment Area and Land Disturbance Area 1

### **Application for Subdivision Consent RM070743**

The proposed subdivision does not comply with Controlled Activity Rule 16.3.7 of the PTRMP for subdivision in the Rural 3 zone and is deemed to be a Discretionary Activity in accordance with Rule 16.3.7A of the PTRMP.

In addition Rules 16.4.2 and 16.4.2A apply to subdivision of land adjoining the Coastal Marine Area where the matter of Esplanade Reserves, Esplanade Strips and Access Strips the subdivision are to be considered as a Discretionary Activity.

### **Application for Land Use Consent RM070744**

The application for resource consent to erect a dwelling on proposed Lot 1 is a Restricted Discretionary Activity pursuant to Rule 17.4.6(b) of the PTRMP as the proposed Lot size is less than 12 hectares in area.

The proposed dwelling is located within the Coastal Environment Area and is 140 metres from Mean High Water Springs (MHWS) and is a Controlled Activity pursuant to Rule 18.14.3 of the PTRMP.

The proposed dwelling on Lot 2 will be set back around 200 metres from the inland boundary of the Coastal Hazard Area and is therefore a Permitted Activity pursuant to Rule 18.12.2 of the PTRMP.

On site treatment and disposal of wastewater can comply with Permitted activity Rule 36.1.4 of the PTRMP.

No application has been made and no details given regarding any earthworks proposed that would exceed the provisions of Permitted Activity Rule 18.6.2 of the PTRMP.

Overall the proposal is to be determined as a Discretionary Activity pursuant to Section 104B of the Resource Management Act 1991.

## **3. NOTIFICATION AND SUBMISSIONS RECEIVED**

The application(s) was notified on 15 September 2007 pursuant to Section 93 of the Act. A total of seven submissions were received. The following is a summary of the written submissions received and the main issues raised:

### **Thawley Orchard Co Ltd**

Mr Thawley acknowledged that the Tidswell property has easement over the access serving 126, 128 and 130 Aranui Road and expressed that no further users should be allowed onto that access. The submitter did not wish to be heard.

**Ms H Beere**

Ms Beere recommended that the Council take an esplanade strip along the top of the sea wall for public access. The submitter did not indicate if she wished to be heard.

**Nelson/Tasman Branch of the Royal Forest and Bird Protection Society**

The society wishes the Council to impose conditions for planting of eco-sourced plants along the estuary to enhance the habitat of this area. The Society would also like the Council to consider prohibiting cats and dogs from the site by way of condition. The Society did not wish to be heard.

**P and M Clinton-Baker**

The submitters have concerns regarding right of way issues and that there may be a dust nuisance with regard to the access way. The submitter would like the right of way to be sealed from the Mapua School to the right hand dog-leg. The submitter wished to be heard.

**Mapua Districts Cycle and Walkways Group**

The Cycle and Walkways Group made a submission detailing several points they wish the Council to consider if consent is granted, as follows:

- Esplanade Strip on the sea wall
- Safety and maintenance of the sea wall
- Beach access

The submitter wished to be heard.

**Mrs R M E Stephens**

Mrs Stephens requested that access from the beach to the stop bank be provided at the Leisure Park, Tidswell and Cunliffe properties, together with appropriate private property signage. The submitter had indicated that she did not wish to be heard but her partner, Michael Stephens, attended the hearing and requested to be heard on behalf of the submitter.

**Mr D Mitchell**

Mr Mitchell raised the following concerns:

- Additional residential housing within a sensitive coastal environment and in an area of coastal hazard,
- An undesirable precedent for further subdivision
- Additional effluent dispersed to land near the estuary,
- Lack of information with regard to earthworks,
- Earthworks undertaken without local Iwi consent, and
- Further traffic down Aranui Road.

The submitter wished to be heard. Mr Mitchell indicated that if the Council approves the application it should take esplanade reserves, provide access to the beach, and protect itself from claims in the event of sea intrusion onto the site.

**4. PROCEDURAL MATTERS**

No procedural matters were raised at the hearing.

## **5. EVIDENCE HEARD**

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

### **5.1 Applicant's Evidence**

Mrs J Hilson, a Consultant for the applicant, tabled and read a statement of evidence. The evidence described how the property overlooks both Tasman Bay and Mapua Inlet but is in two distinct areas, divided by remnant beach dunes and extensive plantings roughly central to the site. The existing carriageway within the access Lot (Lot 13 DP 336741) varies in width from 3 metres to 3.5 metres in formation from seal to gravel and is about 1.4 kilometres in length. The access from Aranui Road is sealed over the first 400 metres as far as the water splash over the Seaton Valley stream.

The north eastern coastal boundary is vulnerable to coastal erosion and the applicant has contributed in excess of \$200,000.00 to the construction of a major sea wall along the property frontage. The evidence stated that in recent years, the Council has approved three other small lots but limited rural subdivision in this area for Bone, Clinton-Baker and Thawley. Each resulted in one additional title, all accessed via a common right-of-way from Aranui Road and as yet undeveloped. As there is no sewerage connection to the property, domestic effluent will be treated and disposed of within the confines of each lot through a system as recommended by Mr R O'Hara of Tasman Consulting Engineers Ltd.

Proposed Lot 1 will be supplied with water from the Council's reticulation. Water for Lot 2 will be provided from a 23,000 litre rainwater storage tank. An esplanade strip for the purpose of public access is to be provided along the Tasman Bay side of the property, aligned with the top of the sea wall. The evidence addressed the concerns of submitters. The evidence said that taking a full 20 metre wide esplanade reserve along the coast and estuary is neither practical nor necessary in achieving the purpose for which esplanade reserves or strips are created under the Resource Management Act.

The applicant agreed to the suggested minimum building level provided by Mr E Verstappen, Council's Resource Scientist, Rivers and Coast. The proposed new house on Lot 1 will be 200 metres inland of the Coastal Hazard Area and the existing bach could, if necessary, be relocated to achieve compliance with the Coastal Hazard Area setback rule, that would require the building to be set back at least 25 metres inland from the Coastal Hazard Area boundary. The evidence discussed the relevant principles under the New Zealand Coastal Policy Statement in relation to the subject site. Mrs Hilson listed in the evidence a number of recommended changes to the recommended conditions of consent for the subdivision and land use consents.

### **5.2 Submitters' Evidence**

#### **5.2.1 Mapua Districts Cycle and Walkways Group**

Ms S McLeod spoke to this submission seeking a walkway along the length of the southern boundary of the subject property, bordering the Mapua Leisure Park. They



also sought that a safe walkway for public access be constructed on the sea wall. The submission referred to the public benefits of creating a linked network of walkways.

### **5.2.2 Mrs R M E Stephens**

Mr M Stephens, on behalf of the submitter, said he supported this application but was concerned that the public perception that public access can be gained over 1 kilometre along the top of the sea wall. The applicant sought that safe complying access from the beach to the stop bank be provided at each of the Leisure Park/Tidswell and Tidswell/Cunliffe properties along with appropriate private property signage installed.

### **5.2.3 Mr D Mitchell**

Mr Mitchell tabled and read a submission. He expressed his concerns as the potential for additional residential housing within a sensitive coastal environment and in an area of coastal hazard. He said the public needs good beach access and the area needs erosion control. He said it was necessary to take the full esplanade reserve entitlement. Mr Mitchell spoke of the application being an undesirable precedent for further subdivision and was concerned about flooding and inundation near the coast. He expressed concern about additional effluent dispersed to land near the estuary. He referred to there being lack of information with regard to earthworks and that earthworks were being undertaken without local iwi consent.

Mr Mitchell expressed his concern about the creation of further traffic down Aranui Road. He suggested that a reserve strip be created on the south side of both Lot 1 and Lot 2 for future public access to the beach from the inlet area.

## **5.3 Council Reporting Officers' Reports and Evidence**

Community Services Planner, Ms R Squire, recommended that the existing esplanade reserve adjoining the Waimea Estuary be 20 metres wide. Ms Squire considered that further public access across the right-of-way at 126 to 130 Aranui Road. Ms Squire considered that that public access be obtained on the southern side of proposed Lots 1 and 2 from the estuary to the beach.

Resource Scientist, Mr E Verstappen, commented on the hazard risks to the Tidswell property saying that the foreshore along the subject site at Ruby Bay has been subject to both seawater inundation and coastal erosion. He said there is nothing to prevent the existing sea wall being overtopped and that scouring behind the wall has caused it to fail in the past and required rebuilding. Mr Verstappen said that staff have agreed that a minimum ground level of 3.5 metres above mean sea level (AMSL) and a 3.7 metres minimum floor level (AMSL) for the new dwelling is acceptable. He referred to sea level rise predictions and that this together with differing pressure levels and estuary effects can cause surging on the coast.

Mr Verstappen commented that proposed Lot 1 is sitting behind the causeway which stops many effects such as wave run-up. He said he did not see any remaining liability to Council.

Development Engineer, Mr D Ley, recommended that the right-of-way be sealed but subject to agreement of all users it can remain unsealed. He confirmed that no new water connections are available off Council's supply at Mapua in this location but acknowledged that the existing reticulated supply to the bach on Lot 2 could be transferred to the new dwelling on Lot 1. He agreed to the proposed ground level for the new dwelling as 3.5 metres.

Consultant Planner, Mr G Rae, then spoke to his report contained within the agenda and addressed the concerns of submitters. He confirmed his recommendation that the Council should grant consent to these applications for subdivision and the proposed new dwelling on Lot 1 for reasons including the subject site not being productive land, having a location next to the Leisure Park and being similar to the established pattern of development and subdivision in this location. He referred to the proposed conditions of consent as contained within his report.

Mr Rae recommended that planting should be carried out together with an earth bund along the northern boundary of proposed Lot 1 as proposed in the application to mitigate the adverse effects from traffic and to generally improve the amenity to Pt Lot 4 DP 10904.

#### **5.4 Applicant's Right of Reply**

As part of the applicant's right of reply, Mr R O'Hara, Engineering Consultant for the applicant, explained that the proposed effluent treatment is a very comprehensive process that will involve 90% of treatment within the tank and disposal with below surface drippers.

Mrs Hilson then continued with the right of reply and said that any conditions of consent must be to address resource management issues. She said that relinquishment of the right-of-way is not possible at this time. She said that the southern boundary walkway access is opposed by the applicant. She said that other users have not been involved in this resource consent process. Mrs Hilson referred to the potential for covenants over Lots 1 and 2 for access over Lot 13 DP 336741. She said that such covenants would be possible with all owners/users in agreement. She said that any such legal mechanism to impose protection of liability for the Council would not be opposed by the applicant. She said there were no known urupa sites on the subject land. However the nearest one was on the adjacent Talley property. She said the proposed minimum floor level is more than adequate to provide protection from the risk of inundation for the proposed new dwelling.

Mrs Hilson said that the applicant could absolve the Council of any liability to satisfy Mr Mitchell's concerns. Mrs Hilson confirmed that the applicant volunteers a 20 metre esplanade strip for walkway purposes but that the applicant did not see that 20 metres is needed. The applicant volunteered to carry out bunding work on the northern boundary of Lot 1 but was not in agreement with the proposed landscaping.

## **6. PRINCIPAL ISSUES**

The principal issues that were in contention were:

- a) Would the property be subject to inundation and/or erosion from the sea considering past storm events, the construction of the sea wall and possible effects from future climate change?

- b) Would the additional lot and dwelling have an adverse effect on the access to the property?
- c) Would the subdivision enable improved access to the Coastal Marine Area and assist with provision of walkways?
- d) Would the subdivision and development have any adverse effect on productivity
- e) Would the subdivision and development have any adverse effect on rural/coastal amenity?

## **7. MAIN FINDINGS OF FACT**

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

- a) Evidence presented by the applicant's consulting engineer and the Council's Resource Scientist concluded that the property would be reasonably secure from coastal inundation and erosion, provided that the sea wall facing Tasman Bay was maintained in good condition and that the causeway access to Mapua Leisure Park remained in place. Evidence regarding long term effects of climate change indicated that the property would remain protected given current sea level rise predictions by the International Panel on Climate Change of 50 centimetres over the next 80 years.
- b) The access Lot serves five titles and in addition serves a right-of-way easement to Mapua Leisure Park. The Leisure Park has practical access over the causeway which is owned by the Council and was unlikely to use the right-of-way easement except in exceptional circumstances. The access is very long and relatively narrow and is uneven with potholes in places.
- c) The subdivision will provide opportunity for the Council to acquire an esplanade reserve (on the northern/open-sea side of the property) and esplanade strip (on the southern/inlet side of the property) adjacent to the Coastal Marine Area. An esplanade reserve would provide for protection and enhancement of ecological factors along the Waimea Estuary (Mapua Inlet) in an area of reverting coastal wetland. An esplanade strip would provide access to the Coastal Marine Area and additional foreshore protection could be enabled by an appropriate width esplanade strip along the Tasman Bay frontage.
- d) The Committee noted that the land classification and subsequent productivity was poor and that the existing fragmentation of land in the area and subsequent usage was that of coastal rural residential near to the urban perimeter of Mapua and the Mapua Leisure Park. The proposed subdivision and usage was therefore consistent with current land fragmentation and usage.
- e) Rural amenity was established as rural residential and coastal amenity was dominated by the Mapua Leisure Park. Some rural uses could result in adverse cross-boundary effects and the proposed residential uses would be relatively benign, particularly with the conditions applied to the subdivision and land use consents.

## 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) the New Zealand Coastal Policy Statement
- b) Tasman Regional Policy Statement (TRPS);
- c) the Transitional Regional Plan (TRP);
- d) 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 104B of the Act, the Committee **GRANTS** consent subject to conditions.

## 10. REASONS FOR THE DECISION

The Committee has considered the application including evidence presented at the hearing pursuant to the provisions of Part II of the Act and Section 104 of the Act and has determined the applications for the activities pursuant to Section 104B of the Act.

The potential adverse effects of the subdivision to be considered are loss of productive land, amenity values, rural character, and the protection of the adjacent estuarine habitat.

The Committee acknowledges that the site has limited productive potential due to its size and the low fertility soil type being Class G in the Tasman District Land Capability Maps. The value of the existing estuarine habitat adjoining the estuary has been addressed in conditions requiring additional width of esplanade reserve along the estuary margin. The esplanade reserve along the margins of the estuary will facilitate protection of the estuarine habitat and may also facilitate future walkway/cycleway access. The esplanade strip along the northern boundary will also assist walkway/cycleway links, and also enable additional coastal protection measures to be constructed at a later date, if warranted.

The Committee acknowledges that the area and surrounds have the character and amenity of coastal rural residential. Recent subdivisions in the neighbourhood have confirmed this pattern of land use and development.

The Committee therefore considers that the proposal is not out of character with the surrounding environment. The proposed dwelling site on Lot 1 will be screened by existing trees and the condition requiring additional planting will provide additional screening. In addition, volunteered and imposed conditions will restrict the building height, location and external colour.

A significant issue raised in evidence was the potential adverse effect of inundation of the property. Evidence presented by the Council's Resource Scientist, was that whilst the sea wall could be overtopped and may need continuing maintenance, that the wall did provide a reasonably adequate defence against storm surge and wave run-up. Concern regarding the issue of sea level rise and climate change raised some uncertainties however the applicant advised the Committee that it could absolve it of any liability in regards to inundation and that they would continue to maintain the sea wall defence.

The proposal is considered to be consistent with objectives and policies of the Proposed Tasman Resource Management Plan relating to General Objectives, Land Resources, Environmental Hazards, Site Amenity Effects and Rural Environment Effects. Where any adverse effects may potentially occur, those adverse effects can be mitigated by conditions of consent.

The cumulative effects on rural character, land productivity and cross boundary effects, are considered to be no more than minor.

## **11. COMMENTARY ON CONDITIONS OF CONSENT**

### **Inundation Risk**

Conditions 2-5, and Condition 21, Consent Notice C of subdivision consent RM070473 and conditions 4-6 of land use consent RM070474 provide for a minimum building platform height and minimum floor level for the dwelling on Lot 1 provide for levels that are appropriate for addressing potential effects from inundation. The levels are consistent with Council provisions relating to similar developments near the coastal marine area and are in line with the levels recommended by the Consent Holder's Engineering Consultant.

Condition 21 Consent Notice A of subdivision consent RM070473 provides for the ongoing maintenance and functional integrity of the sea wall to avoid or mitigate potential adverse effects from mitigation. The Consent Holder agreed to the imposition of such a condition.

### **Water Supply**

Conditions 8 – 10 of subdivision consent RM070473 provide (as requested by the Consent Holder) to replace the existing reticulated water service to Lot 2 with a water storage tank for supplying potable water by rainwater harvesting.

The reticulated service is to be provided for Lot 1 to serve the new dwelling on that Lot.

### **Access Lot 13 DP 336741**

Condition 12 of subdivision consent RM070473 requires the access Lot that will serve both Lots in the subdivision to be upgraded to provide a minimum carriageway width and having passing bays. Whilst the provisions of the PTRMP would require an access serving multiple lots to be sealed the condition only provides for a durable all-weather, dust-free surface that would facilitate sealing at some future date.

Condition 11 of subdivision consent RM070473 limits access from Lot 2 to vehicular access only from Lot 13 DP336741 and is in response to a volunteered condition by the Consent Holder and also to concerns raised by some submitters that a secondary

right-of-way access enjoyed by the subject property which also serves 126-130 Aranui Road should not have any additional Lots using that right-of-way.

### **Public Access**

Condition 21 and Consent Notice provision A of subdivision consent RM070473 provides for the Consent Holder to agree to a link across access Lot 13 DP 336741 in order that at a future date public access to existing and proposed walkways may be provided. The Consent Notice can only be applied to the subdivided property and it is acknowledged that the Consent Notice does not apply to the other shareholders of the access Lot.

### **Landscaping**

Condition 18 of subdivision consent RM070473 is in response to the application and evidence submitted by the Consent Holder and requires the provision of a landscape plan to provide acoustic and visual screening along the northern boundary of Lot 2 for the benefit of the dwelling on Lot 4 DP 10904.

Condition 8 of land use consent RM070474 provides for additional landscaping to be undertaken to mitigate the visual effects of the dwelling on Lot 1.

Issued this 19<sup>th</sup> day of December 2007

Cr S Bryant  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER:** RM070473

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

**Alexandra Tidswell**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** to subdivide a 6.7211 hectare property.

### **LOCATION DETAILS:**

Address of property: 162 Aranui Road, Mapua  
Legal description: Lot 5 DP 10904, Lot 1 DP 13409, Lot 4 DP 304288 and a fifth share in Lot 13 DP 336741 (Access Lot)  
Certificate of title: 150295  
Valuation number: 1938023400

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

## **CONDITIONS**

### **General**

1. The application shall be undertaken in general accordance with the information and reports included in the application prepared by Planscapes (NZ) Ltd, and the accompanying plan referred to as "Tidswell Aranui Road Mapua" Job No. 0022 dated 23/07/2007, submitted with the application for subdivision consent for A Tidswell and attached to this consent as Plan A - RM070473.

#### **Advice Note:**

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council.

### **Building Site and Building Platform**

2. The "Building Site" on Plan A – RM070473, attached to this consent, shall be shown on the survey plan which is submitted for the purposes of Section 223 of the Act.
3. A building platform shall be constructed within the Building Site referred to in Condition 2 of this consent, and shall be filled where necessary, with certification as required by Conditions 5 and 6 of this consent, to provide a finished ground level of at least 3.5 metres and no greater than 4.0 metres above mean sea level (Tasman District Council Datum).
4. The building platform shall be of a sufficient size to contain a dwelling, and associated garaging but shall be no larger than 600 square metres.
5. Where fill material has been required to be placed on any part of the building site to achieve the minimum site level referred to in Condition 3 of this consent, a certificate shall be provided by a suitably experienced Chartered Professional Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989. The certification shall also confirm that the minimum 3.5 metres ground level has been achieved over all parts of the building platform area.
6. In addition to the certificate for fill material required by Condition 5 of this consent, certification that the building platform is suitable for the construction 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 the area suitable for the erection of residential buildings. The Certification shall be in accordance with Appendices A and B, Section 11 of the Tasman District Engineering Standards and Policies 2004.

### **Servicing**

7. Full servicing for live underground power and telephone cables shall be provided from the existing overhead services 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.

## Water Supply

8. Prior to the issue of a completion certificate pursuant to Section 224(c) of the Act the consent holder shall disconnect the current Council reticulated water supply to the existing dwelling and accessory buildings on Lot 2 in favour of reconnecting the reticulated supply for the proposed dwelling on Lot 1.

**Advice Note:**

The Council reticulated water supply provided for the subdivision is limited to one connection. The Consent Holder volunteered to disconnect the existing reticulated supply to Lot 2 in favour of the new dwelling to Lot 1.

9. Prior to the issue of a completion certificate pursuant to Section 224(c) of the Act a water storage tank with a minimum capacity of 23,000 litres shall be provided on Lot 2 for collecting roof water for potable use and the water tank shall replace the existing reticulated supply which shall be disconnected as required by Condition 8 of this consent. This water storage tank shall be equipped with a 50mm Camlock coupling to enable connection with firefighting equipment.

**Advice Note:**

All water to be used for human consumption is required to achieve a potable standard (as defined in the current New Zealand Drinking Water Standards). Details confirming the availability of an adequate potable water supply will be required with the building consent application for the water tank for Lot 2.

10. Prior to the issue of a completion certificate pursuant to Section 224(c) of the Council reticulated water supply shall be connected to the boundary of proposed Lot 1 with metering as required by the Council.

## Access Via Lot 13 DP 336741

11. Vehicular access to Lot 2 shall only be via Lot 13 DP 336741.

**Advice Note:**

For the avoidance of doubt Lot 2 shall not have access over the Right of Way serving properties at 126 to 130 Aranui Road.

This condition was volunteered by the Consent Holder.

12. The Consent Holder shall upgrade the existing access on Lot 13 DP 336741 from the southern boundary of Lot 2 DP 313820, to the northern boundary of Lot 1 as follows:
  - a) The access carriageway shall have a minimum width of 3.5 metres comprising a compacted base course and an all-weather, durable, dust-free surface that has a deflection standard that would be suitable for application of a two coat chip seal.

**Advice Note:**

The deflection standard for a private access under the Tasman District Engineering Standards and Policies 2004 is a min 2.0 mm deflection under an 8.2 tonne standard loaded truck

- b) The access carriageway shall incorporate an appropriate camber and side drain.



**Advice Note:**

Stormwater dispersal is required to reduce formation of potholes and ruts in the access carriageway.

- c) Passing bays shall be provided at intervals of not less than 100 metres. Passing bays shall be formed by increasing the access carriageway formation width to not less than 5.0 metres for a continuous length of at least 9.0 metres. Passing bays shall be of the same constructional standard as the access carriageway.
- d) All work shall be in accordance with Tasman District Engineering Standards and Policies 2004, unless otherwise specified in this consent.

**Commencement of Works and Inspection**

- 13. 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 Certification**

- 14. At the completion of works, a suitably experienced Chartered Professional Engineer or Registered Professional Surveyor shall provide the Council's Engineering Manager written certification that the access Lot 13 DP 336741 from the southern boundary of Lot 2 DP 313820, to the northern boundary of proposed Lot 1 has been constructed in accordance with Condition 11 of this consent.

**Financial Contributions**

- 15. 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.

**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 in respect of roading on one allotment.

**Esplanade Reserve**

16. The survey plan submitted to Council for the purposes of Section 223 of the Act shall show the width of the esplanade reserve adjoining proposed Lot 1 to be increased to 20 metres pursuant to section 236 of the Act and the additional land shall vest in the Tasman District Council as Local Purpose Reserve (Esplanade).

**Advice Note:**

The purpose of the reserve shall be to contribute to the protection of conservation values, and enable public access to and along the coastal marine area and to enable public recreational use of the reserve and the coastal marine area.

**Esplanade Strip**

17. The survey plan submitted to Council under Section 223 shall show a 20 metre wide esplanade strip on Lot 1 adjoining the coastal marine area.

**Advice Notes:**

The purpose of this esplanade strip is to enable public access to and along the coastal marine area and to enable public recreational use of the strip and the coastal marine area. All the prohibitions of Clause 2 of the Tenth Schedule apply to the strip, with the exception of subsections (e); there is no provision for fencing (Clause 3) or closure (Clause 7).

In accordance with Sections 128 and 129 of the Act the Council intends to review the above condition following receipt of the valuation of the Council's interest in the land by virtue of the esplanade strip.

Section 237F of the Act provides for the Council to pay compensation for any interest in land taken for an esplanade strip, unless the registered proprietor agrees otherwise. At this stage the Council does not have a valuation of the land or an agreement with the registered proprietor relating to payment of compensation but do not wish to delay granting consent to the subdivision.

The review of the condition provides the Council an opportunity to amend or delete the condition following receipt of the valuation and/or agreement with the registered proprietor.

## Landscaping

18. Prior to a completion certificate being issued pursuant to Section 224(c) of the Act the Consent Holder shall engage the services of a suitably qualified and experienced landscape architect to prepare a plan detailing vegetated earth bunds and landscaping to be undertaken on the northern boundary of Lot 2 with Pt Lot 4 DP 10904 to provide visual and acoustic screening to the proposed new driveway to Lot 2, such screening to be for the benefit of the dwelling on Pt Lot 4 DP 10904. The landscaping plan shall be submitted to the Council's Environment and Planning Manager and shall be to his satisfaction.

### **Advice Note:**

In general, plant species specific to the "Tasman Sandy Coast Native Plant Restoration List" and "Tasman Estuaries and River Mouths Native Plant Restoration List" shall be used (prepared for the Tasman District Council by Shannel Courtney, June 2004, and available from the Council offices).

## Easements

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

## Consent Notices

21. The following consent notices shall be registered on the respective certificates of title 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.

### **A. Public Access**

That the registered proprietor(s) and their successors in title of Lot 1 and Lot 2 shall, in regard to the registered proprietor(s) share in access Lot 13 DP 336741, when required by the Tasman District Council, do all acts, matter, deeds and things and sign all documents as may be required to enable the Tasman District Council to establish a pedestrian/cycleway link across Lot 13 DP 336741 to join the existing and proposed walkway along the Seaton Valley Stream.

### **Advice Note:**

The location of the proposed link access is shown on Plan B - RM070473 attached to Resource Consent RM070473.

### **B. Sea Wall and Inundation Risk**

That the registered proprietor of Lot 2 and successor in title shall maintain the function and integrity of the sea wall on Lot 2 to a satisfactory standard to avoid or mitigate any adverse effects of inundation of the property from storm surge

and/or wave run-up and that the future maintenance of the function and integrity of the sea wall shall take into consideration any effects from climate change and/or sea level rises.

**Advice Note:**

Consent Notice Conditions 21 A and B were volunteered by the applicant.

**C. Building Restrictions**

- i) That the construction of buildings on Lot 1, subject to any recommended conditions resulting from the Engineering Reports required under Conditions 5 and/or 6 of resource consent RM070743 shall be restricted to the Building Site shown on the Survey Plan and buildings shall be fully contained within the certified building platform.
- ii) Reticulated power and telephone services to any buildings on Lot 1 shall be located underground from the property boundary or the existing overhead service lines on the property to the building.
- iii) The dwelling and accessory building(s) on Lot 1 shall be in accordance with resource consent RM070744.

**D. Landscaping**

The vegetation and earth bunds in the landscaping plan referred to in Condition 18 of Resource Consent RM070473 shall be planted prior to use of the proposed new driveway to Lot 2 and shall be maintained so as to continue to provide effective screening to the dwelling on Pt Lot 4 DP 10904.

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

**Development Contributions**

3. The Consent Holder may be liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

### **Other Proposed Tasman Resource Management Plan Provisions**

4. Any activity not covered in this consent (e.g. earthworks) 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.
5. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
6. 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.
7. 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 19<sup>th</sup> day of December 2007

Cr S Bryant  
**Chair of Hearings Committee**



PLAN B – RM070743



**RESOURCE CONSENT NUMBER:** RM070744

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

**Alexandra Tidswell**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** to construct a single dwelling and accessory buildings.

**LOCATION DETAILS:**

Address of property: 162 Aranui Road, Mapua  
Legal description: Proposed Lot 1 of a subdivision of Lot 5 DP 10904, Lot 1 DP 13409 and Lot 4 DP 304288  
Certificate of title: NL150295

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

**CONDITIONS**

**General**

1. The application shall be undertaken in general accordance with the information and reports included in the application prepared by Planscapes (NZ) Ltd. unless otherwise specified in this consent.

**Commencement Date and Lapsing of Consent**

2. The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotment.
3. This consent lapses five years after the issue of the certificate of title for the respective allotments unless given effect to.

**Dwelling and Accessory Buildings**

4. The location of any new buildings on Lot 1 shall be located in the designated “building location area” required pursuant to subdivision resource consent RM070743 and shown on the survey plan of Lot 1.
5. The height of the dwelling and any accessory buildings shall not exceed 5 metres in height measured from ground level.

**Advice Note:**

The “ground level” in Condition 4 of this resource consent has the same meaning as in the Proposed Tasman Resource Management Plan (PTRMP), that is;

- “means the natural ground level, or where that has been altered by subdivision, means the actual finished ground level when all works associated with the



subdivision of the land are completed, and excludes any excavation or filling associated with the building activity”.

6. The dwelling on Lot 1 shall have a minimum floor level of at least 3.7 metres above mean sea level (Tasman District Council Datum).
7. The building shall be finished in colours that meet the following standards:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
Group A	A05 to A14 and reflectance value ≤ 50%	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value ≤ 50%	
Group C	C35 to C40, reflectance value ≤ 50%, and hue range 06-16	
Group D	D43 to D45, reflectance value ≤ 50%, and hue range 06-12.	
Group E	Excluded	
<b>Finish</b>	Matt or Low-gloss	Matt or Low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

**Advice Notes:**

The consent holder is encouraged to engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

**Amenity Planting**

8. The Consent Holder shall engage the services of a suitably qualified and experienced landscape architect to prepare a plan detailing general landscaping to mitigate the visual effects of the building(s) to be constructed, as viewed from the dwelling on Pt Lot 4 DP 10904 and as viewed from the coastal marine area. The landscaping plan shall be submitted to the Council’s Environment and Planning Manager and shall be to his satisfaction.
9. Planting and other landscaping, in accordance with the landscaping plan referred to in Condition 8 of this consent, shall be undertaken in the first growing season following erection of the dwelling and shall thereafter be maintained to continue to effectively mitigate the effects of the building and enhance landscape and seascape values for the site.

**Advice Note:**

In general, plant species specific to the “Tasman Sandy Coast Native Plant Restoration List” and “Tasman Estuaries and River Mouths Native Plant Restoration List” shall be used (prepared for the Tasman District Council by Shannel Courtney, June 2004, and available from the Council offices).

## **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.

### **Consent Holder**

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

### **Other Proposed Tasman Resource Management Plan Provisions**

3. Any activity not covered in this consent (e.g. earthworks) shall either comply with:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.
4. The on site wastewater treatment and disposal system will need to meet the relevant permitted activity standards in the PTRMP, or otherwise a separate resource consent will be required. The wastewater treatment and disposal system should be designed, supervised and certified by a Chartered Professional Engineer and should take into account the contents of the report provided by Tasman Consulting Engineers dated 5 July 2007 and plans submitted with the application
5. The dwelling and any accessory building should be connected to a specific design of on-site stormwater soak pit. The design and capacity should be to the satisfaction of the Tasman District Council Engineering Manager.
4. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. 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.
6. 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.
7. 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 19<sup>th</sup> day of December 2007

Cr S Bryant  
**Chair of Hearings Committee**

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**Date Confirmed:**

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**Chair:**