# MINUTES

TITLE:	Environment and Planning Subcommittee
DATE:	Tuesday, 28 February 2012
TIME:	9.30 am
VENUE:	Tasman Council Chamber, 189 Queen Street, Richmond
PRESENT:	Crs S G Bryant (Chair), B W Ensor, G A Glover
IN ATTENDANCE:	Principal Resource Consent Advisor (J Butler) Subdivision Officer (R Shirley) Engineering Consents Officer (J Karaitiana) Executive Assistant (V M Gribble)

### 1. A and E CHRISTIANSEN, HILL STREET SOUTH, RICHMOND - APPLICATION RM110686

The application seeks to subdivide the land to create Lot 1 of 3862 square metres containing an existing dwelling; and Lot 2 of 2495 square metres to e a fully serviced vacant rural residential site.

The application site is located at 537 Hill Street South, Richmond, being legally described as Lot 1 DP 17911.

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 Glover / Ensor EP12-02-36

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

A and E Christiansen

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	
A and E Christiansen	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.
CARRIED		

Moved Crs Ensor / Glover EP12-02-38

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

2. A and E CHRISTIANSEN, HILL STREET SOUTH, RICHMOND - APPLICATION RM110686

Moved Crs Bryant / Ensor EP12-02-37

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to A and E Christiansen as detailed in the following report and decision. CARRIED

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

#### Meeting held in the Tasman Room, Richmond on 28 February 2012 Site visit undertaken on 28 February 2012 Hearing closed on 5 March 2012

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the application lodged by **A and E Christiansen** ("the Applicant"), to subdivide land at Hill Street South, Richmond. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM110686.

HEARING COMMITTEE:	Cr Stuart Bryant, Chairperson Cr Glenys Glover Cr Brian Ensor
APPLICANT:	Mr Alister Christiansen (Applicant) Ms Elizabeth Christiansen (Applicant)
CONSENT AUTHORITY:	<b>Tasman District Council</b> Mr Ross Shirley (Subdivision Officer) Mr John Karaitiana (Council Engineer)
SUBMITTERS:	Mr Bruce King (543 Hill Street South) Ms Prudence Pullar (543 Hill Street South)
IN ATTENDANCE:	Mr Jeremy Butler (Principal Resource Consents Adviser) - Assisting the Committee Mrs Valerie Gribble (Committee Secretary)

# 1. SUMMARY

The Committee has **GRANTED** a resource consent, subject to conditions, to subdivide land to create Lot 1 of 3862 square metres containing the existing dwelling and Lot 2 of 2495 square metres.

# 2. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicants own a 6357 square metre site in the Rural Residential Zone at 537 Hill Street South. The property contains an existing dwelling with access from a shared Right-of-Way (ROW) off Hill Street South.

The property is legally described as Lot 1 DP 17911, CT NL12A/459. The parent plan, DP 17911, resulted from a subdivision approved by the Council as a controlled activity in 1995 in what was then the Rural E Zone in the Waimea Section of the Transitional Tasman District Plan. That subdivision also created four other allotments with areas ranging from 8000 square metres to 1.09 hectares. Access to all the new allotments was via a ROW, constructed in accordance with engineering plans approved by the Council.

The land is in the Hill Street South Rural Residential Zone for which subdivision has a minimum net area requirement of 5000 square metres to be a controlled activity.

The subject land contains an existing dwelling constructed in 1996. The dwelling is serviced with a rural extension from the Richmond water supply, which is a trickle low pressure supply to a tank via a restrictor. The dwelling is also connected to the Council's reticulated sewerage scheme via White Road and the Council's stormwater system via a small on-site detention pond and ROW sumps. Underground electricity and telephone connections are provided to the existing dwelling.

A small shed is located close to the intersection of the existing driveway and the ROW. The balance of the land contains extensive amenity plantings and lawn area with attractive views to the north.

The land is located close to the Sunview Heights subdivision, which has a similar zoning but with allotment areas in the 2500 - 3500 square metre range. The land across the road is zoned Rural 1, with the land further to the south-east and south-west zoned Rural 2.

The proposal is to subdivide the land to create:

- (a) Lot 1 of 3862 square metres containing the existing dwelling;
- (b) Lot 2 of 2495 square metres being a vacant rural residential site.

A fixed building location area within Lot 2 is now no longer proposed. A new driveway is to be constructed to service the proposed dwelling on Lot 1 and the existing driveway is to service the new dwelling on Lot 2. It is proposed that Lot 2 be fully serviced for stormwater, wastewater, potable water, electricity and telephone.

The existing shed and hardstand area within proposed Lot 2 is to be removed.

# 3. TASMAN RESOURCE MANAGEMENT PLAN ("TRMP") ZONING, AREAS AND RULE(S) AFFECTED

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

Zoning: Hill Street South Rural Residential Zone Area(s): Land Disturbance Area 1, Special Domestic Wastewater Disposal Area

Subdivisions in the Rural Residential Zone that do not comply with the conditions of Rule 16.3.8.1 are discretionary activities by virtue of Rule 16.3.8.4. With allotment areas of less than 5000 square metres the proposed subdivision is a discretionary activity. In all other matters the proposal is a controlled activity.

# 4. NOTIFICATION AND SUBMISSIONS RECEIVED

Written approvals were provided by:

- (a) K J and R A Satherley, 355 Hill Street South;
- (b) C K and J A Kemp, 541 Hill Street South;
- (c) V and R Chittenden, 539 Hill Street South.

The application was then limited notified on 18 November 2011 to:

- (a) B B King and P M Pullar, 543 Hill Street South;
- (b) J F Murray and L M Evans, 545 Hill Street South.

A total of two submissions were received. The following is a summary of the written submissions received and the main issues raised:

# B B King

- The subdivision uses the last remaining access option.
- The ROW is owned in common by all current site owners.
- Current and future property values are compromised.
- The granting of consent without the approval of all ROW users is entirely inappropriate.
- "First in, best dressed" is not a principle of the RMA.

# P M Pullar

- Zoning lots are required to be greater than 5000 square metres.
- Loss of privacy, trees and green space.
- Area is slip-prone.
- Inadequate infrastructure for stormwater run-off.
- The onward creep of Richmond into Hope's semi-rural community.

# 5. PROCEDURAL MATTERS

There were no procedural matters that required consideration or a ruling.

# 6. EVIDENCE HEARD

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

#### 6.1 Applicant's Evidence

Mr Christiansen spoke to his original application. He said that as his property is lower in the catchment it will not impact on Mr King or Ms Pullar by way of either stormwater or potential land instability.

Mr Christiansen acknowledged the issue of urban creep into rural areas but contended that his application is very minor compared to the more major subdivisions into the rural areas.

Mr Christiansen stated that he did not agree with Mr Shirley's recommended condition that restricted the house to 5.5 metres height above ground level. He said that the important factor is that views from the existing house are not impeded and that a maximum overall building height would better achieve this outcome. Mr Christiansen volunteered that a surveyor confirm the height of the sill of the bay window on the existing house and that this be the maximum building height for proposed Lot 2.

To avoid a large front wall affecting the amenity of the ROW he said that this would be self limiting by behaviour as building at the rear of the proposed Lot 2 would offer the better living environment to the north and better views over existing vegetation.

Mr Christiansen turned to the removal of the shed. He said that it was sought by a submitter and he agrees it is a good step as it is unsightly and it impedes stormwater flow.

Returning to the matter of stormwater, he said that there will be less overall driveway area with the removal of the existing driveway from the access to the existing house, and the removal of the existing garage. He also said that the new access to the existing house would be appropriately designed and must be approved by Council engineers to avoid any adverse effects. He said that removal capture of stormwater will help reduce any possible instability in the land.

Finally, from an amenity point of view, Mr Christiansen considered that the peaks of the new house would be able to be seen from the ROW but that any impact would be very minor.

# 6.2 Submitters' Evidence

#### Mr Bruce King

Mr King firstly questioned the lack of evidence put forward by Council officers. He said that he understood that it was for the Council to present evidence rather than submitters.

Mr King said that the proposed subdivision uses the last remaining access option within the ROW without significant development of road access for all properties. The ROW has five equal owners and in absence of consensus, he is not sure what right Council has to decide. He said that they are all equally responsible for maintenance of the ROW.

Mr King also considered the proposed lots to be purely residential and without a rural aspect.

Cr Glover asked, if a seventh lot was to be considered in the future, is the five metre width access strip sufficient to allow for another couple of lots, in your view.

Council's Asset Engineer, Mr Karaitiana said that the adequacy of the ROW will be determined by the estimated number traffic movements and by the quality of the ROW formation. The ROW is considered suitable for six users and may well be suitable for seven.

#### Ms Pruedence Pullar

Ms Pullar said that her major area of concern is the de-greening of the Richmond environment and the increasing density of housing in areas previously designated semi-rural, then Rural E, and now Rural Residential. She said that as a person that brought her property 18 years ago she has seen people using the precedent of more houses to justify yet more houses in areas.

She considered that one of the tragedies of increasing density is the loss of space to grow trees. She lamented the loss of trees in the area and was concerned that with further increases in density, the demand for space and views would result in further "de-greening".

She was concerned about inadequate infrastructure, particularly for stormwater runoff and she said that the area has long been recognised as a slope instability risk area.

Ms Pullar said that while her view will not be compromised, she is concerned about the amenity of the ROW and also the overall amenity and increasing density of the area. Ms Pullar said she would find it helpful if she knew the pohutukawa tree on the applicant's property could never be cut down.

# 6.3 Council's Reporting Officer's Report and Evidence

# **Mr Ross Shirley**

Mr Shirley clarified that the Christiansen property is not in the slope instability area and that there are no particular concerns about slope stability on the site of the proposed subdivision.

Mr Shirley addressed Mr King's point about evidence being brought by staff. Mr Shirley said that in this case the decision was made early on that this application had no more than minor effect on the environment. Therefore, the limited notification was for the benefit of the affected parties who may choose to submit. The obligation was upon those parties to present evidence to support their cases. Mr Shirley also addressed the legal position with respect to the ROW. The ROW has three owners in divided strips, which are the rear properties. The two front ones get access from Hill Street South but have access over divided strips. If a particular allotment has a registered ROW over other land, and if that allotment is subdivided, then the rights that pertain to the parent title are automatically drawn down to the new titles. Therefore, if consent is granted, no further permissions are required from any of the other users or owners of the ROW.

Mr Shirley said that Ms Pullar's submission was a passionate and genuine submission, but that a lot of points she raised were more about the philosophy of long-term planning as opposed to the effects of this application. He said that reticulated water, wastewater and stormwater has been provided to the area since the Mr King and Ms Pullar purchased their property, so substantially different circumstances apply now compared to 1996.

Mr Karaitiana said that the Council can service five houses through the 100mm pipe and that there are three houses connected now, so there is capacity for two additional houses. If there was more development the Council could upgrade the pipes which would allow other houses to be connected.

Cr Ensor asked if, for example, at the location of the existing shed there could be a requirement for a specimen tree to be planted to perhaps raise the level of amenity.

Mr Shirley said that is possible and realistic. He said that there was a risk that the landowner would later chose to fell the tree, but he considered this to be an appropriate requirement for the consent.

# 6.4 Applicant's Right of Reply

Mr Christiansen stated that buffer space at the edge of towns such as Richmond is effective. He said that the foothills are predominantly green and that treed lots can contribute more green than just a paddock.

He said that the slope instability risk area is clearly defined above the King/Pullar property. The slips are up behind their place on an area that was not treed.

The pohutukawa will remain on Lot 1 along with three or four other larger trees. Some trees will need to be removed on the new lot but these are wattles and the silver birch.

Turning to height volunteered a restrictive consent notice restricting height to the level of the sill of the bay window in the existing house. He said that a registered surveyor will check confirm a level. This will then provide a fixed point above mean sea level that is real.

He said that he has agreed with the owners of number 359 that he would continue the hedge down the ROW and around the corner where the shed is. He agreed that specimen trees would be appropriate, although cautioned that the overland flow path must not be blocked.

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# 7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

# a) To what extent might the proposed subdivision affect the use and development of the King/Pullar property?

From Mr Shirley's report we understand that the only real impact of the currently proposed subdivision on the subdivision potential of the King/Pullar property is the utilisation of the sixth user status on the ROW.

Although we have no expert opinion to support or refute our conclusions, our observations of the ROW leave us in little doubt that a seventh user could be accommodated. The ROW seems well maintained and of good quality construction. We are satisfied that the present proposal will not unduly constrain possible future development of another lot further up the ROW.

# b) To what extent will the proposed subdivision affect the rural character of the local rural residential environment?

We are satisfied that there will be minimal visibility of the proposed house to both users of the ROW and Hill Street South users. The dwelling will be of low visibility to other landowners in the area. Any glimpses that do eventuate will not be such that there is any adverse effect on amenity.

We agree with Mr Shirley's opinion that further intensification of rural residential activity at this location is acceptable. However, in saying this, we must also state that we understand and respect Ms Pullar's concern about subdivision driving further subdivision and greater density driving still greater density. She is certainly correct but with ongoing demand for housing and growth we prefer that rural residential areas are carefully intensified, rather than allowing development to spread to the rural productive lands. We do not agree that this subdivision constitutes residential subdivision as would be found in Richmond proper as Ms Pullar suggested. The density is still rural residential in character.

Another matter raised was the "greenness" of the rural residential environment. We do not entirely accept that more houses means less greenness, but we do accept and agree that more houses generally means fewer large trees. Trees tend to block sunlight and views which often puts them in conflict with homeowners. For this application we see the potential to maintain trees and potentially offset the increase in density with new well positioned trees.

# c) To what extent will the proposed subdivision affect the amenity of the existing house on proposed Lot 1?

The existing house on proposed Lot 1 enjoys an attractive view to the north overlooking Richmond and out to the entrance of the Waimea Inlet. The new dwelling on proposed Lot 2 has the potential to reduce the amenity of the existing house and to block its northerly view. We have carefully looked at the separation distances and are satisfied that a high level of amenity will be maintained for both the existing and proposed dwellings.

However, we consider that it is important that height restrictions are put in place to ensure that the views of the existing house to the north are ensured. The amenity and views of the existing house out to the west will be unaffected.

After the public part of the hearing we advised Mr Christiansen that a height 0.5 metres below the sill would be appropriate to add a margin of safety and allow a future owner of Lot 1 to look slightly down on the view as would be required to see Richmond and the Waimea Inlet. Mr Christiansen accepted this and provided a sill height of 83.80 metres above the Council's datum, giving a volunteered maximum building height of 83.30 metres for proposed Lot 2.

# d) To what extent might land instability affect the proposed new lot and dwelling?

The application site is clearly outside of the slope instability risk area. Planning maps show the existence of the slope instability risk area over 100 metres to the south of the proposed building site. While this distance is not great we are aware that the instability within this area is due to specific geologic conditions and we understand that these conditions are not present on the subject site.

Further, it is the evidence of the applicant that land stability has previously been considered and found not to be a concern. As we have no other evidence to the contrary we are satisfied that a suitable building platform exists, subject to the normal investigations and requirements at building consent time.

# 8. RELEVANT STATUTORY PROVISIONS

# 8.1 Policy Statements and Plan Provisions

In considering this application, we have had regard to the matters outlined in Section 104 of the Act. In particular, we have had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

# 8.2 Part 2 Matters

In considering this application, we have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

# 9. DECISION

Pursuant to Section 104B of the Act, we **GRANT** consent, subject to conditions.

# 10. REASONS FOR THE DECISION

#### **Effects on the Environment**

We find that the application will have only minor effects on the amenity of the Hill Street South area. The visibility of the house will be low and in keeping with the rural residential character of the area. Ms Pullar pointed out the reduction in "greenness" that will result from an additional house and the associated demand for sun and views. We agree with this point and have imposed conditions to offset this effect.

There will also be an improvement in the amenity of the ROW by the removal of the garage on the corner of the applicants' site.

We find that the application will have less than minor effects on other matters such as traffic on the ROW and servicing.

We have considered the concerns of Mr King and we are satisfied that the utilisation and future development of his property will not be unduly constrained by our decision to grant this consent.

# **Objectives and Policies of the TRMP**

We agree with and, pursuant to Section 113(3) of the Act, adopt Mr Shirley's assessment of the application against the Policies and Objectives of the TRMP. We find that the TRMP generally supports controlled intensification of the Rural Residential Zone in preference to any further development of nearby and more productive Rural 1 and Rural 2 zones.

We also find that this development is an efficient use of Council services including the road formation, the available wastewater connection and available stormwater capacity.

#### Purpose and Principles of the Act

Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

# 11. COMMENTARY ON CONDITIONS OF CONSENT

To ensure that views from the existing dwelling on proposed Lot 1 are maintained we have imposed a condition that sets a maximum building height on the new dwelling on proposed Lot 2. This height has been identified by a surveyor as previously discussed in this decision.

We have also required that three specimen trees be planted as a condition of consent (See conditions 9 and 10). No consent notice that would apply on an on-going basis has been imposed as this is considered unreasonably restrictive. Instead we have relied upon intelligent placement of the trees to minimise the chance of them being removed in the future. We expect this requirement to offset the loss of greenness caused by the creation of a new dwelling and residential activity.

# 12. LAPSING OF CONSENT(S)

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. This consent is given effect to when a Survey Plan is submitted to the Council for the subdivision under Section 223 of the Act. Once the Survey Plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Issued this 19<sup>th</sup> day of March 2012

Stuart Bryant Chair of Hearings Committee



# **RESOURCE CONSENT**

# **RESOURCE CONSENT NUMBER:**

RM110686

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

# Adrian and Elizabeth Christiansen

(hereinafter referred to as "the Consent Holder")

# ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide land at 537 Hill Street South

# LOCATION DETAILS:

Address of Property: Legal Description: Certificate of Title: Valuation Number: Easting and Northing: 537 Hill Street South Lot 1 DP 17911 NL12A/459 1943017300 2524306E 5982582N

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

# CONDITIONS

# **Driveway Access to Lot 1**

- 1. That the proposed driveway access to Lot 1 be designed and constructed to comply with the standards for on-site access and vehicle crossings under Figure 16.2A of the TRMP for lots less than 5000 square metres for one user in the Rural Residential Zone.
- 2. That prior to undertaking any works, engineering plans to be prepared by an appropriately competent person in accordance with Council's Engineering Standards & Policies 2008 and be forwarded to Council for approval.
- 3. That all works be undertaken in accordance with the approved plans.
- 4. That on the completion of the works a completion certificate is to be forwarded to Council in accordance with Section 2.3.11 of the Engineering Standards.

# **Removal of Shed**

5. That the small shed and access thereto shown on the application plan be removed.

### **Electricity and Telephone**

- 6. That live underground electricity and telephone connections be provided to service Lot 2.
- 7. That written confirmation be provided from the relevant network authorities that connections have been installed and are available for use.

#### Easements

8. Any services located outside the boundaries of the lots that they serve be protected by an appropriate easement referenced in Council's Section 223 recital. The easement schedule is to include the existing sewer line (83.20 metres) that bisects Lot 2 DP 17911.

#### **Specimen Trees**

- That three specimen trees be planted in accordance with the written requirements of Condition 10. The trees shall be planted in the locations specified on Plan A (dated 12 March 2012) attached or else as otherwise directed by the landscape architect's specifications.
- 10. That a suitably qualified or experienced landscape architect shall specify in writing:
  - (a) The exact tree locations (marked with a stake on the ground);
  - (b) Any major change(s) in tree location considered necessary and the reasons for the change(s);
  - (c) The appropriate species to be planted at each of the locations; and
  - (d) A schedule and protocol for sourcing, planting and maintaining the trees, including replacement in the case of death.

In specifying (a) to (d) above the landscape architect shall:

- (i) Choose tree species which provide food for either native birds or insects (including bees);
- (ii) Consider tree locations and species taking into account views from all houses and sun ingress;
- (iii) Consider the necessity for unimpeded stormwater flow in the overland flow path on the eastern side of the subject property; and
- (iv) Provide recommendations which minimise the chance of the fully grown trees becoming objectionable and therefore likely to be poisoned or felled.

Prior to implementing Condition 9, the consent holder shall provide a copy of the landscape architect's specifications to the Council's Co-ordinator Compliance Monitoring.

### Consent Notice - Lot 2

11. That any building shall not exceed a height of 83.30 metres above the Council datum.

#### Advice Note:

This height is determined as being 0.5 metres lower than the sill of the existing bay window on Lot 1.

- 12. That the foundations of the dwelling be designed and certified by an appropriately competent person.
- That the dwelling be connected to the Council's reticulated wastewater and stormwater systems. Engineering drawings of the proposed wastewater and stormwater reticulation be forwarded to the Council for approval at the time of building consent.

#### **Financial Contributions**

- 14. That a financial contribution be paid as provided by Chapter 16.5 of the Tasman Resource Management Plan assessed as follows:
  - (a) 5.62% of the total market value (at the date of this consent) of a notional building site of 2500 square metres contained within Lot 2.

The Consent Holder shall request the valuation to be undertaken by contacting Council's Administration Officer (Subdivision). The valuation will be undertaken by Council's valuation provider at Council's cost.

If payment of the financial contribution is not made within 2 years of the date of this consent and a revised valuation is required as provided by Rule 16.5.2.4(c) of the Tasman Resource Management Plan, the cost of the revised valuation shall be paid by the Consent Holder.

# Advice Note:

A copy of the valuation together with an assessment of the financial contribution to be paid will be provided to the Consent Holder within one calendar month of Council receiving the request to undertake the valuation.

#### **Development Contributions - Advice Note**

Council will not issue the Section 224(c) certificate in relation to this subdivision until all relevant development contributions have been paid in accordance with the Council's Development Contributions Policy under the Local Government Act 2002. The power to withhold a Section 224(c) certificate is provided under Section 208 of the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading, wastewater and stormwater for one lot.

# GENERAL ADVICE NOTES

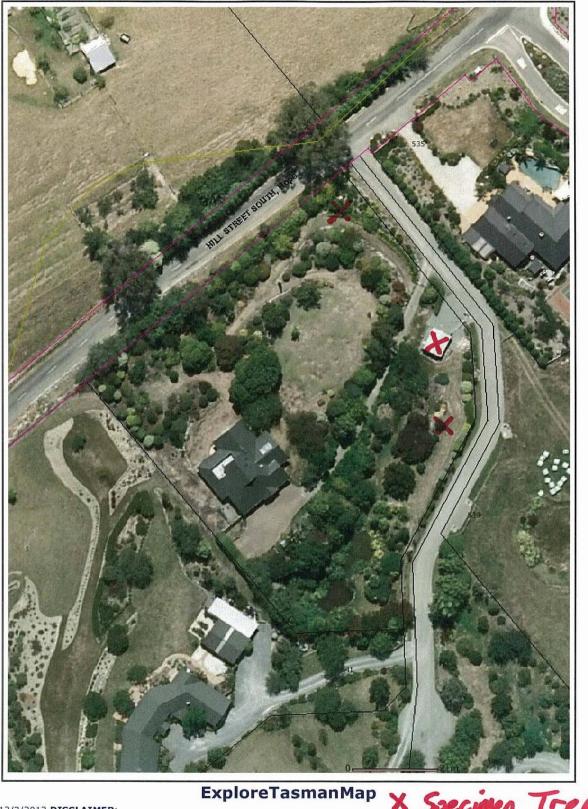
- 1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
- 2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - 1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  - 2. be allowed by the Resource Management Act; or
  - 3. be authorised by a separate resource consent.
- 3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
- 4. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Issued this 19<sup>th</sup> day of March 2012

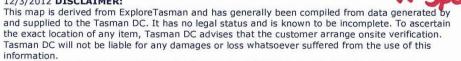
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Stuart Bryant Chair of Hearings Committee

**Plan A - Specimen Tree Locations** 

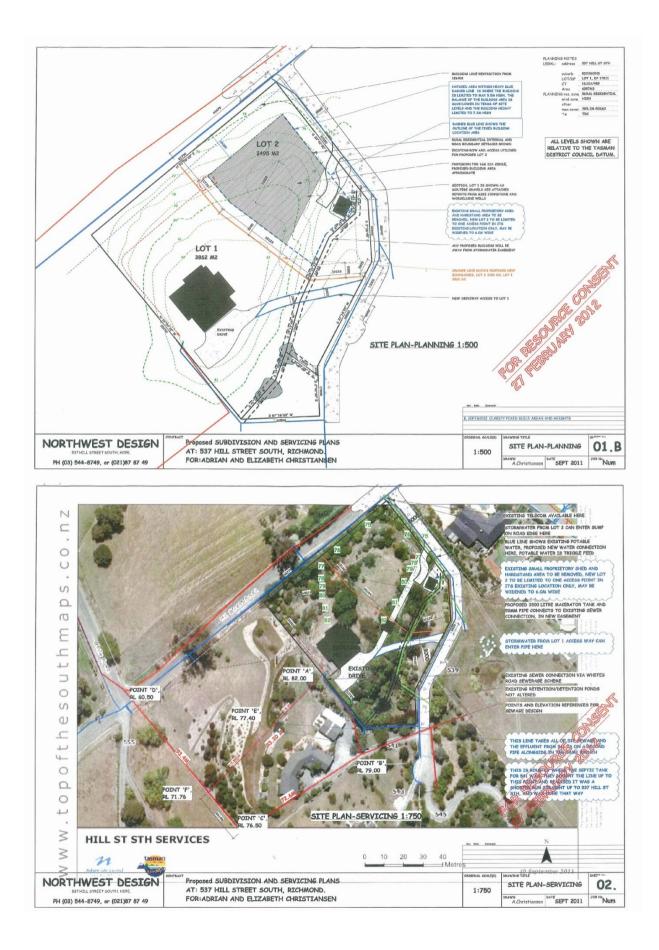


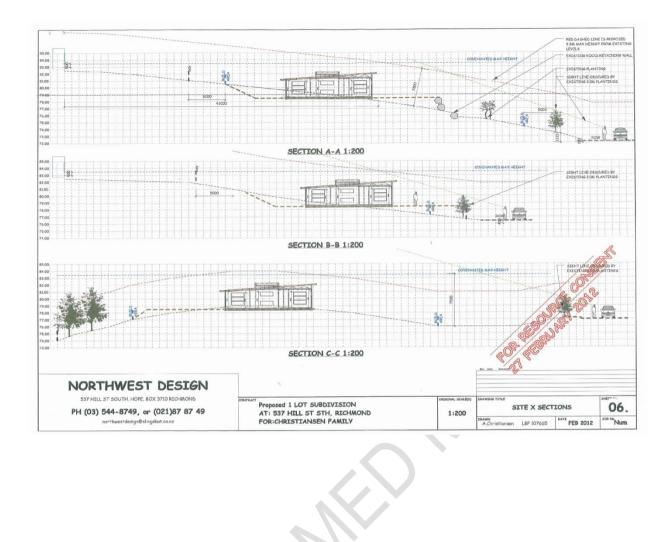
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# **Date Confirmed:**

Chair: