

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 2 March 2009
TIME: 9.30 am
VENUE: Tasman District Council Chamber, 189 Queen Street, Richmond

PRESENT: Cr M J Higgins (Chairman), Crs S J Borlase and J L Edgar

IN ATTENDANCE: Principal Consents Coordinator (P Doole), Consents Planner (P Webby), Development Engineer (D Ley), Administration Officer (B D Moore)

1. ATAMAI VILLAGE COUNCIL, MOTUEKA VALLEY HIGHWAY, PANGATOTARA - APPLICATIONS RM080626, RM080636, RM080639 AND RM080725

1.1 Proposal

Subdivision Consent RM080626 The applicant is seeking to subdivide the subject land in two stages as follows:

Stage 1: A relocation of the boundary between CT 46122 and CT 46123 to create proposed Lot 1 of 7,920 square metres and proposed Lot 2 of 17.76 hectares. Stage 1 has already been approved by the Council by way of resource consent RM071124 but the Consent Holder has not applied for survey plan approval or applied for a completion certificate and titles have not been issued.

Note: No person may lodge a submission on the Stage 1 component of this subdivision as it has already been approved by the Council.

Stage 2: A further subdivision of proposed Lot 2 described above (as a result of Stage 1 being completed) together with CT 46120, which have a combined area of 27.07 hectares. This further subdivision would result in 10 rural residential allotments (proposed Lots 1-10) of between 0.5 and 1.07 hectares in area, proposed Lots 11 and 12 (11.9 hectares and 9.31 hectares, respectively to be amalgamated), and proposed Lot 13 of 50 square metres being road that would be vested with the Council. The application also seeks authorisation for two new rights of way to be created which are narrower and longer than the permitted activity criteria specified in the Tasman Resource Management Plan.

Note: Submissions may only be lodged in respect of the Stage 2 component of this subdivision.

Land Use Consent RM080636 To undertake earthworks for the construction of rights of way, private driveways, building platforms, planting terraces, service areas, and the creation of a stormwater detention pond associated with the subdivision described above (Application RM080626). These earthworks would involve the excavation of up to 42,000 cubic metres of earth and a maximum cut and fill of between 6 and 7 metres.

Discharge Permit RM080639 To discharge stormwater collected from buildings, roads and stormwater detention ponds associated with the subdivision described above (Application RM080626). This application covers stormwater discharges during both the construction period and also the post-construction period to an unnamed tributary of the Motueka River.

Land Use Consent RM080725 To construct a new dam structure (for stormwater detention purposes) and to increase the height of an existing dam structure (also for stormwater detention purposes). Both these dam structures would be on the bed of an unnamed tributary of the Motueka River. In addition, consent is also sought to place culverts and undertake works in an unnamed tributary of the Motueka River as part of the subdivision described above (Application RM080626).

The land is zoned Rural Residential and within Land Disturbance Area 2 according to the Tasman Resource Management Plan.

The application site is located at Motueka Valley Highway, Pangatotara, being legally described as Lot 7 DP 311683 (CT 46123), Lot 6 DP 311683 (CT 46122), and Lot 4 DP 311683 (CT 46120).

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

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Higgins / Edgar
EP09/03/01**

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

Atamai Village Council

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
Atamai Village Council	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Edgar / Borlase
EP09/03/03/02**

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

CARRIED

2. ATAMAI VILLAGE COUNCIL, MOTUEKA VALLEY HIGHWAY, PANGATOTARA - APPLICATIONS RM080626, RM080636, RM080639 AND RM080725

**Moved Crs Higgins / Borlase
EP09/03/03**

THAT pursuant to Section 104C of the Resource Management Act, the Committee GRANTS consent to Atamai Village Council as detailed in the following report and decision.

CARRIED

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

Meeting held on Monday, 2 and Wednesday, 11 March 2009

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear and determine the application lodged by **Atamai Village Council** (“the applicant”), for a subdivision consent to create 10 rural-residential allotments and two associated private ways, and other resource consents for associated earthworks, stormwater discharges and dam structures for stormwater detention purposes, within the rural residential zone at Pangatotara off the Motueka Valley Highway. The applications, made in accordance with the Resource Management Act 1991 (“the Act”), are referenced as RM080626, RM080636, RM080639 RM080725, RM090103-RM090107 and RM090109-RM090113.

PRESENT:

Hearings Committee
Cr M Higgins (Chairman)
Cr B Ensor
Cr S Borlase

APPLICANT: Mr M J Hunt (Counsel)
Mr J Heissner (Project Manager)
Mr P Denton (Engineering Geologist)
Mr R Walker (Consulting Engineer)
Mr D Petrie (Traffic Engineer)
Ms J Hilson (Resource Management Consultant)

CONSENT AUTHORITY: **Tasman District Council**
Ms P Webby (Consents Planner)
Mr D Ley (Development Engineer)

SUBMITTERS HEARD: Mr R E Kiddle
Ms D Stanton
Mr T Dunn
Mr F Walls
Mrs S Walls
Mr F Hickling
Mr and Mrs Santa-Barbara
Mr D Jackson
Ms C Lasseau
Mr B Dyer
Mr G Butterfield
NZ Fire Service Commission (by letter)

IN ATTENDANCE: Mr P Doole (Resource Consents Manager) – Assisting the
Committee
Mr B Moore (Committee Secretary)

1. SUMMARY

The Committee has **GRANTED** resource consents subject to conditions for a subdivision to create 10 rural-residential allotments and two associated private ways, and for associated earthworks, stormwater discharges and dam structures for stormwater detention purposes, on the application site within the rural residential zone at Pangatotara off the Motueka Valley Highway.

2. DESCRIPTION OF THE SITE AND PROPOSED ACTIVITY

The property is located in the Motueka Valley approximately 6 kilometres from Motueka township. The property has frontages onto both the Motueka Valley Highway and the Mytton Heights private way, which is a right-of-way (ROW) access rather than a legal public road. The application site is legally described as Lots 4, 6 and 7 DP 311683 comprised in CsT 46120, 46122 and 46123.

Stage 1 of the proposed development is relocation of the boundary between CT 46122 and CT 46123 to create proposed Lot 1 of 7,920 square metres and proposed Lot 2 of 17.76 hectares. This Stage 1 proposal has been approved by way of subdivision consent RM071124, but has not yet been completed.

The applicant now seeks to subdivide the bulk of the property (ie, proposed Lot 2 RM071124 and Lot 4 DP 311683) comprising 26.0 hectares into 10 rural residential allotments with varying areas between 5020 square metres and 1.07 hectares, leaving a balance lot of 21.2 hectares (Lot 11 and 12 to be amalgamated) and a small area to vest with Council as road.

Access to one of the proposed rural residential allotments will be via the Mytton Heights ROW. It is proposed to construct two private ways from the Motueka Valley Highway to provide access to the other nine rural residential allotments - ROW A will serve proposed Lots 1-3 at the north side of the site, and ROW B will serve proposed Lots 5-10 in the central area of the site.

The site faces west with extensive views over the Motueka Valley and the surrounding area. The outlook is rural in nature with productive and horticultural land uses evident on the river flats and to a lesser extent on the hillsides. The ridgeline to the east and above the site has an earlier rural residential development with a cluster of houses along this ridge visible from both Motueka Valley and the Motueka township side. In direct line of view to the southwest of the application site is the Jackson dwelling and vineyard which has an elevated site overlooking the valley and the application site.

The Dunn and Hickling properties fronting the Motueka Valley Highway are the closest residential dwellings to the site, with Dunn's adjoining the site and Hickling's directly across the road. The Dunn property's main outdoor living area is situated on their eastern boundary looking out on the application site hillside. The water supply for the Dunn property is from a shallow well that is fed from a gully on the applicant's property. The Dunn's wastewater disposal area is sited on the applicant's property, on the south side of the Dunn's house.

The Mytton Heights ROW currently provides access to the dwellings along the ridgeline and to the application site. The entrance to the Mytton Height's ROW off Motueka Valley Highway is situated on the outside of a tight bend on the road that has a history of problems and accidents. This bend has 45 km/hr advisory speed signs. The Dunn and Hickling properties are sited close to this bend.

The original route for proposed ROW B was to skirt the northern and eastern boundaries of the Dunn's property, with the road crossing being located opposite the Hickling's property. In response to concerns expressed by the neighbouring property owners, the applicant has changed the proposed alignment of ROW B so that it will now intersect with the road beside the entrance to the Mytton Heights ROW, rather than on the north side of the Dunn property.

The west facing hillside is segmented into small catchments draining into small ephemeral streams that eventually feed to the Motueka River. The existing dam stores water from one of these catchments and in high rainfall events the stormwater flow can overtop and run across the Mytton Height ROW in a sheet flow. Existing culverts drain water from the site under the ROW to a small open water course and via existing culverts under the Motueka Valley Road. Those culverts also drain storm water runoff from Mytton Heights ROW.

All of the site and vicinity is underlain by the Separation Point Granite Formation, which is sensitive to erosion and can present stability issues. The site has had some access tracks and planting terraces constructed; these all appear well established and stable, although with some minor localised failure of batter surfaces being evident. Tree plantings been established over parts of the site amongst the grass and on the terraces.

2. TASMAN RESOURCE MANAGEMENT PLAN ZONING, AREAS AND RULES

Due to the advanced stage of the Tasman Resource Management Plan (The Plan/TRMP) through the planning process, it having become partially operative on 1 November 2008, pursuant to Section 19 of the Resource Management Act 1991, the TRMP is now the dominant planning document for these applications to be assessed against; and no weight needs to be attributed to the Transitional District Plan except for works in watercourses as discussed below.

The land is zoned Rural Residential, and is within Land Disturbance Area 2 as defined in the TRMP. The TRMP identifies a ridgeline on properties that lie above and to the east of the application site. There are no archaeological sites known to Council on the site. The Motueka Valley Road is an arterial road in the TRMP hierarchy.

Subdivision Consent (Application RM080626)

As described above, proposed Lot 4 and the amalgamated Lots 11 and 12 will each have a user right over the Mytton Height ROW; and the access to proposed Lots 1 - 3 will be via ROW A; and to Lots 5 - 10 via ROW B, both which will have a vehicle crossing from the Motueka Valley Highway frontage. These new access ways will not comply with all of the relevant permitted activity standards for width, length, and sight-lines, as set out in Section 16.2 of the TRMP.

Land Use Consent (Application RM080636)

Consent is required to undertake earthworks for the construction of rights-of-way, private driveways, building platforms, planting terraces, service areas, and the creation of a stormwater detention pond associated with the proposed subdivision described above. These earthworks will involve the excavation of up to 42,000 cubic metres of earth and a maximum cut and fill of between 6 and 7 metres, although the total volume of the proposed earthworks may change due to the re-alignment of ROW B and additional works required for ROW A.

Discharge Permit (Application RM080639)

Consent is required to discharge stormwater collected from buildings, roads and stormwater detention ponds associated with the subdivision described above. The application covers stormwater discharges to an unnamed tributary of the Motueka River during both the construction period and also the post-construction period. Separate discharge consents are now issued for each new allotment (RM090639, RM090103-090107 and RM090109-090113).

Land Use Consent (Application RM080725)

Consent is required to construct a new dam structure (for stormwater detention purposes) and to increase the height of an existing dam structure (also for stormwater detention purposes). Both these dam structures will be on the bed of an unnamed tributary of the Motueka River. In addition, consent is also sought to place culverts and undertake works in an unnamed tributary of the Motueka River as part of the subdivision described above.

For works in a watercourse, construction of dams and installation of culverts, Section 13 of the RMA requires that resource consent be obtained to erect a structure in, on, under, or over the bed of a river, unless expressly allowed by a rule in a regional plan, any relevant proposed regional plan or a resource consent. Presently, the only proposed or operative regional plan pertaining to the use of river

and lake beds at the applicant's site is the Transitional Regional Plan (TRP). Under the provisions of the TRP, consent is required for the proposed activity. The activity defaults to discretionary activity status as per Section 77C(1) of the Act.

Overall, the suite of applications is considered to have **discretionary** activity status.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

Pursuant to Section 93 (1) of the Resource Management Act, the application was publicly notified because the adverse environmental effects of the proposal as received by Council at the time were considered to be more than minor. 67 submissions were received, with four stating a neutral position, 18 opposing the applications and 45 in support. No written approvals of affected persons were obtained by the applicant.

Supporting submissions expressed various of the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.
- Incorporation of positive community environmental and sustainability principles into the development design and application.
- The application as a whole as positive use of the rural residential land.
- Consistent with and appropriate use of the rural residential zoning.
- The use of land with low productivity values in a the manner it was zoned for.
- Good example of conservative resource use.
- Ideal location for this proposal.
- Sound design of earthworks and stormwater.
- Compliance with the existing covenants protecting views for adjoining properties.
- Onsite water conservation.
- Positive aspects including solar energy, food production, community, water conservation.
- The existence of a development such as Atamai will provide in the district a much needed focal point for those who are aware of issues of sustainability and community resilience in the face of rapidly changing climatic, economic and resource paradigms and examples to others of sustainable living.
- This application has been thought through very carefully in order to get as close as possible to a self sustaining and rural community whose ecological footprint is minimal and whose use of land will be sustainable indefinitely.
- It can add to the attractiveness of Nelson in terms of visitors to the region.

Some supporting submissions wanted conditions, as follows:

- That all new plantings should be designed to provide maximum benefit for native birds.
- That passage of native fish/eels not be restricted within streams by any proposed works.
- That Mytton Heights ROW vest with Council as a road, to improve road safety in the vicinity.

Neutral submissions made the following points:

- Require a consent notice for the fire fighting water supply be in accordance with NZ Fire Service code of practice.
- Concern with regards to access and traffic effects on the Motueka Valley Highway.
- Require a standard Historic Places Trust advice note be included on the resource consent in terms of any archaeological sites.

Opposing submissions expressed various of the following reasons:

- Adverse effects arising from traffic effects, road access, stormwater earthworks and rural character and amenity issues.
- Rural character and amenity effects noise, dust, visual and light pollution.
- Effects of the subdivision on local environment, water supply, sewage visual and noise pollution, road safety.
- Interruption of a neighbour's water supply.
- Destruction of water resources used by residents.
- Traffic and access effects on the road safety of the Motueka Valley Road and the proposed accessways.
- Inadequate or misleading traffic counts.
- Impact on Mytton Heights ROW.
- Increase of the use of Mytton Heights ROW from the amalgamation of Lots 11 and 12.
- Abuse of single right-of-way easement over private road arising from creation of common amenity land by amalgamation.
- Traffic and access effects from ROW B.
- Unsafe proposals for the disposal of spoil.
- Earthworks effects in natural gullies.

- Adverse effects from wastewater and stormwater.
- Disposal of wastewater and the use of composting toilets.
- Stormwater issues in relation to the ground conditions
- Inadequate proposals for dealing with stormwater run-off both during development and afterwards.
- The discharge of stormwater into the unnamed tributary of the Motueka River and the potential increase in sedimentation of the waterway.
- Excessive density of dwellings on application site.
- Low quality housing.
- Impact on existing residents of Mytton heights and further afield.
- Serious adverse effects on an area of outstanding beauty.
- Negative effects on the amenity values available to all users of the Motueka River Valley.
- Potential of glare from photovoltaic cells on roofs; solar panels are unsightly.
- Disruption of an existing peaceful neighbourhood of established homes.
- Lack of consultation with adjoining property owners.
- Adverse effects from dust from the site, potential impacts on Jackson vineyard.
- Inappropriate place for this type of development.
- Concerns with air pollution from fires impacting on health.
- Non- Disclosure of context and fact.
- Subdivision to maximum density permitted and minimum legal standard.
- Incompatibility with local lithology.
- Unacceptable levels of risk arising from the slope instability and mass wasting.
- Inadequate information relating to the effects of land disturbance.
- Excessive land disturbance in geomorphically sensitive terrain.
- Failure to identify and address existing natural hazards.
- Unrealistic optimism regarding mitigation measures.
- Negative impacts on local wildlife and their environment.

4. PROCEDURAL MATTERS

No procedural matters arose during the hearing.

5. EVIDENCE HEARD

The Committee heard evidence from the applicant's counsel, project manager, engineering geologist, registered engineer, traffic engineer and consultant planner; from 12 of the submitters; and Council's two reporting officers. The following is a summary of the evidence heard at the hearing.

The Committee made a site inspection after the hearing of evidence and also had regard for the matters raised in other submissions as summarised above.

5.1 Applicant's Evidence

Mr M Hunt, Counsel for the applicant, presented introductory submissions on behalf of the applicant. He confirmed that alternative ROW B was the applicant's preferred option and that this had been circulated to submitters without any responses being received.

Mr J Heissner, a trust member and project manager for Atamai Village Council, explained that the applicant seeks only nine new titles with associated rural land which will provide a subdivision of distinctly rural residential character laid out in a clustered pattern.

Mr P Denton, Engineering Geologist, summarised the results of geotechnical investigations undertaken on the application site particularly in regard to the Separation Point granite geology. He said that the land is generally characterised by a relatively high degree of stability, away from gullies and locally saturated ground. He recommended some conditions of consent and referred to other recommendations in the geotechnical reports which he believed would minimise adverse effects of land disturbance.

Mr R Walker, Registered Consulting Engineer, presented the engineering aspects for the building platforms, access roads, earthworks, stormwater drainage, water supply and treatment and disposal of wastewater for the proposed subdivision. He expressed agreement with the proposed conditions of consent recommended by the Council officers. He responded to questions from the Committee regarding the preferred type of gravel surfacing for the ROWs, and regarding wastewater disposal systems.

Mr D Petrie, a Civil Engineer specialising in traffic engineering, addressed the traffic and transportation effects of the subject application and in particular the matter of access to and from the subject site. Mr Petrie described the alternative route for ROW B and said this being immediately adjacent to the Mytton Heights access, will assist in consolidating access in one location where sightlines are optimised on the outside of the bend. He accepted that a proposed sign shown on the intersection design required more thought. Mr Petrie recommended some amendments to the proposed conditions of consent recommended in the Council officers' reports. He indicated that ROW A should be sealed because of the proposed 1:5 gradient.

Mrs J Hilson, Resource Management Consultant, presented planning evidence and addressed the submissions to the application. She addressed the proposed conditions of consent and suggested amendments.

5.2 Submitters' Evidence

Mr Kiddle expressed support for this application including its layout and design. He said that potentially this kind of development significantly enhances the region and should be granted consent.

Ms D Stanton said she is a designer for the applicant and spoke in support of the proposal which she said will be a model for other subdivisions to provide high quality low impact housing using local materials.

Mr T Dunn opposed the application saying that some lots will contribute contamination from their effluent disposal systems into the creek which provides his water supply. He said that the proposed original alignment for ROW B and associated culvert pipe will interfere with his well liners and the new access would cut across his driveway. Mr Dunn said that the proposed subdivision contains no flat recreation area for children. He said that the proposed gravel access way will be noisy and dusty.

Mr F Walls criticised the proposed gradient of the original alignment for proposed ROW B and poor visibility for traffic using that access way.

Mrs S Walls supported the proposed subdivision and noted that the site is already zoned rural residential and is located close to Motueka.

Mr F Hickling opposed the subdivision which he said would contribute to pollution of the local water supplies. He said that the speed of traffic on the Motueka Valley Highway is a hazard to traffic entering and leaving the subject subdivision site and he indicated a preference for the alternate ROW B. Mr Hickling said that there was a lack of consultation by the applicant with neighbouring property owners.

Mr and Mrs J Santa-Barbara spoke in support of the positive aspects of the proposed subdivision saying that over 60% of the total site will remain in open space. Mr Santa-Barbara explained the number of desirable principles which had guided the overall design of the subdivision application.

Mr D Jackson opposed the application based on potential hazardous traffic effects and the proposed design and location of ROW B. He said that building two access roads, plus 10 houses and two dams on steep hillside will undoubtedly cause significant stormwater runoff and potential erosion of the exposed Separation Point granite. He said there is the potential to affect the stream which supplies water to the households of Dunn and Hickling. Mr Jackson criticised the proposed gravel surfaced driveways and the dangerous access at the Motueka Valley Highway. Mr Jackson said it was difficult to accept the proposed village concept being promoted by the applicant as there would be only 10 houses.

Ms C Lasseau spoke in support of the applications and the proposed alternative ROW B alignment.

Mr B Dyer supported the application and its associated ecological principles. He said the application would be improved with the use of the alternative ROW B alignment. He spoke of the danger associated with the Motueka Valley Highway and how this should be realigned.

Mr G Butterfield, a retired geological engineer, referred to the hazard of the instability of Separation Point granite within the subject subdivision. He described how the potential for instability becomes worse through exposure during earthworks and filling. He referred to a local landslip which occurred on 11 September 2008, within 15 metres of the nearest house.

Mr Butterfield said that although the new proposal for alternative ROW B is safer than the original, it will traverse the main fill area. He criticised the proposed subdivision density and allotment size. Mr Butterfield referred to a list of proposed conditions of consent which he sought be applied to the subdivision consent if granted.

A letter was tabled on behalf of NZ Fire Service, seeking provision of fire fighting water storage tanks and hard stand areas for fire appliances near each dwelling.

5.3 Reporting Officer's Report and Evidence

Consent Planner, Ms P Webby, spoke to her report contained within the agenda and acknowledged the corrections and amendments presented in Mrs Hilson's evidence.

Development Engineer, D Ley, referred to his report contained within the agenda and acknowledged that the area where the subdivision proposes to gain access off the Motueka Valley Highway is an accident spot. He said that the bend was being recommended for a minor safety upgrade in the near future. He tabled a sketch plan showing a right-turn bay for the Mytton Heights entrance that would also serve the proposed ROW B for the Atamai Village development. The super elevation of the bend would also be improved.

Ms Webby then addressed the matters within her report and acknowledged that traffic engineer, Mr Petrie, has provided some suggestions for inclusion in the conditions for the subdivision consent. She sought that the whole length of ROW A be sealed as per Mr Petrie's evidence. Ms Webby clarified that wastewater disposal is to be confined within the properties for all of the proposed new house sites.

5.4 Applicant's Right of Reply

Mr Denton said that Geologic Limited was not involved in the original Mytton Height subdivision geotechnical consultancy, as had been stated by Mr Butterfield, but carried out a later review. He said that he agreed with Mr Butterfield's observations, but not his conclusions. He said that there is a 6 metre high cut batter in Separation Point granite within the existing subdivision that is three years old and is performing very well.

Mr M Hunt then continued with the right of reply and said that the Mytton Heights access road is not an alternative option for the applicant. He said that ROW B as an alternative, is a better option. Mr Hunt said that specific design for road surfacing is best left until the roading work is carried out. He said that the applicant does not object to proposed consent conditions including fire fighting water, in-ground water

tanks and clean air woodburners. He said that the applicant will be required to treat effluent and retain this within the allotment boundaries, and that the application site will be 80 metres from the Dunn water supply. He said no evidence had been presented to substantiate any adverse effects on birds and animals from the proposed development. He said that within the existing rural residential zone for the subject land, this is where lifestyle blocks are expected.

In response to additional concerns expressed by submitters, Mr Hunt made the following comments: Noise on the right of way will be less than the highway. The use of composting toilets is up to the management of the village. It had been noted that submitters did not make any particular effort to consult with the applicant company. The vehicle counts submitted were those of the peak summer period. The future use of land in the vicinity of the subject subdivision is not part of this application. Mr G Butterfield has not presented expert evidence on the stability geological issues; he had drawn on some observations and not carried out on-site test pitting. The proposed house sites will be sited on spurs and be safely engineered and sound. Clustering of the proposed dwellings will give a better outlook for the owners. The applicant's expert opinions had not been challenged by corresponding expertise.

With regard to the Officers Report, the applicant did not consider that the bond condition recommended for the subdivision is reasonable.

6. PRINCIPAL ISSUES

Having regard to the rural residential zoning of the site, the various matters of discretion set out in the TRMP Rules (as itemised in Ms Webby's report), the relevant resource management matters raised in the submissions, and the evidence presented during the hearing, the Committee considers that the principal issues in contention are:

- a) Does the proposed development fit with the level of rural character and amenity that is anticipated by the Rural Residential zoning?
- b) Can safe access be provided to and from the allotments from the Motueka Valley Highway?
- c) Can the effects of the land disturbance be managed and mitigated on site?
- d) Can the effects from any stormwater discharge be mitigated on site?
- e) Can the effects of wastewater disposal be contained on the individual rural-residential allotments?
- f) Will there be any other adverse effects on adjoining properties or on the general vicinity?

7. MAIN FINDINGS

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

- a) The proposed development generally accords with the density and character of development anticipated by the rural residential zoning. Despite the concerns expressed by some of the neighbours on Mytton Heights, the proposal respects the existing covenants to protect views and otherwise complies with the provisions of the zone.
- b) The change to the alignment of the proposed ROW B access is a marked improvement on the original proposal. The new alignment for ROW B has better sight line distances and gradient from the Motueka Valley Road therefore reducing potential traffic safety issues for the Dunn and Hickling properties in terms of their vehicle accesses, reduces earthworks and potential sedimentation effects on the adjacent watercourse gully that feeds the Dunn's well water supply, reduces the effects of vehicle noise, reduces loss of privacy and removes vehicle light intrusion from the access into both the Dunn and Hickling properties. The proposed entrance beside the Mytton Heights ROW entrance on the Motueka Valley Highway will require careful design, to avoid traffic conflicts or confusion, which should also be alleviated in time by the proposed upgrade of this bend by Council including provision of a right-turn bay. The Committee is satisfied that the additional traffic movements associated with the six allotments to be served by ROW B will not cause significant adverse effects or create an unacceptable risk to traffic safety. The Committee considers that ROW B should be sealed from the entrance up to the first junction to mitigate noise and dust effects on adjoining properties.

A combined entrance for ROW B and the Mytton Heights ROW would be the preferable option. The Committee accepts that it would not be reasonable to try to impose that solution by way of this resource consent process, however it recommends to the property owners that a joint access to the Highway be developed and the lower part of Mytton Heights ROW be vested as a Council Road.

Regarding proposed ROW A, the sight-line northwards along the Highway from the proposed entrance point is well below standard. The roadside batter should be trimmed and/or benched to provide a minimum sight-line of 100 metres as recommended by Mr Ley and supported by Mr Petrie. The Committee concurs that the whole length of ROW A should be sealed because of the steep gradient, and that the ROW formation should be level for a distance of 10 metres minimum from the edge of the road carriageway to ensure that all vehicles can stop safely well clear of the road, when entering or exiting the ROW.

The Committee considers that the type of gravel used to surface ROW B beyond the sealed section should be left to the developer to determine provided that compliance with the relevant engineering standards is achieved.

- c) Although the earthworks required to form ROW B may be reduced as a result of the re-alignment, there will still be an extensive range of excavations into Separation Point granite required for the development. While acknowledging the concerns expressed by some submitters, the Committee accepts the evidence presented by Mr Denton that the house sites exhibit a high degree of stability given the gentle slopes and adequate setback from gullies, and that existing batters are generally stable.

- d) With regard to stormwater disposal, the Committee is satisfied that the proposed development should not cause adverse effects within the site or downstream, on the basis that sediment control methods will be utilised during earthworks and other construction activity. The proposed increase in on-site stormwater detention capacity will have the benefit of reducing the flood flows across the Mytton Heights ROW.
- e) Regarding the disposal of treated wastewater to land, the Committee has visited the site and observed the proposed house sites and is satisfied that the proposed wastewater systems should be adequate in containing any adverse effects within the sites, thereby avoiding any adverse effect on the water courses draining from the site and complying with the permitted activity standards.
- f) The proposed construction of buildings on each allotment is intended to meet the TRMP permitted standards for the rural residential zone; therefore the effects of those buildings on the environment, including domestic fires for heating and the use of roof mounted photovoltaic panels, in terms of any adverse effects that this may have on adjoining properties, may be disregarded. However, the applicant has agreed to bury the proposed water tanks where practicable, and has agreed to being restricted to installing low emission wood fires as a way of mitigating potential smoke effects on the neighbours along the Mytton Heights ridge and further north.

The applicant proposed that construction of the lower section of ROW B be restricted to between the hours of 7.30 am to 6.00 pm Monday to Friday. The Committee considered that this restriction should apply to all construction activities associated with the subdivision to mitigate adverse effects on rural amenity values.

The Committee concludes that the amended proposal, incorporating the re-alignment of proposed ROW B and other matters discussed above, will not cause more than minor adverse effects on the immediate environment including the Motueka Valley Highway or on the surrounding area.

8. RELEVANT STATUTORY PROVISIONS

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 Tasman Resource Management Plan (TRMP) as listed and assessed by Mrs Hilson and Ms Webby, particularly the Objectives and Policies relating to: Rural Environment; Rural Amenity and Character; Traffic and Access: and Services.

Part II Matters

In considering this application, the Committee has taken into account the relevant matters set out in Part II of the Act, particularly the overall purpose of the Act as presented in Section 5 of the Act.

9. DECISION

Pursuant to Section 104C of the Act, the Committee hereby **GRANTS** subdivision consent to create 10 rural-residential allotments and two associated private ways (RM080626), and resource consents for associated earthworks (RM080636), stormwater discharges (RM0806639) and dam structures for stormwater detention purposes (RM080725), all subject to conditions. The stormwater consent is granted as 11 identical consents for each of the 11 new allotments.

10. REASONS FOR THE DECISION

Effects on the Environment

The Committee is satisfied that the proposed activities should not cause any significant adverse effects on the adjoining residential properties, or on the intended rural residential character of the site or the surrounding area, subject to conditions to mitigate noise and dust effects, and traffic hazards associated with egress from the Motueka Valley Highway; to control stormwater and wastewater discharges; and to manage the risks of earthworks activity on the Separation Point Granite formation.

Objectives and Policies of the TRMP

Generally, a proposed subdivision such as the current proposal is an activity that the TRMP has envisaged in a Rural Residential Zone, providing the matters that have the potential to create adverse effects can be avoided, mitigated or remedied.

With the change made to proposed ROW B and other conditions imposed on the ROWs, the Committee is satisfied that the proposal, subject to conditions, will accord with the relevant Objectives and Policies of the TRMP, as well as the resource management purpose of the Act.

The Committee encourages the Mytton Heights property owners to work towards a better entrance way off the Motueka Valley Highway.

11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee considers that conditions are required in order to avoid, remedy, or mitigate adverse effects that may result from the proposed activities. The Committee has generally adopted the conditions proposed by the reporting officer, with the following changes:

- Additional conditions on the subdivision consent regarding the proposed ROWs generally as recommended by Mr Ley and/or Mr Petrie.
- Additional items have been added to the consent notice condition on the subdivision consent requiring water tanks to be buried, hard stand areas to be provided for fire fighting vehicles and restricting any domestic fires to be installed in dwellings constructed on the new rural-residential allotments, to low emission models.
- Restrictions on the hours of construction works have been added to all of the consents.

- A new Condition 6 on the earthworks consent regarding soft or water saturated ground, as recommended by Mr Denton and Mrs Hilson.

12. LAPSING OF CONSENT(S)

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

The default lapse period of five years shall apply to these consents.

13. COMMENCEMENT AND EXPIRY OF CONSENT


Pursuant to Section 123 of the Act, subdivision consents have no expiry provided they are given effect to within the lapse period provided.

The consent for earthworks activity has been granted for a period of five years from the date that it is first given effect to. A five year period is considered to be a reasonable timeframe for completing the scale of earthworks proposed.

The consents for stormwater discharges, and for works and structures in watercourses have been granted for 35 years, the maximum duration allowed pursuant to Section 123 of the Act.

These consents will commence when the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or when any such appeals have been dealt with.

Issued this 30th day of March 2009

A handwritten signature in black ink, reading "Michael Higgins", with a long horizontal flourish underneath.

Cr Michael Higgins
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080626

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

Atamai Village Council
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide Lots 4, 6 and 7 DP 311683 (otherwise defined as proposed Lot 2 RM071124 and Lot 4 DP 311683) currently held in CsT 46120, 46122 and 46123 into 10 rural residential allotments (proposed Lots 1-10) of between 0.5 and 1.07 hectares in area, proposed Lots 11 and 12 (11.9 hectares and 9.31 hectares, respectively) to be amalgamated, rights-of-way A and B alternative, and proposed Lot 13 Alternative design option of 160 square metres being road to vest with the Tasman District Council.

CONDITIONS

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

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and the following plans and reports entitled:

Report by Geologic Ltd, titled: *“Geotechnical Investigation, proposed Lot 10 Subdivision Atamai Village Motueka Valley Highway”* dated July 2008.

Report by Engineering Sustainable Solutions (ESS) Ltd, titled: *“Building platforms, access, stormwater drainage and earthworks for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report”* dated July 2008.

Report by Engineering Sustainable Solutions (ESS) Ltd, titled: *“Water supply and onsite wastewater systems, for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report”* dated July 2008.

Further information report for Stormwater by Engineering Sustainable Solutions (ESS) Ltd, titled: *“Stormwater report and calculations”* dated August 2008.

Further information report for Stormwater by Engineering Sustainable Solutions (ESS) Ltd, titled: *Additional Stormwater calculations”* dated October 2008.

Plans prepared by Davis Ogilvie titled *“Proposed subdivision of Lot 4 DP311683 and (Part) Lots 6 and 7 DP3116823 - Scheme plan 1 of 4”* dated 03/07/08, attached as Plan A; and titled *“Proposed subdivision of Lot 4 DP311683 and (Part) Lots 6 and 7 DP3116823 - Scheme plan 2 of 4”* dated 03/07/08, attached as Plan B.

Amended Plan prepared by Davis Ogilvie titled *“Proposed subdivision of Lot 4 DP311683 and (Part) Lots 6 and 7 DP3116823 - Scheme plan 3 of 4”* dated 16/02/09, attached as Plan C.

Plan prepared by Davis Ogilvie titled "*Proposed subdivision of Lot 4 DP311683 and (Part) Lots 6 and 7 DP3116823 - Scheme plan 4 of 4*" dated 03/07/08, attached as Plan D.

Plans prepared by Davis Ogilvie titled "*proposed earthworks and services layout - Sheet 1 of 3*" dated 03/07/08, attached as Plan E, but subject to a plan prepared by Traffic Design Group titled "proposed northern access and site distances" Drawing No 9636W2/1 dated 03/07/2008, attached as Plan H.

Plans prepared by Davis Ogilvie titled "*proposed earthworks and services layout - Sheet 2 of 3*" dated 25/07/09, attached as Plan F; and titled "*proposed earthworks and services layout - Sheet 3 of 3*" dated 03/07/08, attached as Plan G.

Plans prepared by Traffic Design Group titled "Proposed Southern Access ROW B1" dated 27/02/09, attached as Plan I.

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.

Amalgamation Conditions

2. Lots 11 and 12 shall be amalgamated and one certificate of title issued. LINZ reference 767120.

Vesting of Ownership

3. The survey plan which is submitted for the purposes of Section 223 of the Act shall show Lot 13 Alternative (160m²) as shown on amended plans prepared by Davis Ogilvie titled "*Proposed subdivision of Lot 4 DP311683 and (Part) Lots 6 and 7 DP3116823 - Scheme plan 3 of 4*" dated 16/02/09, attached as Plan C; and said Lot 13 shall vest in the Council as local purpose road with no compensation payable.

Advice Note: Refer Condition 20(e) also.

Building Location Areas

4. The Consent Holder shall cut the building platform areas on Lots 1 to 10 so as to form building platforms. The earthworks shall be done in accordance with the plan entitled "Earthworks Plan Title" prepared Plans prepared by Davis Ogilvie titled "*proposed earthworks and services layout*" - Sheets 1 and 3 dated 03/07/08 and Sheet 2 of 3 dated 25/02/09 and attached to this consent as plans E, F and G. The earthworks shall also be done in accordance with the conditions of Resource Consent RM080636 and the recommendations of the geotechnical report by Geologic Ltd, titled: "*Geotechnical Investigation, proposed Lot 10 Subdivision Atamai Village Motueka Valley Highway*" dated July 2008. The building platforms shall be constructed prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Easements

5. Easements are to be created over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the title plan and endorsed as a Memorandum of Easements.
6. Easements shall be created over any rights-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.
7. Reference to easements shall be included in the Council resolution on the Section 223 certificate and shown in a memorandum of easements on the survey plan required by Section 223 of the Act.

Rights-of-Way and Access Formation

8. Right-of-way B shall be constructed on the "ROW B alternative" alignment as depicted on the amended plan prepared by Davis Ogilvie titled "*Proposed subdivision of Lot 4 DP311683 and (Part) Lots 6 and 7 DP3116823 - Scheme plan 3 of 4*" dated 16/02/09, attached as Plan C. Right-of-way B shall have a maximum grade of 1-in-7. Right-of-way B shall be sealed from the road edge to the first junction shown on Plan C, with the seal being a minimum 6.0 metres width for a distance of 25 metres from the road edge, thereafter a minimum 3.5 metre lane plus 500mm gravel shoulders on each side together with side drains draining to an approved system, and with suitable passing bays provided in accordance with Figure 16.2A of the Tasman Resource Management Plan.
9. Right-of-way A shall be sealed for its full length, with the seal being a minimum 6.0 metres width for a distance of 25 metres from the road edge, thereafter a minimum width of 4.5 metres with suitable passing bays provided in accordance with Figure 16.2A of the Tasman Resource Management Plan.
10. The rights-of-way shall be constructed in accordance with the information contained within reports by Geologic Ltd, titled: "*Geotechnical Investigation, proposed Lot 10 Subdivision Atamai Village Motueka Valley Highway*" dated July 2008 and Engineering Sustainable Solutions (ESS) Ltd, titled: "*Building platforms, access, stormwater drainage and earthworks for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report*" dated July 2008 and attached plans B, C, D, H and I.
11. Stormwater from the rights-of-way shall be directed to discharge points that are authorised by discharge permits RM080639, RM090103-090107, RM090109-090113 and as shown on the Plans prepared by Davis Ogilvie titled "*proposed earthworks and services layout*" – Sheets 1 and 3 dated 03/07/08 and Sheet 2 dated 25/02/09 attached as Plans E, F and G.
12. Culverts as required under rights-of-way together with secondary flow paths shall be appropriately designed to Council's Engineering Standards and Policies 2008, or as otherwise approved by Council's Engineering Manager.

13. Accesses shall be formed at a maximum grade of 1-in-6 with an all-weather surface to each of the pre-levelled building sites, prior to the issue of a Section 224 certificate.
14. Access to Lot 11 off Mytton Heights right-of-way near Lot 10 shall be sealed to 5.0 metres on to the site together with a side drain and appropriate designed stormwater culvert.
15. An all-weather vehicle access shall be constructed to the detention ponds and outlet from Mytton Heights Right-of-way.

Vehicle Crossings for Rights-Of-Way and Associated Works

16. Provision of Traffic Control Signs and paint marking on Motueka Valley Road at the intersection with Mytton Heights Right-of-way shall be in accordance with the attached Plan I or as approved by Council's Engineering Manager.
17. The Consent Holder shall erect a sign at the start of each right-of-way indicating that it is a private way and that it is not open for public access.
18. The rights-of-way shall be formed so that they extend to, and smoothly adjoin, the existing road carriageway.
19. The vehicle access crossings for each of Right-of-way A and Right-of-Way B Alternative shall be designed and constructed in accordance with attached plans B and C, as modified by Plans H and I, and each crossing shall:
 - a) be a minimum of 6 metres in width at the property boundary;
 - b) have an extension of the road carriageway surface standard from the edge of the road carriageway for a minimum of 25.0 metres into the legal site: and
 - c) be more or less level for a distance of at least 10 metres from the edge of the sealed carriageway.
20. In relation to Right-of-way A:
 - a) the access way is to come in at right angles to the Motueka Valley road; and the right-of-way intersection shall generally be formed to Diagram 1 of schedule 16.2c of the Tasman Resource Management Plan with the addition of 20 metre tapers either side of the entrance (ie, 2.5 metres offset reducing to 0 over a 20 metre length). Refer attached Plan H.
 - b) sight benching and/or bank trimming along Motueka Valley Road is required to achieve at least 100 metres of sight distance in both directions. This is from a vehicle (eye height 1.2 metres and 3.5 metres back from the white edge line) to an approaching vehicle in the center of the approaching lane at an eye height of 1.0 metres. (Refer plan prepared by Traffic Design Group titled "proposed northern access and site distances" Drawing No 9636W2/1 dated 03/07/2008, attached as Plan H.)

- c) culverting of the roadside drain shall be carried out to meet the requirements of the Council's current Engineering Standards & Policies 2008, or as otherwise approved by Council's Engineering Manager.
- d) existing culverts traversing Motueka Valley Road either side of the new entrance at Right-of-way A shall be upgraded in regard to sizing and inlet/outlet controls, together with erosion mitigation leading up and away from the culverts.

Advice Note: This requirement is due to the increased run-off directed towards the culverts from the impermeable right-of-way and cut bank surfaces.

- e) the earthworks/benching along Motueka Valley Road may result in areas being required to vest with Council as road so that a strip of at least 1.0 metre width at the top of the batter shall come under the control of Council. No compensation shall be payable.
- f) appropriate fencing shall be reinstalled on the boundary.

21 In relation to Right-of-Way B:

- a) the access way alignment is to come to the Motueka Valley Road as close as legally and physically possible to the existing Mytton Heights Right-of-way (when on road reserve the access shall combine as one entrance). Refer Plan I attached. Further refinement of the intersection design will be confirmed by Council's Engineering Manager at the Engineering plan stage in consultation with Council's engineers and consultants.
- b) the right-of-way intersection with Motueka Valley Road shall generally be formed with a taper reducing to the north over a 40 metre length (ie a deceleration taper) and as generally shown on the attached Plan I.
- c) culverting of the roadside drain shall be carried out, if required to meet the requirements of Council's current Engineering Standards and Policies 2008, or as otherwise approved by Council's Engineering Manager.
- d) an area shall be formed off the Motueka Valley Road for the relocation of existing mail boxes and for the location of new mail boxes for the new lots if required by the new road formation.
- e) removal of fencing and/or shrubs, and benching may be required in both directions from the new Right-of-Way B along Motueka Valley Road to gain the maximum sight distance for a vehicle driver sighting 3.5 metres back from the white edge line and at a 1.2 metre eye height. This requirement will be confirmed by Council's Engineering Manager at the Engineering plan stage of the subdivision.

Water Supply

22. Water storage for Lots 1-10 shall be in accordance with the Report by Engineering Sustainable Solutions (ESS) Ltd, titled: *"Water supply and onsite wastewater systems, for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report"* dated July 2008.

Advice Note: Consent notices requiring each Lot to have access to 46 000 litres of water are required by Condition 36.

Electricity and Telephone

23. Full servicing telephone cables shall be provided to the boundary of Lots 1-10. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that 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.

Commencement of Works and Inspection

24. No works shall begin on-site until the Engineering Plans have been approved pursuant to Condition 26.
25. 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.

Advice Note

Prior to the commencement of work the Consent Holder and its representatives may be invited to meeting with Council staff to discuss the work to be undertaken including (but not limited to) roles and responsibilities, timing of the works and reporting.

Engineering Works and Plans

26. Engineering Plans detailing all works and services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works on the subdivision. All Plans shall be in accordance with either the Council's Engineering Standards and Policies 2008 or else to the satisfaction of the Council's Engineering Manager. The Plans shall include (but not necessarily be limited to):
 - a) All roading and associated works as set out in Conditions 8 to 21;
 - b) stormwater culverts;
 - c) All works associated with the construction of the pond and existing dam bund.
27. Engineering Plans shall not be approved until the Management Plan required by consent RM080636 has been submitted and approved.
28. All works shall be done in accordance with the approved Engineering Plans.
29. Maintenance bonds for periods of two years shall apply as per the requirements of Council's Engineering Standards and Policies 2008, with regard to the rights-of-way crossings and associated works on Motueka Valley Road.

Engineering Certification

30. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's Engineering Manager with written certification that all works, including culverts, dam spillways and detention

dams, have been constructed in accordance with the approved Engineering Plans and the conditions of this consent.

31. Certification from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability) that all building platforms and nominated building sites on Lots 1 to 10 are suitable for the erection of residential buildings shall be submitted to the Council's Engineering Manager. The certificate shall define on Lots 1 to 10 within the building location area, the area suitable for the erection of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering.

Advice Note

Any limitations identified in Schedule 2A may, at the discretion of the Council, be the subject of a consent notice pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

32. Where fill material is, as part of developing this subdivision, placed on any part of Lots 1-10 a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification shall, as a minimum, be in accordance with Appendix A of that standard.
33. "As built" plans of all engineering works (all services, roading etc) shall be provided to and approved by the Council's Engineering Manager prior to the lodgement of a Section 223 Survey Plan so that easement areas can be accurately determined.

Stormwater

34. New culverts shall be provided under the Motueka Valley Road if required to increase the flow capacity to serve the altered rainfall runoff for the catchments affected by this subdivision. This requirement will be confirmed by Council's Engineering Manager at the Engineering Plan stage of the subdivision.

Financial Contributions

35. 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 each of Lots 1-9, less the value.
 - b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.

- c) If payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Notes:

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

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.

Consent Notices (Volunteered)

36. The following consent notices shall be registered on the certificate of title for Lots 1 to 10 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) The location of any new dwelling or habitable building (including sleepouts) on the property shall be entirely within the Building Location Area shown on Title Plan DPXX and no buildings shall be constructed on the area marked "No Build Area" shown on Lot 4 DPXXX.
 - b) Any recommendations or recommended conditions resulting from the engineering certification required under Conditions 30, 31 and 32 of Resource Consent RM080626 shall be identified as consent notices pursuant to Section 221 of the Act.
 - c) The wastewater treatment system shall be in accordance with the Report by Engineering Sustainable Solutions (ESS) Ltd, titled: *"Water supply and onsite wastewater systems, for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report"* dated July 2008. The on-site wastewater treatment and disposal system shall be designed by, and its construction supervised and certified by, a suitably qualified and experienced person.
 - d) The owner shall comply with all conditions of the applicable stormwater discharge permit (RM080639, RM 090103-090107, RM090109-090113). Each discharge permit authorising the discharge of stormwater to each of the lots should be transferred to the new owners when the ownership of each lot changes. Discharge permits do not "attach to the land" and as such should be transferred to the new owner as there are ongoing consent requirements that need to be met.

- e) Each lot shall be provided with a lower rainwater detention tank and water storage of 23 000 litres and an upper rainwater detention tank and water storage of 23 000 litres to be located in accordance with the Report by Engineering Sustainable Solutions (ESS) Ltd, titled: *“Water supply and onsite wastewater systems, for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report”* dated July 2008. Water storage tanks shall as far as is practicable be buried within the ground for the purposes of minimising their visual effects.
- f) Any buildings on Lot 2 shall be set back at least 10 metres from the northern boundary.
- g) Roof mounted photovoltaic panels are required as no national power grid supply is provided.
- h) A level hard stand area shall be provided and kept clear at each dwelling site for use by fire fighting vehicles.
- i) Installation of fireplaces or burners in dwellings shall be restricted to low emission models only.

The following consent notices shall be registered on the certificate of title for Lot 11 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.

- j) The existing pond shall be maintained in an ongoing manner by the owner of Lot 11 to provide for the mitigation of stormwater.

Hours of Construction and Works Activity

37 Works and construction activity associated with this consent shall be limited to between 7.30 am and 6.00 pm daily, excluding Saturdays, Sundays and public holidays.

GENERAL ADVICE NOTES

Council Regulations

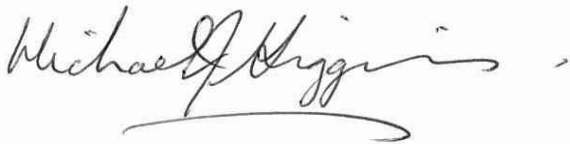
1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

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.

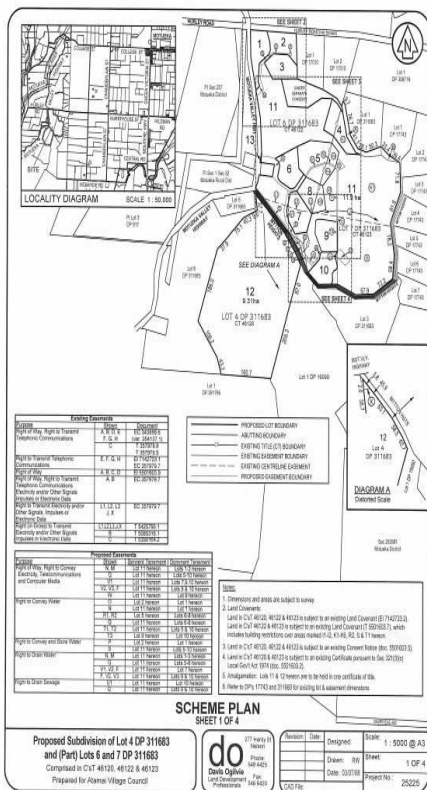
3. Officers of the Council may carry out site visits to monitor compliance with resource consent conditions. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent is required under 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. 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 30th day of March 2009

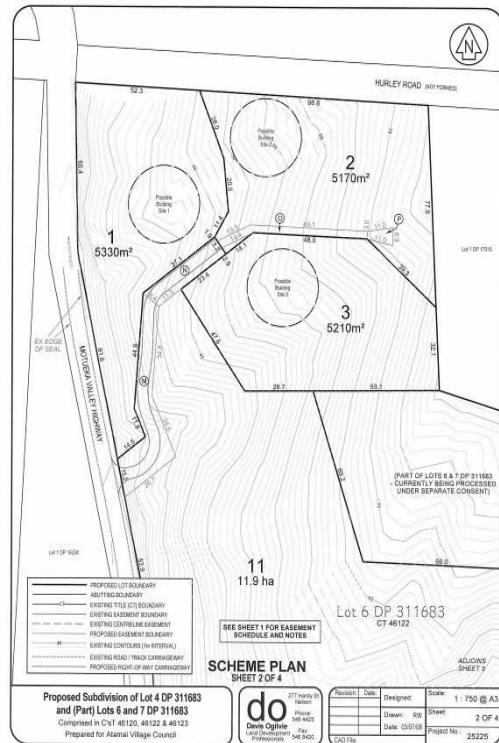


Cr Michael Higgins
Chair of Hearings Committee

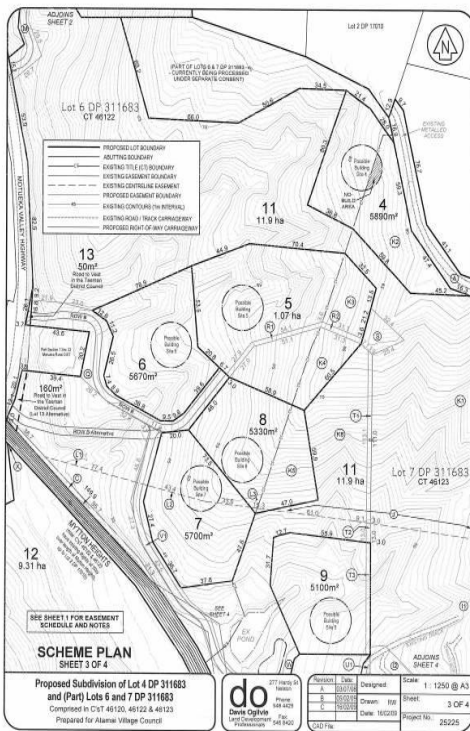
Plan A



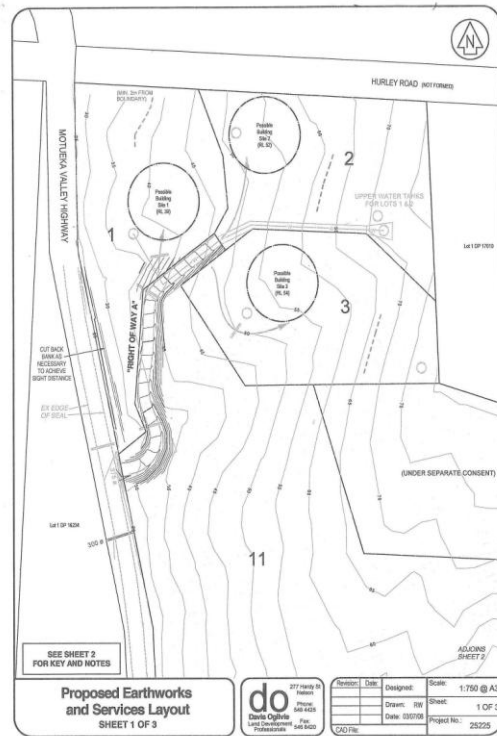
Plan B



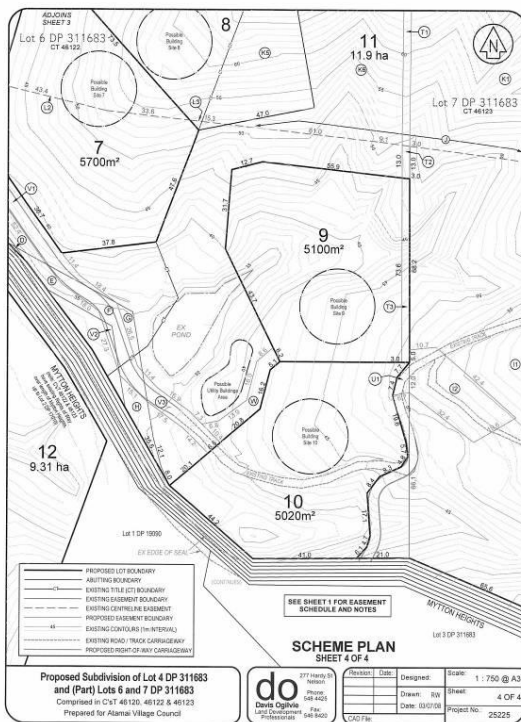
Plan C



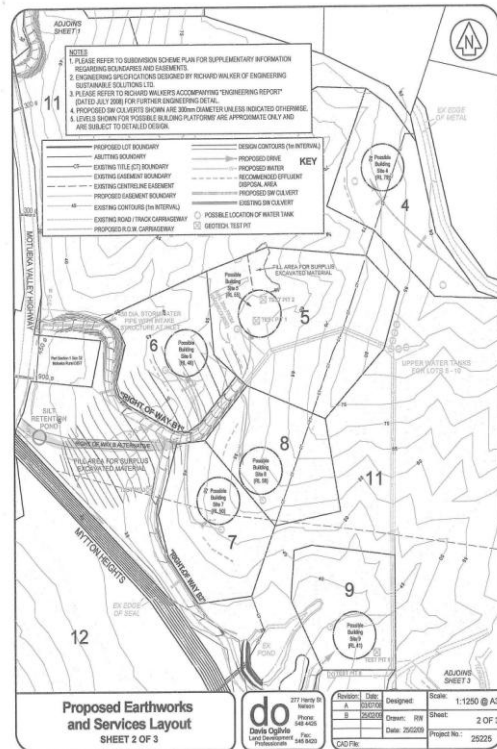
Plan E



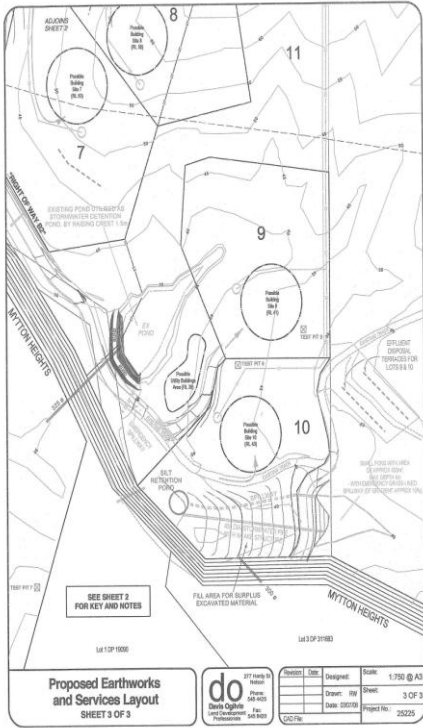
Plan D



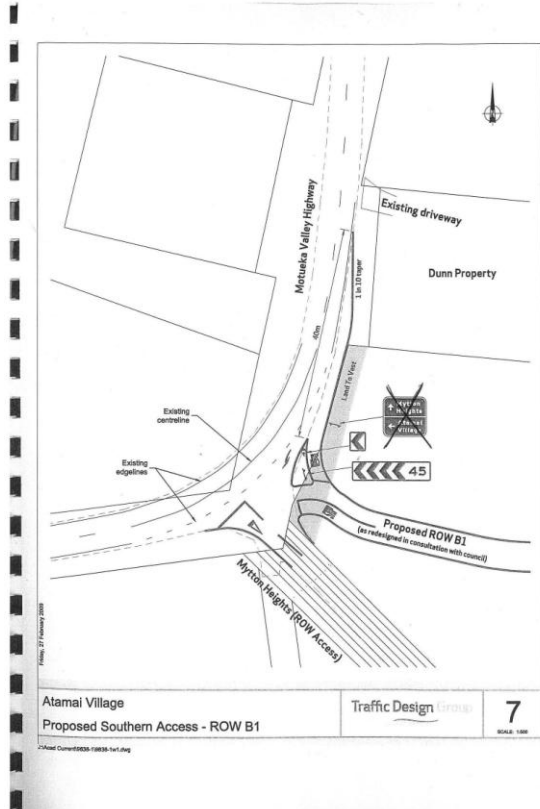
Plan F



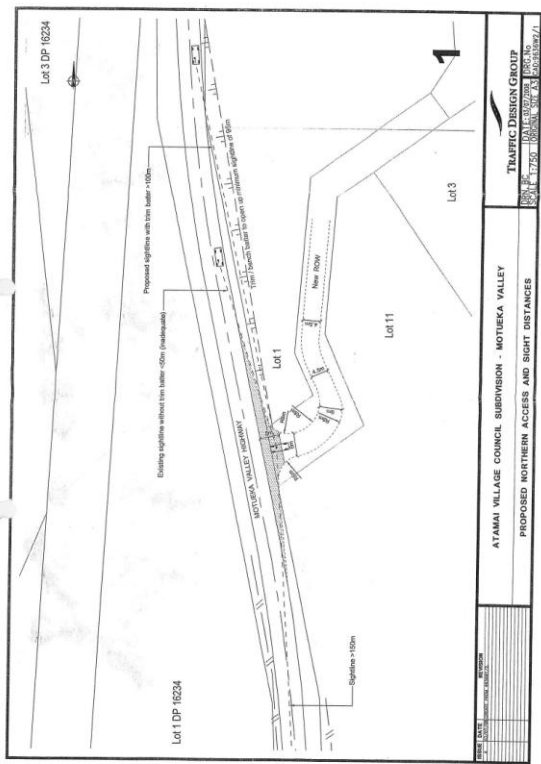
Plan G



Plan I Mytton Heights and Row B Alternative



Plan H



RESOURCE CONSENT NUMBER: RM080636

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

Atamai Village Council
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT

To undertake earthworks for the construction of rights-of-way, private driveways, building platforms, planting terraces, service areas, installation of culverts and the creation of a stormwater detention pond associated with the subdivision authorised by consent RM080626.

CONDITIONS

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

1. The earthworks shall be undertaken in accordance with the documentation submitted with the application and consent conditions listed in this resource consent document. Where consent conditions conflict with information submitted with the application, the consent conditions shall prevail.
2. The earthworks shall be carried out in general accordance with the application and plans submitted by Planscapes (NZ) Ltd on behalf of Atamai Solutions including reports by Geologic Ltd, titled: *“Geotechnical Investigation, proposed Lot 10 Subdivision Atamai Village Motueka Valley Highway”* dated July 2008; Engineering Sustainable Solutions (ESS) Ltd, titled: *“Building platforms, access, stormwater drainage and earthworks for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report”* dated July 2008;; *“Water supply and onsite wastewater systems, for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report”* dated July 2008;; Further information report for Stormwater by Engineering Sustainable Solutions (ESS) Ltd, titled: *“Stormwater report and calculations”* dated August 2008. Further information report for Stormwater by Engineering Sustainable Solutions (ESS) Ltd, titled: *Additional Stormwater calculations”* dated October 2008, and plans prepared by Davis Ogilvie titled *“Proposed earthworks and services layout”* – Sheets 1 and 3 dated 03/07/08 and Sheet 2 dated 25/02/09 unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.
3. A copy of this resource consent shall be available to contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
4. The Consent Holder shall appoint a representative(s) prior to the exercise of this resource consent, who shall be the Council’s principal contact person(s) in regard to matters relating to this resource consent. At least 10 days prior to beginning the works authorised by this consent, the Consent Holder shall inform the Council’s Co-ordinator of Compliance Monitoring of the representative’s name and how they

can be contacted within the works period. Should that person(s) change during the term of this resource consent, the Consent Holder shall immediately inform the Coordinator and shall also give written notice to the Coordinator of the new representative's name and how they can be contacted.

5. The Consent Holder shall carry out operations in accordance with the provisions of the approved Construction, Erosion and Sediment Management Plan (Condition 35).
6. If excavations reveal adverse ground conditions, such as the presence of soft and/or water saturated ground or layers of plastic clay, a chartered professional engineer practising in geotechnical engineering or an experienced engineering geologist must be engaged to evaluate ground conditions.
7. All the works shall be supervised by a Chartered Professional engineer.
8. Contractors and staff carrying out the work shall be experienced and trained in erosion and sediment control.

Advice Note

Contractors and staff should be familiar with guidelines of the Technical Publication No. 90 "Erosion and Sediment Control" (Auckland Regional Council) or other similar guidelines.

Contaminant Management

9. The Consent Holder shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.
10. The Consent Holder shall ensure that any discharge of contaminants onto or into land or water from any activity is avoided, remedied or mitigated to ensure no contaminants are present at a concentration that is, or is likely to have, a more than minor effect on the environment.
11. No petrochemical or synthetic contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the activity and no machinery shall be cleaned, stored, or refuelled within 5 metres of any watercourse.
12. Only fuels, oils and hydraulic fluids associated with the operation, and in the volumes required, may be stored on-site. Such substances shall be stored in a secure and contained manner in order to prevent the contamination of adjacent land and/or waterbodies.
13. The Consent Holder shall notify the Council as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Consent Holder shall, within 7 days of the incident occurring, provide a written report to the Council, identifying the causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.

14. Should the Consent Holder cease or abandon work on-site, it shall first take adequate preventative and remedial measures to control sediment discharge, and shall thereafter maintain these measures for so long as necessary to prevent sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of Council's Coordinator of Compliance Monitoring.
15. Prior to bulk earthworks commencing for each construction phase, the Consent Holder shall submit to the Council's Co-ordinator Compliance Monitoring, a certificate signed by an appropriately qualified and experienced engineer to certify that the appropriate erosion and sediment control measures have been constructed in accordance with the Construction, Erosion and Sediment Control Plan (Condition 35) and the conditions of this consent. The certified controls shall include, where relevant, diversion channels, sediment fences, decanting earth bunds and sediment retention ponds. The certification for these measures for each construction phase shall be supplied to the Council's Coordinator Compliance Monitoring.
16. All disturbed vegetation, soil or debris shall be handled so that it does not result in diversion or damming of any river or stream. All stockpiled material shall be bunded to protect against stormwater erosion.
17. All disturbed vegetation, soil or debris shall be disposed of off site or stabilised to minimise the risk of erosion. All other waste materials shall be disposed of off site at premises licensed to receive such materials.
18. All practical measures shall be taken to ensure that any dust created by operations at the site and vehicle manoeuvring (in accessing the site and driving within it) shall not, in the opinion of Council's Co-ordinator Regulatory Services, become a nuisance to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.
19. Topsoil shall and subsoil shall be stripped and stockpiled separately. This shall then be re-spread at completion of the works.
20. The Consent Holder shall take all practical measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the earthworks.

Advice Note

In particular, the key earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

21. The discharge of stormwater shall not cause in the receiving water any of the following:
 - a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - b) any emission of objectionable odour;
 - c) the rendering of freshwater unsuitable for bathing;

- d) the rendering of freshwater unsuitable for consumption by farm animals; and
 - e) any adverse effect on aquatic life.
22. The Consent Holder shall monitor weather patterns during the construction phase and works shall be discontinued and appropriate protection and mitigation measures put in place prior to heavy rainfalls and floods reaching the site works.
 23. The Consent Holder shall stop construction in heavy rain when the activity shows sedimentation that is more than minor in the view of the Council's Compliance Officer.
 24. Sediment controls shall be implemented and maintained in effective operational order at all times.

Advice Note

Appropriate sediment control equipment including erosion protection matting and batter covers should be kept on site for use in minimising potential sedimentation problems from areas of exposed soil.

25. All erosion and sediment control measures shall be inspected after any major rainfall event and any problems shall be rectified within 24 hours required.
26. All exposed ground shall be re-vegetated within 12 months of completion of the works so that erosion/downhill movement of soil is limited as much as is practical. This shall include supplemental planting of appropriate vegetation that enhances the stability and minimises surface erosion.

Culverts in Drains

27. All culverts within drains shall be armoured at the outlet to protect against erosion.
28. No significant erosion, scour or deposition shall result from the placement of culverts.
29. The Consent Holder shall ensure that for the duration of this consent any debris build-up is removed and ensure scour protection measures are installed and maintained at the inlet and outlet of all culverts.
30. The culverts shall be constructed to allow fish passage both up and down stream.

Roading and Access Tracks

31. The water table, cut-offs and culverts shall be constructed and installed to prevent scour, gulleying or other erosion for the formed or constructed surface.
32. All culverts within drains shall be armoured at the outlet to protect against erosion.
33. No significant erosion, scour or deposition shall result from the placement of culverts.
34. All batters shall be constructed to avoid batter failure.

Management Plan

35. Prior to undertaking any activities authorised by these consents, the Consent Holder shall prepare a Construction, Erosion and Sediment Management Plan. Works shall not commence before these plans have been approved by the Council's Coordinator Compliance Monitoring.
36. The management plan required by Condition 35 shall comply with the relevant conditions of the resource consents RM060626, RM060636, RM060639, RM060725. The management plan may be amended as the Consent Holder considers appropriate during the period of these consents. Any changes to the management plan shall be made in accordance with the methodology and approved procedures in that plan and shall be confirmed in writing by the Consent Holder following consultation with the Council's Coordinator of Compliance Monitoring. Changes to the management plan shall not be implemented until authorised by the Coordinator Compliance Monitoring.
37. The consents shall be exercised in accordance with the management plan prepared by the applicant in accordance with Conditions 35, 36 and 39.
38. At any time during the period of these consents, a copy of the latest version of the management plan shall be on site and available to all relevant staff.
39. The Construction, Erosion and Sediment Management Plan required by Condition 35 shall set out the practices and procedures to be adopted in order that compliance with the conditions of the this consent can be achieved, and in order that the effects of the activity are minimised to the greatest extent practical. This plan shall, as a minimum, address the following matters:
 - a) Description of the works;
 - b) Engineering design details;
 - c) Silt and dust control during earthwork stages;
 - d) Temporary activities and equipment storage in specified areas;
 - e) Construction programme including timetable, sequence of events and duration; including any landscaping;
 - f) Construction methods and equipment to be used;
 - g) Dust sources and potential impact during construction;
 - h) Methods used for dust suppression during construction activities;
 - i) Location, design operation and maintenance of stormwater runoff controls and sediment control facilities;
 - j) Detailed specifications of the diversion of any water bodies including channel configurations and rehabilitation measures;
 - k) Detailed specifications of the spoil storage and stabilization;
 - l) Construction method for watercourse crossings;
 - m) Staff and contractor training;
 - n) Traffic management and property access management;
 - o) Contingency plans (e.g., mechanical failures, oil/fuel spills, flooding, land slips);
 - p) Public access, community information and liaison procedures;
 - q) Complaints and reporting procedures;
 - r) Cultural and archaeological protocols (including discovery protocols);
 - s) Assessment and monitoring procedures;
 - t) Methodology and approval procedures for making changes to the Construction, Erosion and Sediment Management Plan.

Advice Note

The following are the general principles that should be adhered to when writing and implementing the Construction, Erosion and Sediment Control Plan.

1. Minimise the disturbance to land
2. Stage construction
3. Protect steep slopes
4. Protect water courses
5. Stabilise exposed areas as soon as possible
6. Minimise the runoff velocities
7. Revegetate as soon as possible
8. Install perimeter controls and protect disturbed areas from runoff sourced above site
9. Employ detention devices
10. Take the season and weather forecast into account
11. Use trained and experienced contractors and staff
12. Update the plan as the project evolves
13. Assess and monitor

Keep on site runoff velocities low by the use of the following; contour drains, retention of natural vegetation, provision of buffer strips of vegetation, low gradients and short slopes, control anticipated erosion and prevent sediment from leaving the site.

General Conditions

40. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
41. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.

Hours of Construction and Works Activity

42. Works and construction activity associated with this consent shall be limited to between 7.30 am and 6.00 pm daily, excluding Saturdays, Sundays and public holidays.

Review Conditions

43. The Council may review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - b) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or

- c) to review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate;
- d) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Expiry

44. This consent expires five years from the date that it is first given effect to.

ADVICE NOTES

1. With Separation Point granites, there is the potential for erosion and downhill movement of soil material during high rainfall events. Suitable mitigation measures should be implemented, and conditions of consent have been imposed accordingly to ensure that run-off/erosion is limited during and after the works.
2. The use of debris fences, straw bales, cut-off drains or other such methods should be used to ensure that run-off is controlled.
3. Officers of the Council may carry out site visits to monitor compliance with resource consent conditions. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent may be required under Section 35 or 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, 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.
6. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.

Issued this 30th day of March 2009



Cr Michael Higgins
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080639, RM090103-090107, RM090109-090113

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

Atamai Village Council
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT

To discharge stormwater collected from buildings, roads and stormwater detention ponds associated with the subdivision authorised by consent RM080626, including stormwater discharges both during the construction period, and the post-construction period to an unnamed tributary of the Motueka River.

This stormwater consent is granted as 11 identical consents for each of the new allotments to be created in the subdivision authorised by consent RM080626 as follows.

Lot 1	RM090103	Lot 2	RM090104
Lot 3	RM090105	Lot 4	RM090106
Lot 5	RM090107	Lot 6	RM090109
Lot 7	RM090110	Lot 8	RM090111
Lot 9	RM090112	Lot 10	RM090113
Lot 11	RM080639		

CONDITIONS

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

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application submitted by Planscapes (NZ) Ltd on behalf of Atamai Village Council and reports by Engineering Sustainable Solutions (ESS) Ltd, titled: *“Building platforms, access, stormwater drainage and earthworks for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report”* dated July 2008; Engineering Sustainable Solutions (ESS) Ltd, titled: *“Water supply and onsite wastewater systems, for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report”* dated July 2008; Further information report for Stormwater by Engineering Sustainable Solutions (ESS) Ltd, titled: *“Stormwater report and calculations”* dated August 2008 and Further information report for Stormwater by Engineering Sustainable Solutions (ESS) Ltd, titled: *Additional Stormwater calculations”* dated October 2008; and Plans prepared by Davis Ogilvie titled *“proposed earthworks and services layout”* - Sheets 1 and 3 dated 03/07/08 and Sheet 2 dated 25/02/09 unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.
2. The stormwater disposal system will be designed in accordance with Council’s Engineering Standards and Policies 2008 (or the most recent version). If the Consent Holder chooses to install a system that does not comply with Council’s Engineering Standards and Policies 2008 (or the most recent version) then written approval to do so must be obtained from the Council before the design is submitted for approval. Detailed design of the stormwater shall be supplied with the building consent.

3. The stormwater disposal system shall not cause any damming or diversion of floodwaters that may affect adjoining properties or the Council road. To achieve this, the Consent Holder shall ensure adequate on-site disposal of roof and surface waters is provided through an appropriate stormwater drainage system.
4. The Consent Holder shall install two rainwater storage tanks each with minimum capacity of 23,000 litres each. Stormwater from the roof area shall be piped to the stormwater tanks and the outfalls shall discharge to adjacent gullies or the right-of-way drain. These discharge points shall be constructed to avoid any erosion.
5. A stormwater cut-off drain shall be provided 3 metres upslope of the top of the cut slope for the building platform to prevent stormwater from upslope flowing over the cutslopes. These drains shall drain towards the right-of-way drain and proposed culverts. No stormwater shall be allowed to discharge over fill material.

Advice Note

Condition 8 of Consent RM080636 requires drains to be lined if erosion appears, or if instructed by the consulting engineer.

6. The stormwater disposal point shall be located not less than 20 metres away from any surface water body, 1.5 metres from any property boundary and 20 metres from any bore for domestic water supply.
7. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain.
8. The discharge shall not cause or contribute to any damage caused by flooding.

Hours of Construction and Works Activity

9. Works and construction activity associated with this consent shall be limited to between 7.30 am and 6.00 pm daily, excluding, Saturdays, Sundays and public holidays.

Expiry

10. This consent expires 35 years from the date that it is granted (per Section 123(d) of the Resource Management Act 1991).

Review


11. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:
 - a) deal with any adverse effect on the environment which may arise from the exercise of this consent that were not foreseen at the time of granting of the consent, and which it is therefore more appropriate to deal with at a later stage; and/or
 - b) require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or

- c) require compliance with operative rules in the Proposed Tasman Resource Management Plan or its successor; or
- d) require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

ADVICE NOTES

1. With Separation Point granites, there is the potential for erosion and downhill movement of soil material during high rainfall events. Suitable mitigation measures should be implemented, and conditions of consent have been imposed accordingly to ensure that run-off/erosion is limited during and after the works.
2. The use of debris fences, straw bales, cut-off drains or other such methods should be used to ensure that run-off is controlled.
3. Officers of the Council may carry out site visits to monitor compliance with resource consent conditions. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent may be required under Section 35 or 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, 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.
6. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
7. Transfer of discharge consents to new owners is required and will incur a Council fee.

Issued this 30th day of March 2009



Cr Michael Higgins
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080725

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

Atamai Village Council
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct a new dam structure (for stormwater detention purposes) and to increase the height of an existing dam structure (also for stormwater detention purposes), both of these dam structures being on the bed of an unnamed tributary of the Motueka River; and to place culverts and undertake works in an unnamed tributary of the Motueka River.

Note These activities are associated with the following consents RM080626, RM080636 and RM080639, RM090110-090113.

Location Details:

Address of property: Motueka Valley Road
Valuation number: 1928021008 and 1928021009
Title: 46122 and 46123

CONDITIONS

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

Dams

1. a) New Pond Details

Legal Description:	Lots 4 DP 311683 (Part) Lot 6 and 7 DP311683
Stream Being Dammed:	Unnamed
Catchment:	Motueka
Dam ID Number:	292
Catchment Area (ha):	3.3
Dam Height (m):	4
Storage (m ³):	1500 approximately
Crest Length (m):	To be supplied
Location co-ordinates (New Zealand Map Grid):	E: 2515490 N: 5989390

b) Existing Pond Details

Legal Description:	Lots 4 DP 311683 (Part) Lot 6 and 7 DP311683
Stream Being Dammed:	Unnamed
Catchment:	Motueka
Catchment Area (ha):	6.7
New Dam Height (m):	New bund 1.5, total height to be supplied
Storage (m ³):	1500 approximately

Crest Length (m): **To be supplied**
Location co-ordinates
(New Zealand Map Grid): E: 2515490 N: 5989390

2. The Consent Holder shall ensure that all works are carried out in general accordance with the application including the submitted report by Engineering Sustainable Solutions (ESS) Ltd, titled: *"Building platforms, access, stormwater drainage and earthworks for proposed Subdivision of Lots 6 and 7 DP311683 at Motueka Valley for Atamai Village Council- Engineering Report"* dated July 2008 and Plans prepared by Davis Ogilvie titled *"Proposed earthworks and services layout"* - Sheets 1 and 3 dated 03/07/08 and Sheet 2 dated 25/02/09.
3. Prior to the commencement of dam construction and/or related earthworks, the Consent Holder shall supply two copies of the dam design and specifications and a site management plan from an appropriately experienced chartered civil engineer and the dam design shall comply with the NZSOLD Dam Safety Guidelines and the New Zealand Building Code.
4. A copy of this consent and all relevant regional consents shall remain on site at all times during construction and the Consent Holder shall provide a copy of this consent and any other relevant consents to the contractor and their supervising engineer.
5. The Consent Holder shall employ an appropriately qualified and experienced chartered civil engineer to supervise construction and producer statements shall be provided by both the contractor for the dam and from the civil engineer supervising dam construction as soon as possible following completion of the dam. These statements shall also confirm that all inspections specified in the dam engineering specifications have been completed and that construction complied with the New Zealand Building Code.
6. The Consent Holder or their agent shall advise the Council's Co-ordinator Compliance Monitoring when site works are about to commence and shall keep a photographic record of dam construction progress, particularly of the core trench and any pipes, seepage collars etc through the dam, and supply a copy of these photographic images to Council at the completion of the dams. Note: Digital images are preferable and can be progressively e-mailed to the applicable Council staff person.

Culverts

7. The Consent Holder shall ensure that the culvert installation is undertaken in such a manner as to minimise sedimentation and contamination of any flowing stream during construction and, at all times, any discharge shall comply with the Council's permitted activity rules.
8. The culvert inverts shall be designed and constructed so they are submerged such that the structures provide for the passage of fish in both directions (ie, both upstream and downstream). Furthermore, during construction the Consent Holder shall capture and transfer to a permanent water body any eels disturbed as a result of the culverts and dam construction works.

Advice Note

This does not apply to cut off drains across access ways.

9. The culverts shall not alter the natural course of the waterways or reduce the channel's capacity to convey flood flows. The culverts shall not cause any increase in upstream water levels which may cause flooding onto neighbouring properties.
10. The stream bank shall be rock armoured with appropriate sized rock at both the inlet and outlet of the culverts to prevent erosion of the stream bed.

Other Conditions

11. The Consent Holder shall ensure that for the duration of this consent that any debris build-up at the culverts and spillways is removed and ensure that adequate scour protection measures such as rock armouring are maintained sufficient to prevent scouring of the bed and banks of the watercourse.
12. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a location and manner as to prevent contamination of the land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that no residual potential for contamination of land and surface water run-off from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform Council's Co-ordinator Compliance Monitoring.
13. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works and all bare earth is fertilised and grassed down.
14. A 1.5 bund shall be constructed on the existing pond located in the 6.7 hectare catchment to increase capacity to 1500 cubic metres.
15. The inlet to the existing outlet of the pond within the catchment area of 6.7 hectares shall be reduced to 375 mm.
16. Secondary flow paths shall be constructed and designed in accordance with attached plans.
17. The Consent Holder shall regularly inspect their dam and maintain the embankment and spillway etc in good condition and, furthermore, shall not plant, or allow to grow, any trees or shrubs on the dam embankment in the vicinity of the spillway and spillway culverts.
18. Should any slumping or significant seepage from the dam embankments be observed, the Consent Holder shall immediately inform the Council's Coordinator Compliance Monitoring and shall employ a suitably experienced, chartered civil engineer to advise on appropriate remediation measures.
19. This consent may not be exercised to the extent that there is any significant adverse effect on resident eels within the dam.

Hours of Construction and Works Activity

20. Works and construction activity associated with this consent shall be limited to between 7.30 am and 6.00 pm daily, excluding, Saturdays, Sundays and public holidays.

Expiry

21. This consent is granted for a period of 35 years from the date it is granted.

Advice Note: this is the maximum duration allowed under Section 123 of the Resource Management Act 1991.

Review

22. The Council may, within three months of the anniversary of the granting of the consent each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:

- a) to deal with any unexpected adverse effect on the environment that arises from the exercise of the consent, including adverse effects on adjacent or downstream landowners, on downstream water use and on in-stream values; or
- b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan, including requirements and rules relating to the operation and maintenance of dams and rules relating to minimum standards of water quality, maximum or minimum water levels of water retention; or
- c) to make provision for eel passage if there is shown to be an adverse effect on fish or eel passage; or
- d) to require changes to the spillway to ensure that the dam is adequately protected during storm events.

Advice Note:

The consent is given effect to once the works commence.

ADVICE NOTES

1. The Consent Holder shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate consent.
3. Officers of the Council may carry out site visits to monitor compliance with resource consent conditions. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

4. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.

Issued this 30th day of March 2009

A handwritten signature in black ink that reads "Michael Higgins". The signature is written in a cursive style with a long horizontal flourish underneath the name.

Cr Michael Higgins
Chair of Hearings Committee

Date Confirmed:

Chair: