

## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Pauline Webby, Consent Planner

**REFERENCE:** RM080626, RM080636, RM080639, RM080725

**SUBJECT:** **ATAMAI VILLAGE COUNCIL - REPORT EP09/03/01** - Report prepared for hearing of 2 March 2009.

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### 1. INTRODUCTION

#### 1.1 Purpose of this Report

The following report is my assessment of the applications RM080626, RM080636, RM080639 and RM080725.

#### 1.2 Site, Application and Background

The property is located in the Motueka Valley approximately 6 kilometres from the Motueka township. The property has frontages onto both the Motueka Valley Road and the Mytton Height right-of-way (ROW) and is legally described as Lots 4, 6 and 7 DP 311683 comprised in CsT 46120, 46122 and 46123.

The site faces west with extensive views over the Motueka Valley and the surrounding area. The outlook is rural in its nature with productive and horticultural land uses evident on the river flats and to a lesser extent 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 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 are the closest residential dwellings to the site, with Dunn's adjoining the site and Hickling's across the Motueka Valley Road from the western boundary. The Dunn property's main outdoor living area is situated on their eastern boundary overlooking the application site hillside and would be adjoining ROW B. The water supply for the Dunn property is from a shallow well that is fed from underground water in all likelihood tracking from the gully that ROW B would cross.

The Mytton Heights ROW currently provides access to the dwellings along ridgeline and to the application site. The Mytton Height's Motueka Valley Road intersection lies on a corner with a history of problems and accidents.

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 can overtop and run across the Mytton Height right-of-way in a sheet flow. Existing culverts drain water from the site under the right-of-way to small open water course and via existing culverts under the Motueka Valley Road to an ephemeral streams, these culverts also drain storm water runoff from Mytton Heights right-of-way.

The site has had some access tracks and planting terraces constructed. These all appear well established and stable with no visible signs of any sedimentation outside the site.

Tree plantings over the site have been established amongst the grass and on the terraces. The site which in the past has been used for grazing has been left with a longer pasture cover and gorse reestablishment is evident in the gullies and some boundary margins.

The applicants seek to subdivide the property 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) and an area of road to vest with Council. This application is outlined fully in the next section.

### **1.3 Tasman Resource Management Plan, Zoning and Consent Requirements**

Due to the advanced stage of the Tasman Resource Management Plan (The Plan/TRMP) through the planning process, having become partially operative on 1 November 2008, pursuant to Section 19 of the Resource Management Act 1991, the Tasman Resource Management Plan is the dominant Plan for these applications to be assessed under, and no weight needs to be attributed to the Transitional District Plan.

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

An aerial photograph showing the location of the Motueka Valley Road, Mytton Height right-of-way and the ridgeline in relation to the application site is attached as **Appendix 1** of this report.

Proposed access to Lots 1, 2, 3, are from ROW A., Lots 5, 6, 7, 8, 9 and 10 from ROW B both which would have a vehicle crossing from the Motueka Valley Road frontage, with Lot 4 and the amalgamated Lots 11 and 12 each having a user right over the Mytton Height right-of-way.

An alternative access point has since been proposed by the applicants in response to submissions and will be referred to in this report as access option C. This would replace the existing ROW B which is set close to the Dunn and Hickling properties. The three right-of-way options are attached as **Plan C** of this report.

## **Subdivision Consent (080626)**

**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 (Application 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 (Application 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 (Application 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).

Works in a watercourse-construction of dam and installation of culverts land use 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, under the Proposed Tasman Resource Management Plan the suite of applications is considered to have a discretionary activity status.

## **2. NOTIFICATION, SUBMISSIONS AND AFFECTED PARTIES APPROVAL**

Pursuant to Section 93 (1) of the Resource Management Act, the application was publicly notified as the adverse environmental effects were considered to be more than minor. 67 submissions were received with four stating their neutral position and 18 opposing the applications and 45 in support. No written approvals of affected persons were obtained by the applicant. A map showing the location of submitters within the vicinity of the site is attached as **Appendix 2**.

### **Submissions**

**Disclaimer:** The readers of this report are advised that given both the number of the submissions and their detailed nature, the submission content has been summarised rather than repeated verbatim. The submissions should be read in full to understand the individual content and context of each submission.

**Submission 1:** Helen Patricia Lindsay, 5 Napier Street Dunedin.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 2:** Chork Yan Lee, C/- Mrs Rona Taylor Mytton Heights RD1 Motueka.

Stance on the application not stated.

**Submission 3:** Simon Thomas, 110 Williams Road Tasman.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 4:** Keith Preston, 41 Atmore Terrace Nelson.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 5:** Adrian and Biddy Myers, 9 Clifton Place, Atawhai Nelson.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 6:** Alan Cave, 141 Holdaway Road Lower Moutere

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 7:** Zachary Domike, 8 Robinson Road Nelson 7010.

Support for the following reasons:

- The application as a whole.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 8:** Daniel Lerch, 1024 SE 16th Ave Number 3 Portland Oregon 97214 USA.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 9:** Lynda Hannah, PO Box 140 Motueka 7143.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 10:** Craig and Tracey Ambrose, 17 Kay Road, Swanson Waitakere 0614.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 11:** Daryl Stanton, Nelson 7040.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant The submitter does wish to be heard.

**Submission 12:** Janet Ruth Whittington, 35 Brougham Street Nelson 7010.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant The submitter does not want to be heard.

**Submission 13:** Jill Seeney, 18 Bennett Street Motueka 7120.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant The submitter does not want to be heard.

**Submission 14:** Jenness Kingwell Malcolm, 64 Pah Street Motueka 7120.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant The submitter does not want to be heard.

**Submission 15:** Katerina Seligman, 20 McGlashen Street Motueka 7120.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 16:** Henry Balfour, 404 Trafalgar Street Nelson 7010.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does want to be heard.

**Submission 17:** Donald Russell Smith, 12a Moutere Highway Upper Moutere R D 2.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 18:** James Michael Samuel, 1 Tawa Street Waiheke Island Auckland 1081.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 19:** William Lucas, 40 Bernard Street Kenmure Dunedin 9011.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 20:** Angela Sybil Strachan, 927 Waiwhero Road RD 1 Motueka 7196.

Opposed for the following reasons:

- Traffic and access effects on the Motueka Valley Road.

Preferred Council decision: decline. The submitter does not want to be heard

**Submission 21:** Dagmar Glendenning, 127 Umukuri Road 127 Umukuri Road. Motueka 7198.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 22:** Andrea Alber, – Commissaris 27 Landing Road Titirangi Auckland 0604.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 23:** Graeme North, 49 Matthew Road RD1 Warkworth.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard.

**Submission 24:** Rob Dietz, 1975 SE Crystal Lake Dr Unit 181Corrallis Oregon 97333 USA.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not want to be heard

**Submission 25:** Nelson Tasman Tourism, 75 Trafalgar Street PO Box 788.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles and what it can add to the attractiveness of Nelson in terms of Visitors to the region.

Preferred Council decision: Grant. The submitter does not want to be heard

**Submission 26:** New Zealand Fire Service Commission,C/- Beca Carter Hollings & Ferner PO Box 3942 Wellington 6140.

Conditions if granted:

- Requires a consent notices the fire fighting water supply be in accordance with NZ Fire Service code of practice.

Preferred Council decision: not stated. The submitter does wish to be heard

**Submission 27:** R E Kiddle, 77 Covent Drive Stoke Nelson 7011.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does wish to be heard.

**Submission 28:** Paul Lindridge Bond, 1035 Westbank Road, RD 1 Motueka 7196.

Opposed for the following reasons:

- Traffic and access effects on Motueka Valley Road.

Preferred Council decision: Decline. The submitter does not wish to be heard.

**Submission 29:** Mr Rembrandt Koppelaar, C/- Marius Van Bouwdijk Bastiaansestraat 56 1054 SP The Netherlands 1054 SP.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: not stated. Support for the following reasons:Not stated

**Submission 30:** D. Alexander Greig, PO Box 1364 Wellington.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant The submitter does wish to be heard

**Submission 31:** Julian Darley,1220 14th Avenue number 207 San Franciso, California USA 94122.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not wish to be heard.

**Submission 32:** Texas Wayne Mytton, Mytton Heights RD 1 Motueka 7196.

Support for the following reasons:

- Appropriate use of the rural residential zoning.

- Comments that as the original developer of the site he indicates that it was also the intention to vest part of Mytton Heights as road.

Preferred Council decision: Grant. The submitter does not wish to be heard.

**Submission 33:** J R and C A Noakes, 350 Motueka Valley Highway RD 1 Motueka 7196.

Neutral:

- Concerns with regards to traffic effects on the Motueka Valley Road.

The submitter does not indicate whether they wish to be heard or their preferred decision.

**Submission 34:** Peter Ballance, 279 Hampden Street Nelson 7010.

Support with conditions:

- That all new plantings should be designed to provide maximum benefit for native birds.
- passage of native fish/eels not be restricted within streams by any proposed works.

Preferred Council decision: Grant. The submitter does not wish to be heard

**Submission 35:** Thomas Tweedie Dunn, 233 Motueka Valley Highway Pangatotara RD 1 Motueka 7196.

Opposed for the following reasons:

- Rural character and amenity effects noise, dust, visual and light pollution.
- Interruption of their ground water supply.
- Adverse effects from wastewater and stormwater.
- Traffic and access effects on the road safety of the Motueka Valley Road and the proposed accessways.

Preferred Council decision: Decline. The submitter does wish to be heard.

**Submission 36:** New Zealand Historic Places, Trust PO Box 19173 Wellington 6141.

Neutral with conditions:

- Asks that a standard HPT advice note be included on the resource consent in terms of any archaeological sites.

The submitter does not indicate whether they wish to be heard.

**Submission 37:** The Royal Forest and Bird Protection Society, PO Box 7126 Nelson Mail Centre Nelson 7042.

Support with conditions for the following reasons:

- 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.

Preferred Council decision: Grant. The submitter does not wish to be heard.

**Submission 38:** Environment Hamilton Inc, Don McLean 1130 Barton Street East Suite 20 Hamilton Ontario Canada L8H7PG.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not wish to be heard.

**Submission 39:** Susan Van Der Pol, 350 Motueka Valley Highway RD 1 Motueka 7196.

Opposed for the following reasons:

- The discharge of stormwater into the unnamed tributary of the motueka River and the potential increase in sedimentation of the waterway.

Preferred Council decision: Refuse. The submitter does not wish to be heard

**Submission 40:** Nicholas David Davidson, Mytton Heights RD 1 Motueka 7196.

Opposed for the following reasons:

- Excessive density.
- Low quality housing.
- Impact on the highway.
- Impact on existing residents of Mytton heights and further afield.
- Impact on Mytton heights right-of-way.
- Unsafe proposals for the disposal of spoil.
- Destruction of water resources used by residents.
- Inadequate proposals for dealing with stormwater run-off both during development and afterwards.
- Serious adverse effects on an area of outstanding beauty.
- Negative impacts on the experience of tourists in the Motueka Valley.
- Negative effects on the amenity values available to all users of the Motueka River Valley.

Preferred Council decision: Refuse. The submitter does wish to be heard

**Submission 41:** Peter Lawrence Arthur, Mytton Heights RD 1 Motueka 7196.

Opposed for the following reasons:

- Traffic and access safety.

Preferred Council decision: Refuse. The submitter does not wish to be heard.

**Submission 42:** Charles Fraser Walls, 229 Little Sydney Valley RD 3 Motueka 7198.

Support for the following reasons:

- Appropriate use of land zoned rural residential.
- Good example of conservative resource use.
- Proposes Mytton heights as a road, vested with Council to improve road safety in the vicinity.

Preferred Council decision: Grant. The submitter does wish to be heard

**Submission 43:** Stephanie Anne Walls, 229 Little Sydney Valley Road Brooklyn RD 3 Motueka.

Support for the following reasons:

- Ideal location for this proposal.
- Proposes Mytton heights as a road, vested with Council to improve road safety in the vicinity.

Preferred Council decision: Grant. The submitter does wish to be heard.

**Submission 44:** Fred Hickling, 232 Motueka Valley Highway Pangatotara RD 1 Motueka 7196.

Opposed for the following reasons:

- Effects of the subdivision on local environment, water supply, sewage visual and noise pollution road safety.

Preferred Council decision: Decline. The submitter does wish to be heard.

**Submission 45:** Herbert and Margaret Trenker, Mytton Heights RD1 Motueka.

Opposed for the following reasons:

- Density of homes on application site.
- Effects of the proposed earthworks in terms of stability visual effects and dust generation.
- Traffic and access effects from ROW B.
- Diposal of wastewater and the use of composting toilets.
- Potential of glare from photovoltaic cells on roofs.

Preferred Council decision: Decline. The submitter does not wish to be heard.

**Submission 46:** Jack and Joanna Santa Barbara, ( Medipsych Ltd) 58 C Mytton Heights Road RD1 Motueka 7196.

Support for the following reasons:

- The application as a whole in terms of its positive use of the rural residential land.
- Consistent with the rural residential zoning.
- Sound design of earthworks and stormwater.
- Compliance with the existing covenants protecting views for adjoining properties.
- Incorporation of positive community environmental and sustainability principles into the development design and application.
- Onsite water conservation.

Preferred Council decision: Decline. The submitter does wish to be heard.

**Submission 47:** Motueka Valley Association T.F Knowles, 2 North Street Motueka 7120.

Neutral with comment.

- Traffic and access effects.

Preferred Council decision: Decline. The submitter does not wish to be heard

**Submission 48** H Brine Treacy B Liebich, Erik A Brine, 86 Mytton Heights RD1 Motueka 7196.

Opposed for the following reasons:

- Traffic and access issues from Motueka Valley Road.
- Inadequate or misleading traffic counts.
- Earthworks effects in natural gullies.
- Effects on Motueka River's water shed.
- Disruption of an existing peaceful neighbourhood of established homes.
- Ruination of a neighbours water supply.
- Infringements of private right-of-ways.

Preferred Council decision: Decline. The submitter does wish to be heard

**Submission 49:** Lesley Kay Jackson, PO Box 472 Motueka 7143.

Opposed for the following reasons:

- Traffic effects, sewage disposal in relation to composting toilets.
- Proposed change in density of dwellings on the application site.
- Lack of consultation with adjoining property owners.
- Effects on existing water supplies.
- Adverse effects from dust from the site and potential impacts on the Jackson vineyard.

- Rurla character and amenity values could be reduced.
- Solar panels are unsightly.
- Effects from land disturbance on the Motueka Valley Road.

Preferred Council decision: Decline. The submitter does not wish to be heard

**Submission 50:** Daniel John Jackson, PO Box 472 Motueka 7143.

Opposed for the following reasons:

- Adverse effects arising from traffic effects, road access, stormwater earthworks and rural character and amenity issues.

Preferred Council decision: Decline. The submitter does wish to be heard

**Submission 51:** Christine Anne Lovat Davidson, Mytton Heights RD 1 Motueka 7196.

Opposed for the following reasons:

- Excessive density
- Low quality housing
- Impact on the highway
- Impact on existing residents of Mytton Heights and further afield
- Impact on Mytton Heights right-of-way.
- Unsafe proposals for the disposal of spoil
- Destruction of water resources used by residents.
- Inadequate proposals for dealing with stormwater run-off both during development and afterwards.
- Serious adverse effects on an area of outstanding beauty.
- Negative impacts on the experience of tourists in the Motueka Valley.
- Negative effects on the amenity values available to all users of the Motueka River Valley.

Preferred Council decision: Decline. The submitter does wish to be heard.

**Submission 52:** Cheryl Lasseau, 168 McBrydie Road RD 2 Upper Moutere 7175.

Support for the following reasons:

- The environmental and sustainability qualities of the development.

Preferred Council decision: Grant. The submitter does wish to be heard

**Submission 53:** Joni Bridge, C/- 168 McBrydies Road Upper Moutere RD, 7175.

Support for the following reasons:

- All aspects and the longer term vision, use of environmental, sustainability and community values.
- Appropriate use of the existing rural residential zoning.

Preferred Council decision: Grant. The submitter does not wish to be heard

**Submission 54:** Parrish Hurley, 319 Motueka Valley Highway RD 1 Motueka 7196.

Support for the following reasons:

- Supports the use of land with low productivity values in a the manner it was zoned for.

Preferred Council decision: Grant. The submitter does wish to be heard (if required).

**Submission 55:** Joseph and Wendy K Wells, 88 Mytton Heights RD 1 Motueka 7196.

Opposed for the following reasons:

- Traffic and access safety issues.
- Stormwater and onsite waster water management issues with the increase of household numbers on the site.
- Effects on adjoining properties from the effects of land disturbance fires, noise visual and air pollution.
- Increase of the use of Mytton heights ROW from the amalgamation of lots 11 and 12.

Preferred Council decision: decline. The submitter does wish to be heard.

**Submission 56:** Susan McEnroe, 639 Westbank Road Pangatotara RD 1, Motueka 7196.

Opposed for the following reasons:

- Traffic and safety issues with another access on to the Motueka Valley Road.
- Inappropriate development density on rural land.

Preferred Council decision: decline. The submitter does not wish to be heard.

**Submission 57:** Bruce Douglas Dyer, 2035 Motueka Valley RD 1 Motueka 7196.

Support for the following reasons:

- Environmental and sustainability principles.
- But identifies some concerns with the access and proposes that Council vests Mytton Heights ROW as a road to avoid and improve the access issues.

Preferred Council decision: Grant. The submitter does wish to be heard

**Submission 58:** Michael Robert William Edwards, 6 Mytton Heights Motueka RD1 7196.

Opposed for the following reasons:

- The development and changes for existing Mytton Heights householders in relation to the higher density of houses and the potential impact on their property value.
- Inappropriate place for this type of development.
- Has concerns in relation to earthworks, sewage disposal and stormwater.
- Concerns with air pollution from fires, on his wife's health and also noise and visual pollution.
- The changes for existing Mytton Heights householders

Preferred Council decision: decline. The submitter does wish to be heard.

**Submission 59:** Janet Eleanor Ashley Boyle, 180 Moana Avenue Nelson 7010.

Support for the following reasons:

- Positive aspects including solar energy, food production, community, water conservation.
- The focus on sustainability and environmental concepts and principals.

Preferred Council decision: Grant. The submitter does not wish to be heard.

**Submission 60:** Jessica Coslow, 36 Pascack Road Park Ridge New Jersey USA 07656.

Support for the following reasons:

- Supports all aspect of the application.
- The context of community and sustainability.

Preferred Council decision: Grant. The submitter does not wish to be heard.

**Submission 61:** Bob Anderson and Kate Burness, Golightly Farm Woodstock RD 1 Motueka 7196.

Support for the following reasons:

- Principles of sustainability used for the whole development community.

Preferred Council decision: Grant. The submitter does not wish to be heard.

**Submission 62:** Kevin Mayes and Ms Susan Lees, 185 Rose Road RD 2 Upper Moutere 7175.

Support for the following reasons:

- The existence of a development such as Atami will provide in the district a much needed focal point for those such as ourselves, 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.

Preferred Council decision: Grant. The submitter does not wish to be heard. (arrived late but accepted by Council).

**Submission 63** Graeme Richard Butterfield, 80 Mytton Heights Pangatotara RD Motueka 7196.

Opposed for the following reasons:

- 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.
- Abuse of single right-of-way easement over private road arising from creation of common amenity land by amalgamation.
- Incompatibility with existing development.
- 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.
- Significant adverse impacts on the landscape aesthetic of the Motueka valley impacting on tourists and valley residents.
- Detrimental environmental impacts on existing residents of Mytton Heights.
- Serious deleterious effects of rights-of-way on adjacent neighbours.
- Negative impacts on road safety, water purity and slope stability.

Preferred Council decision: Decline. The submitter does wish to be heard.

**Submission 64:** Patricia Butterfield, 80 Mytton Heights RD 1 Motueka 7196.

Opposed for the following reasons:

- 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.
- Abuse of single right-of-way easement over private road arising from creation of common amenity land by amalgamation.
- Incompatibility with existing development.
- 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.
- Significant adverse impacts on the landscape aesthetic of the Motueka valley impacting on tourists and valley residents.
- Detrimental environmental impacts on existing residents of Mytton Heights.
- Serious deleterious effects of rights-of-way on adjacent neighbours.
- Negative impacts on road safety, water purity and slope stability.

Preferred Council decision: Decline. The submitter does not wish to be heard.

**Submission 65:** R and C Cusack, 1872 Westbank Road RD 1 Motueka 7196.

Opposed for the following reasons:

- The increase of the housing density on the application site.
- Noise and visual pollution.
- Negative impacts on local wildlife and their environment.
- Stormwater issues in relation to the ground conditions.
- Access issues and traffic safety.

Preferred Council decision: Decline. Not stated whether they wish to be heard.

**Submission 66:** N Edwards, 1842 Westbank Rd RD 1 Motueka 7196.

Opposed for the following reasons:

- The increase of the housing density on the application site.
- Noise and visual pollution.
- Negative impacts on local wildlife and their environment.
- Stormwater issues in relation to the ground conditions
- Access issues and traffic safety.

Preferred Council decision: Decline. Not stated whether they wish to be heard.

**Submission 67:** Dr Chavanne Xavier Laboratoire Environnement et Développement, Université Diderot Paris et Institut de Physique du Globe de Paris Paris France.

Support for the following reasons:

- The application as a whole in terms of its environmental, sustainability and community principles.

Preferred Council decision: Grant. The submitter does not wish to be heard

### **Affected Parties Approval**

No written approvals were provided.

## **3. PRINCIPAL ISSUES**

The principal issues associated with the applications are:

- a) Will the development be able to maintain the level of rural character and amenity that is anticipated by its Rural Residential zoning?
- b) Will the development be able to provide safe access to and from the allotments from the Motueka Valley Road?
- 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) Are there any adverse effects on adjoining properties?

#### 4. STATUTORY PROVISIONS

The Council must consider the application pursuant to Section 104 of the Resource Management Act 1991.

The matters for the Council to address in Section 104 are:

- Part II matters;
- the actual and potential effects on the environment of allowing the activity (Section 104 (1)(a));
- relevant provisions of the Tasman Regional Policy Statement and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- any other matter the Council considers relevant and reasonably necessary to determine the application (Section 104 (1)(c)).

#### 5. RESOURCE MANAGEMENT ACT PART II MATTERS

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

**Section 5** sets out the **purpose** of the Act which is to promote the sustainable management of natural and physical resources. "Sustainable management" means:

*"Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*

- *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- *avoiding, remedying, or mitigating any adverse effects of activities on the environment*

**Sections 6, 7 and 8** set out the **principles** of the Act:

**Section 6** of the Act refers to matters of national importance that the Council shall recognise and provide for in achieving the purpose of the Act. There are no matters of particular relevance to this application.

**Section 7** of the Act identifies other matters that the Council shall have particular regard to in achieving the purpose of the Act. Relevant matters to this application are:

- 7(b) the efficient use and development of natural and physical resources
- 7(c) the maintenance and enhancement of amenity values
- 7(f) maintenance and enhancement of the quality of the environment, and
- 7(g) any finite characteristics of natural and physical resources

These matters are addressed in section 6 of this report where it is considered that the above matters are met by this development.

**Section 8** of the Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I do not anticipate that there are any relevant issues for this application in respect of Section 8.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this proposal.

## **5.1 Tasman Regional Policy Statement**

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. The objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development.

Because the Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

## **5.2 Tasman Resource Management Plan**

The most relevant Objectives and Policies to this application are contained in:

- Chapter 5 “Site Amenity Effects”;
- Chapter 7 “Rural Environment Effects”;
- Chapter 9 “Landscape”;
- Chapter 11 “Land Transport Effects”;
- Chapter 12 “Land Disturbance Effects”.

The most relevant Rules which follow from these imperatives are contained in:

- Chapter 16.3. “Subdivision”;
- Chapter 17.8 “Rural residential Zone”;
- Chapter 16.2 “Transport”.
- Dam bylaws

## 6. ASSESSMENT

This section sets out the consideration of the land use and subdivision applications and the submissions received, subject to Part 2, pursuant to Section 104(1)(a), (b), and (c) of the Resource Management Act.

The matters for assessment of discretionary subdivision, land disturbance associated with the construction of building platforms, right-of-ways and private accesses, construction in a water course including dams, installation of culverts and placement of fill in the Rural Residential zone (contained within Rules 16.3.8.2, 18.5.3.3, 36.4.4 and section 13) of the Plan, the objectives and policies and related Plan provisions, and the environmental effects of the proposal are assessed.

I have identified the following environmental effects in terms of Section 104(1)(a) of the Resource Management Act as relevant to this application. These relate to the relevant matters over which the Council has restricted its discretion in the TRMP.

These include:

- Schedule 16.3A Assessment Criteria for Subdivision;
- Schedule 16.3B Transport Standards;
- Matters of discretion 18.5.3.3 and 36.4.4.

For the avoidance of duplication the assessment is set out under resource management matters.

### 6.1 Permitted Baseline

Under Section 104 (2) of the Resource Management Act the Council may use the “permitted baseline” test to assess the proposal. Under this principle the Committee may disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect.

#### **Building Construction Permitted Baseline**

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.

### 6.2 Written Approvals and Assessment of Effects

In accordance with Section 104(3)(b) of the Resource Management Act 1991 when considering an application the Council must not have regard to any effect on a person who has given written approval to the application unless before the date of the hearing, that person gives notice in writing that the approval is withdrawn. No written approvals have been provided as part of these applications:

### 6.3 Objectives and Policies - Rural Environment Effects

**Objective 7.2.0** *"Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value."*

**Policy 7.2.3.1** *"to enable activities which are not dependent on soil productivity to be located on land which is not of high productive value"*

**Policy 7.2.3.2** *"to enable sites in specific locations to be used primarily for rural residential purposes with any farming or other rural activity being ancillary, having regard to (a) to (k)".*

**Policy 7.2.3.5** *"to ensure that activities which are not involved or associated with soil based production do not locate where they may adversely affect or be adversely affected by such activities"*

**Subdivision Schedule matter 16.3A** None applicable.

#### 6.3.1 Assessment of the Rural Environment Effects

The objectives and policies outlined above all support the basis for the existing rural residential zoning of the site and as the proposed subdivision does meet the minimum allotment size anticipated for this zone it is considered that the proposal meets the above objectives and policies in terms of productive land values.

Policy 7.2.3.2 is 'enabling' in that it aims specifically to allow rural residential development within specific zoned areas, which is exactly what the applicant has proposed.

### 6.4 Objectives and Policies - Rural Character, Landscape, and Amenity Values

(The underlined terms are defined below).

**Policy 5.1.3.1** *"To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated."*

**Policy 5.1.3.9** *"avoid, remedy, or mitigate effects of:"*

- (a) *noise and vibration;*
- (b) *dust and other particulate emissions;*
- (c) *contaminant discharges;*
- (d) *odour and fumes;*
- (e) *glare;*
- (f) *electrical interference;*
- (g) *vehicles;*
- (h) *buildings and structures;*

- (i) temporary activities; *beyond the boundaries of the site generating the effect.*

**Objective 5.2.2** *“Maintenance and enhancement of the amenity values on site and within communities throughout the District.”*

**Policy 5.2.3.1** *“To maintain privacy in residential properties, and for rural dwelling sites.”*

**Policy 5.2.3.3** *“To promote opportunity for outdoor living on residential properties, including rural dwelling sites.”*

**Policy 5.2.3.4** *“To promote amenity through vegetation, landscaping, street and park furniture, and screening.”*

**Policy 5.2.3.7** *“To enable a variety of housing types in residential and rural areas.”*

**Policy 5.2.3.8** *“To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas.”*

**Policy 5.2.3.13** *“To limit lighting of rural and residential subdivisions and development, including rural signs, to that which is necessary for safety and security, including public safety and security.”*

**Policy 5.3.3.2** *“To maintain the open space value of rural areas.”*

**Policy 7.4.3.3** *“To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures”*

**Policy 9.2.3.3** *“To retain the rural characteristics of the landscape within rural areas.”*

**Policy 9.2.3.4** *“To encourage landscape enhancement and mitigation of changes through landscape analysis, subdivision design, planting proposals, careful siting of structures and other methods, throughout rural areas.”*

#### **Subdivision Schedule matter 16.3A**

- (2) *“The potential effects of the subdivision on the amenity values and natural and physical character of the area.”*
- (9) *“The relationship of the proposed allotments with the pattern of adjoining subdivision, land use activities and access arrangements, in terms of future potential cross-boundary effects”.*
- (28) *“The ability of any existing or proposed building to comply with this Plan, including avoiding adverse effects on ridgelines shown on the planning maps.”*

“*Rural character*” is defined in the TRMP (Chapter 2) as:

*“the character of the land as shown by the predominance of rural productive activities and includes:*

- (a) *a high ratio of open space to built features;*
- (b) *large areas of pasture, crops, forestry, and land used for productive end;*
- (c) *built features associated with productive rural land uses;*
- (d) *low population density;*
- (e) *predominant form of residential activity directly associated with a productive land use;*
- (f) *social and economic activity associated with productive land use;*
- (g) *cultural values associated with farming and living on the land.”*

“*Amenity values*”, as defined in Section 2 of the Resource Management Act 1991, is set out below:

*“Amenity values means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”*

#### **6.4.1 Assessment of the Proposed Amenity, Landscape, and Rural Character**

The current landscape of the immediate surrounding area comprises these aspects of “*rural character*”, which can be associated with rural residential lifestyle allotments, horticultural activities, pastoral land uses and plantation forestry all being undertaken on sites surrounding the proposed rural residential development. The development of the building sites and access roads are in accordance with rural residential controlled standards apart from access width formations which in some areas are slightly narrower than specified in fig 16.2A of the TRMP.

While this proposal represents a significant change in the existing local environs, in that it is a shift from a rural pastoral landscape, to one that reflects the underlying rural residential zone. The 1.5 hectare minimum lot size defines what is acceptable in terms of rural character, so even though there will clearly be a change in the use of the site, it is well within what is anticipated for rural residential zones.

The proposed building sites are out of the areas identified as “*No build zones*” except for Lot 4 where an area of the building platform would intrude into this area. It should be noted that no building can be constructed within this “*No build zone*”. Those covenants on the underlying titles will transfer to the new allotments. The covenants include height limitations on trees in specific areas and the no build area. This prevents obstruction of the existing dwelling’s Valley outlooks.

The applicant has proposed general conditions limiting dwelling height and recessive colours that would help blend any dwelling into the rural setting in a manner that does not detract from the surrounding environs. The identified ridgeline lies to the north-west of the site and runs along the length of the south-north trending ridge. Any building on the proposed building locations are required to be lower than a ridgeline identified in the TRMP planning maps. All building platforms are lower than this ridgeline.

There is no increase in the number of allotments that have access to the Mytton heights right-of-way. Lots 11 and 12 are effectively combined into one allotment by amalgamation and the single access right allocated to the amalgamated allotment will have one access right on the right-of-way.

## **6.5 Cross Boundary and Reverse Sensitivity Effects**

### **Subdivision Schedule matter 16.3A**

(9) *“The relationship of the proposed allotments with the pattern of adjoining subdivision, land use activities and access arrangements, in terms of future potential cross-boundary effects.”*

#### **6.5.1 Cross Boundary and Reverse Sensitivity Assessment**

The development of 10 allotments each with a building platform for a single residential is an anticipated use within a rural residential zone. The application indicates that the construction of any dwelling would meet the permitted standards of the rural residential zoning. The northern boundary for Lot 1 and 2 adjoin an unformed legal road with a width of 15 metres and then an area of rural 2 land which is currently in plantation forestry. The applicants have volunteered a consent notice on Lot 2 requiring any dwelling be setback 10 metres from the boundary ensuring that compliance with the minimum setbacks from plantation forestry in the TRMP is achieved. The Motueka Valley road also provides a separation from rural 1 land to the west.

It is considered that the following factors which include setbacks, buffers provided by road locations and that any other adjoining land is zoned rural residential limits the potential for cross boundary and reverse sensitivity issues.

## **6.6 Transport Effects**

### **Objectives and Policies relating to transport**

**Objective 11.1.2** *“A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.”*

**Policies 11.1.3.4** *“To avoid, remedy or mitigate adverse effects of traffic on amenity values.”*

**Policies 11.1.3.5** *“To ensure that all subdivision design, including the position of site boundaries, has the ability to provide each allotment with vehicle access and a vehicle crossing sited to avoid adverse effects on the safety and efficiency of the road network.”*

**Policies 11.1.3.8** *“To avoid, remedy or mitigate adverse effects from the location, design and operation of intersections.”*

**Subdivision Schedule matter 16.3A 34)** *“The degree of compliance with provisions of the current Tasman District Council District Engineering Standards, or the ability to achieve acceptable standards by alternative means.”*

**Subdivision Schedule matter 16.3A 38)** *“The ability to comply with the site access and vehicle crossing requirements of Rule 16.2.2.1.”*

**Subdivision Schedule matter 16.3A (43)** *“The effect of roads and private vehicular access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties.”*

**Subdivision Schedule matter 16.3A (45)** *“Provision for the vesting of road reserves for the purpose of facilitating connections to future road extensions to serve surrounding land.”*

### **6.6.1 Assessment of Transport Matters**

Council’s Development Engineer, Mr Dugald Ley has provided an assessment of the traffic effects of the proposed subdivision which is attached to this report as **Appendix 3** of this report.

### **Vesting of Road Reserves**

The applicants have indicated on the attached plans a 160 square metre area to be vested with Council as road reserve as part of the design to improve safety and allow Council to proceed with improvements on the Motueka valley road in this area.

## **6.7 Land Disturbance Effects**

### **Objectives and Policies relating to Land disturbance**

Objective 12.1.2 *“The avoidance, remedying, or mitigation of adverse effects of land disturbance, including:*

- (a) damage to soil;*
- (b) acceleration of the loss of soil;*
- (c) sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast;*
- (d) damage to river beds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion or inundation;*
- (e) adverse visual effects;*
- (f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance;*
- (g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.”*

**Policies 12.1.3.2** *“To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of:*

- (a) natural erosion risk, and erosion risk upon disturbance;*
- (b) scale, type, and likelihood of land disturbance;*
- (c) sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris.”*

### **6.7.1 Assessment of Land disturbance Matters**

Conditions of consent are included, and include recommendations made by Engineering Sustainable Solutions Ltd (Richard Walker) and Geologic Ltd these ensure that the adverse effects of land disturbance associated with the access formation, building site excavation, placement of fill areas, dam upgrade and pond formation will be less than minor.

## 6.8 Servicing Matters

### Objectives and Policies relating to servicing

**Policy 5.1.3.5** *“To ensure that the characteristics, including size, soil type and topography of each lot of any proposed subdivision or built development are suitable for sustainable on-site treatment of domestic waste in unreticulated areas, particularly in areas where higher risks of adverse effects from on-site disposal of domestic wastewater exist.”*

**Policy 5.1.3.8** *“Development must ensure that the effects of land use or subdivision activities on stormwater flows and contamination risks are appropriately managed so that the adverse environmental effects are no more than minor*

**Policy 7.4.3.9** *“To avoid, remedy or mitigate servicing effects of rural subdivision and development, including road access, water availability and wastewater disposal*

### Subdivision Schedule matter 16.3A

8A) *“For water supply, the extent of compliance with the “Drinking Water Standards for New Zealand 1995” or any subsequent replacement of this standard.”*

(10) *“Where wastewater disposal will occur within the net area of the allotment, the extent to which the site and soil assessment, design and construction of the system complies with the AS/NZS 1547; 2000, taking into account the requirements of rules in Chapter 36 regulating the discharge of wastewater.”*

(11) *“The adequate provision of potable water and water for fire fighting.”*

### Servicing-Water Supply Assessment

No reticulated water supply is available to the site; therefore a rainwater supply is required.

The Fire Service requested in its submission that the applicant achieves compliance with the NZ Fire Service Code of Practice.

The application indicates that each building site is provided with 23 000 litres rainwater storage on the down side of the building platform and 23 000 litres on the uphill side of the building platform therefore each allotment will have an available water supply of 46 000 litres per dwelling, exceeding the TRMP permitted standards and meeting the NZ Fire Service Code of Practice. Should consent be granted, conditions requiring a minimum of 23,000 litre capacity storage tank to be provided at for the dwelling on Lot 2, with a connection suitable for fire fighting purposes are included. Conditions of consent are included for these volunteered storage amounts.

## **Servicing-Storm Water Discharge Assessment**

Richard Walker of Sustainable Engineering Design Ltd has provided design data that has been reviewed by Councils Rivers and Coast - Resource Scientist Mr. Eric Verstappen. The information also shows that the onsite management of stormwater will ensure the stormwater runoff will remain at pre-development levels and that the improvements proposed will improve existing situations (existing dam over topping).

Should consent be granted conditions of consent covering the recommendations contained within ESS Ltd (Richard Walker) report are included. A 35 year discharge consent is to be issued for each allotment pertaining to the drainage of stormwater as it relates to each individual allotment and their share of any rights-of-way stormwater maintenance.

## **Servicing-Waste Water Discharge Assessment**

Engineering Sustainable Solutions Ltd report indicates that wastewater can be managed on site in accordance with Chapter 36.1.4 of the TRMP permitted standards.

The onsite wastewater management design proposed will meet the existing title's consent notice which states:

*“Disposal of sewage at building consent stage for lots 1-4 and 6-8 shall have specific design by an appropriately experienced professional. The design and operation of the effluent disposal system shall comply with the standards for onsite waste water disposal set down in section 36.1.4 of the TRMP.”*

The design and the conditions of this subdivision for stormwater management will ensure that there are no adverse effects across boundaries nor will there be any contamination of water courses or the environs arising from the wastewater systems.

Should this consent be granted the Engineering Sustainable Solutions Ltd recommendations are included as conditions of consent.

## **Servicing-Power and Telephone Assessment**

The Application does not propose connection to the national grid power supply, instead proposes consent notices requiring each dwelling to have roof mounted photo voltaic panels. All allotments will be provided with underground telecommunication connections. Should consent be granted conditions of consent to this effect are included.

Provided there are adequate legal instruments, such as Easements, which are recommended as conditions of consent if granted, the adverse effects of servicing are considered to be minor.

## **6.9 Other Matters (Section 104(c) RMA 1991)**

### **Precedent**

Case law has established that the granting of consent for one application may well have an influence on how another application should be dealt with.

Due to the consistency with the purpose of the Resource Management Act 1991 and the relevant provisions of the Proposed Plan, the low level of environmental effects generated, the proposed land use activity and subdivision can be approved on its merits, and there is consequently no issue of precedent arising from the grant of consents.

### **Submissions**

The submissions received fall into three main groupings.

#### **Submissions in Support**

Submissions in support of a 10 Lot rural residential subdivision in this area cite the following reasons: appropriate use of the site, within biking distance of Motueka and a land use that incorporates concepts of good environmental development.

#### **Submissions in Opposition Citing Traffic Issues.**

A group of submissions in opposition to the proposal on the grounds of adverse transport and safety issues associated with the Motueka Valley road corner near Mytton Heights ROW and included the Dunn and Hickling submissions opposed the development on access and traffic safety, and also security of water supply to their properties and amenity issues.

The Traffic Design Report, MWH report and Councils Development Engineer all concur that ROW A can meet the standards for Engineering Standards 2008, the TRMP standards for rural access onto an arterial road and provide a safe access to Lots 1, 2 and 3.

However in relation to ROW B adjacent to the Dunn property the Council's position is that in its current formation it could give rise to adverse effects in terms of traffic safety.

In response to this position and submissions in opposition citing traffic effects the applicants have provided an alternative design, "ROW B Alternative" which has been included in their application has amended plans received 16/02/09

Reports from Council's Development Engineer Mr Ley, concur that the "ROW B Alternative" can meet requirements for vehicle crossings in the Engineering Standards 2008, the TRMP standards for rural access onto an arterial road and provide a safe access to Lots 5, 6, 7, 8, 9 and 10.

This option also removes a set of adverse effects on the Dunn and Hickling properties, these effects included; traffic safety issues for these two 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, removes vehicle light intrusion from the access into both the Dunn and Hickling properties.

### **Submissions in Opposition Citing Rural Amenity and Other Matters**

The balance of the submissions in opposition to the rural residential subdivision were based on the subdivision type and density, reduction of the anticipated rural amenity to those existing dwellings in the surrounds, adverse issues arising from stormwater, land disturbance and wastewater, adverse effects from domestic fires on air quality, increased use of Mytton Heights, loss of visual amenity and the quiet rural surrounds as well as traffic safety at the Mytton Heights intersection with the Motueka Valley road. Concerns were also expressed at the potential for an adjoining vineyard to be adversely affected by dust generated from the subdivision development.

Key points that should be noted at this time

- The subdivision represents a change in the utilisation of the hillside from grazing and no dwellings.
- The rural residential zoning for this area has been in place since approximately 1996.
- The rural residential zoning has allowed the development of the lifestyle allotments and dwellings on ridgeline to the east of the site.
- The proposed development meets the anticipated density for the Pangatotara rural residential zoning.

The surrounding properties and their occupiers have enjoyed the open pastoral outlook over the application site, however the proposed rural residential development meets the controlled criteria in terms of minimum site area, and the construction of any dwelling on each lot will meet the TRMP permitted criteria for construction of a dwelling on the site, and therefore it is considered that the development will provide the anticipated level of amenity for a rural residential zone.

The land disturbance, stormwater and access concerns are covered in those relevant sections above. The reports provided by Engineering Sustainable Solutions Ltd (Richard Walker) and Geologic Ltd have been peer reviewed by Council staff and conditions are included ensuring that the recommendations and design standards provided are adhered to. These reports indicate that stormwater and land disturbance can be managed onsite with effects less than minor and that waste water management onsite can meet the permitted standards required by the TRMP.

Concerns were also raised about potential increase in use of Mytton Heights ROW due to the amalgamated Lots 11 and 12 conferring a right of use on the owners of Lots 1 to 10 if they had some private arrangement for common access over Lot 11 and then over the ROW to the current Lot 12. The access easements for Mytton Heights ROW place no restrictions on the number of visitors or occupiers able to visit any dwelling or site that has existing access from this ROW.

### **Other Matters Raised**

Comments on the philosophy, viewpoints and future aspirations of the applicant are outside the scope of this resource consent application and are not considered in this report.

## **7. SUMMARY AND CONCLUSIONS**

- 7.1 The proposal meets the controlled standards for the rural residential rules apart from some areas of the access where the right-of-ways are slightly narrower and longer than set out in the Fig16.2A of the TRMP for rural access roads. This is not considered to have effects more than minor as passing bays are provided and it has the positive effects of allowing any land disturbance associated with access formation to be kept to a minimum.
- 7.2 The onsite stormwater management achieves a positive benefit by removing the existing stormwater flow over Mytton Heights ROW in rainfall events by increasing the dam storage capacity. Conditions are included to ensure that adverse effects are considered less than minor.
- 7.3 The landscape plantings already established will mature over time and buffer and soften the changed landscape within the context of both its rural residential setting and the wider rural valley landscape.
- 7.4 The provision of open space areas described as Lot 11 will further mitigate the increased residential density on the area and allow additional space for stormwater, wastewater and water storage requirements.
- 7.5 The amended option for ROW B Alternative allows for the adverse effects arising from ROW B serving seven dwellings adjacent to the Dunn's northern and eastern boundaries and exiting the site opposite Hickling's to be removed. The ROW B Alternative has better sight line distances and gradient from the Motueka Valley Road therefore reducing potential traffic safety issues for these two 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.

## **8. RECOMMENDATION**

### **Subdivision Consent (RM080626)**

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **GRANTS** consent to the application by Atamai Ltd to subdivide Lots 4, 6 and 7 DP 311683 comprised 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), and proposed Lot 13 of 160 square metres being road that would be vested with the Council.

#### **Land Use Consent-Land Disturbance (RM080636)**

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **GRANTS** consent to the application by Atamai Ltd 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 consent-Stormwater (RM080639)**

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **GRANTS** consent to the application by Atamai Ltd 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-s13 works in a watercourse, culverts and dams (RM080725)**

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **GRANTS** consent to the application by Atamai Ltd 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).

## **9. RECOMMENDED CONDITIONS**

If the Committee grants the consents, I would recommend that approval include the following conditions:



**RESOURCE CONSENT NUMBER:** RM080626

**Atamai Ltd**

(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:**

To subdivide Lots 4, 6 and 7 DP 311683 comprised 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), and proposed Lot 13 Alternative design option of 160 square metres being road that would be vested with the Council.

**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.

And

Plans prepared by Davis Ogilvy 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.

Plans prepared by Davis Ogilvy 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 Plans prepared by Davis Ogilvy 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.

Plans prepared by Davis Ogilvy 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 Ogilvy titled "*proposed earthworks and services layout - Sheet 1 of 3*" dated 03/07/08, attached as Plan E.

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

Plans prepared by Davis Ogilvy titled "*proposed earthworks and services layout - Sheet 3 of 3*" dated 03/07/08, attached as Plan G.

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:
  - (a) Lot 13 Alternative (160m<sup>2</sup>) as shown on amended plans prepared by Davis Ogilvy 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 shall vest in the Council as local purpose road.

### **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 Ogilvy titled "*proposed earthworks and services layout - Sheet 1, 2 and 3 of 3*" dated 03/07/08, 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.
5. The building platforms shall be constructed and as-built plans submitted to the Council's Engineering Manager showing compliance with finished ground levels prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

## Easements

6. 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.
7. 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.
8. 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.

## Vehicle Crossings for Right-Of-Way A and Right-Of-Way B Alternative

9. Provision of a Traffic Control Signs and paint marking on Motueka Valley Road at the intersection with Mytton Heights ROW shall be in accordance with the attached Plan H or as approved by the Engineering Manager.
10. Stormwater from the right(s)-of-way shall be directed to a discharge point that is authorised by discharge permit RM080639 and as shown on Plans titled Plans prepared by Davis Ogilvy titled "*proposed earthworks and services layout – Sheet 1, 2 and 3 of 3*" dated 03/07/08 and attached as Plans E. F and G.
11. The right(s)-of-way shall be formed so that it extends to, and smoothly adjoins, the existing road carriageway.
12. The Consent Holder shall erect a sign at the start of the right-of-way indicating that it is a private right-of-way and that it is not open for public access.
13. The vehicle access crossings for each of ROW A and ROW B alternative shall be designed and constructed in accordance with attached plans B and C, and each crossing shall:
  - a) be between 6.5 metres and 9.0 metres in width at the property boundary; and
  - b) have an extension of the road carriageway surface standard from the edge of the road carriageway for a minimum of 10.0 metres into the legal site.

## Rights-of-Way Formation

14. 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 and D.

## **Water Supply**

15. 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. Consent notices requiring each Lot to have access to 46 000 litres of water are included.

## **Electricity and Telephone**

16. 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 live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

## **Commencement of Works and Inspection**

17. No works shall begin on-site until the Engineering Plans have been approved pursuant to Condition 19.
18. 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**

19. 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 9 to 14;
  - b) stormwater culverts;
  - c) All works associated with the construction of the pond and existing dam bund.
20. Engineering Plans shall not be approved until the management plans(Environment and construction) required under RM080636 has been submitted and approved.
21. All works shall be done in accordance with the approved Engineering Plans.

## **Engineering Certification**

22. 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.
23. 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.

24. 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.
25. "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**

26. An all-weather vehicle access shall be constructed to the detention ponds and outlet from Mytton heights ROW.

## **Financial Contributions**

27. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
  - a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of a notional 2,500 square metre building site within each of Lots 1-10, 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)**

28. 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) That 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 Condition 22 and 24 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 Lot's respective stormwater discharge permit (RM080639). 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.
- 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.

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.

- h) The existing pond shall be maintained in an ongoing manner by the owner of lot 11 to provided for the mitigation of stormwater.

## **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.

In respect of stormwater discharges on Lots 1-5, the criteria of Tasman Resource Management Plan Permitted Activity Rule 36.4.2 must be complied with or, alternatively, a resource consent (discharge permit) is obtained for the stormwater discharge.

- 3. Access by the Council’s Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

4. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
  
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

**RESOURCE CONSENT NUMBER:** RM080636

**Atamai Ltd**

(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 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.

**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 of 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 Ogilvy titled “*Proposed earthworks and services layout – Sheet 1, 2 and 3 of 3*” dated 03/07/08 attached as Plan E, F and G respectively 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 Manager and shall also give written notice to the Manager 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.
6. Any changes to the Construction, Erosion and Sediment 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 Manager. Changes to the Construction, Erosion and Sediment Management Plan shall not be implemented until authorised by the Council's Coordinator Compliance Monitoring.
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 the Council Environment & Planning Manager.
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 6.1) 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 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 Councils 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 Track**

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 the following Management Plans:

- 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. Both management plans 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. These amendments shall be supplied to the Council and works under the amended plan(s) shall not commence before amendments have been approved by the Council's Coordinator Compliance Monitoring.

37. The consents shall be exercised in accordance with the management plans prepared by the applicant refer to Conditions 36 and 37.

38. At any time during the period of these consents, a copy of the latest version of each managed plan shall be on site and available to all relevant staff.

39. The Construction, Erosion and Sediment Management Plan required by Condition 5.1(a) 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.

### **Review Conditions**

42. 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 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) 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

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

## **Expiry**

44. This consent expires on [insert Date].

## **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. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
3. The use of debris fences, straw bales, cut-off drains or other such methods should be used to ensure that run-off is controlled.
4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. 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.
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (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.
7. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
8. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.



**RESOURCE CONSENT NUMBER:** RM080639

**Atamai Ltd**

(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 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.

The conditions of this consent once committee has made a decision will repeated in a separate discharge consent granted for each of Lots 1 to 11 as it relates to each Lot and their rights-of-way.

**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 Ogilvy titled *“proposed earthworks and services layout - Sheet 1, 2 and 3 of 3”* dated 03/07/08, attached as Plan E, F and G respectively 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 Tasman District Council’s Engineering Standards 2008 (or the most recent version). If the Consent Holder chooses to install a system that does not comply with Tasman District Council’s Engineering Standards 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 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.

**Expiry**

9. This consent expires [insert Date].

**Review**

10. 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. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
3. The use of debris fences, straw bales, cut-off drains or other such methods should be used to ensure that run-off is controlled.
4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. 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.
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (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.
7. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
8. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.
9. Transfer of discharge consents to new owners is required and will incur a Council fee.



## RESOURCE CONSENT DECISION

**Resource Consent Number:** RM080725

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

**Atamai Ltd**

(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 these dam structures are 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.

**Note**

The activities are associated with the following consents RM080626. RM080636 and RM080639.

**Location Details:**

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

**CONDITIONS**

1. Pursuant to Section 108 of the Act, this consent is granted subject to the following conditions and for a term of 35 years expiring on **[insert date]**

**Dam Details**

**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 <sup>3</sup> ):	1500 approx
Crest Length (m):	To come
Location co-ordinates (New Zealand Map Grid):	E: 2515490 N: 5989390

## 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):	
Storage (m <sup>3</sup> ):	1500 approx
Crest Length (m):	To come
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 Ogilvy titled *"Proposed earthworks and services layout - Sheet 1, 2 and 3 of 3"* dated 03/07/08.
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 Tasman District Council's Environment & Planning Manager, or his agent 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.
20. The consent is granted for a period of 35 years, which is the maximum duration allowed under Section 123 of the Resource Management Act 1991.

## **Review**

21. 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 instream 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.

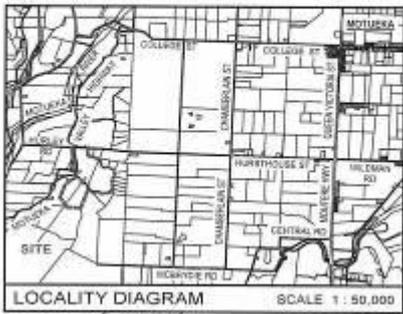
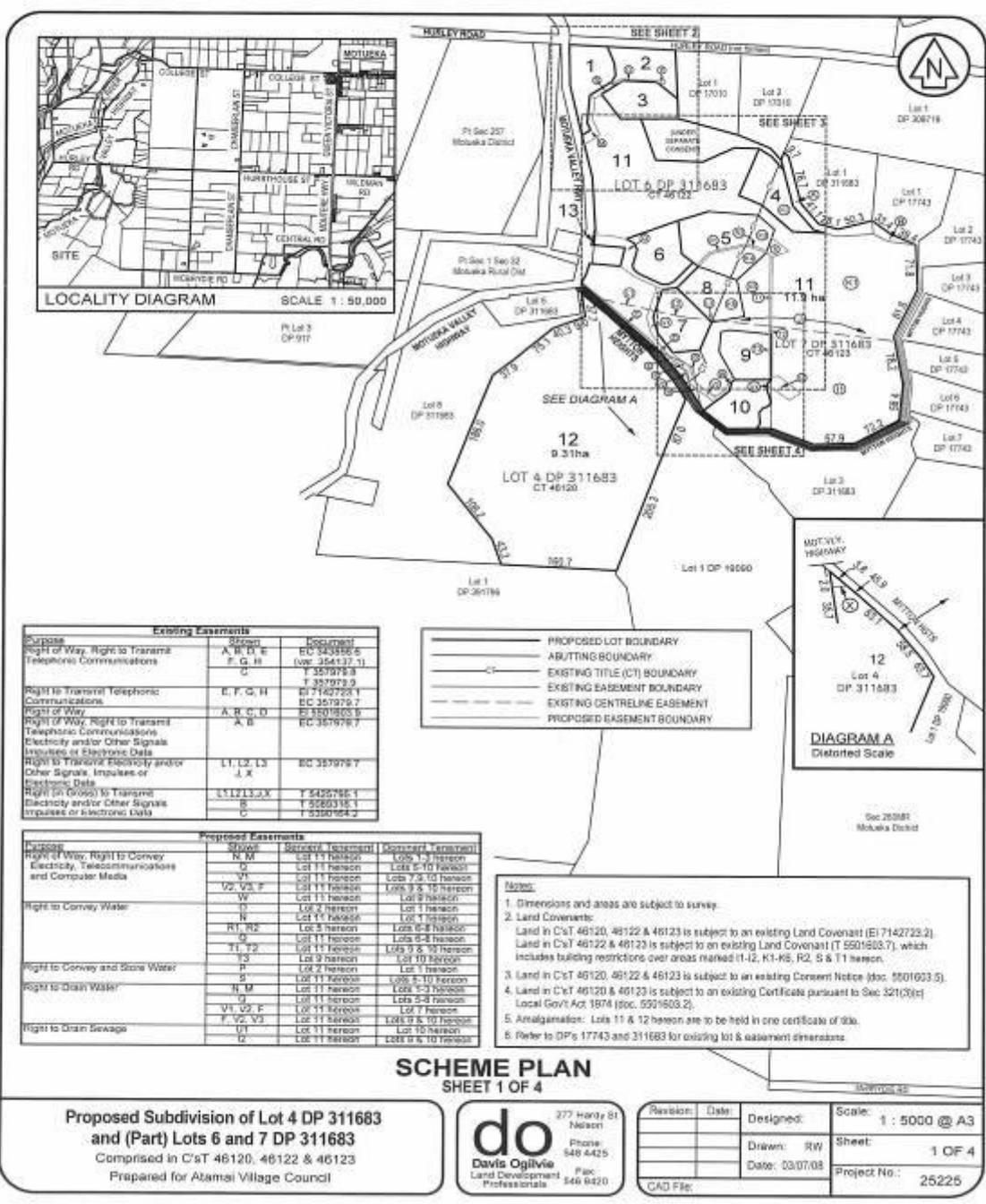
## **ADVICE NOTES**

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. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

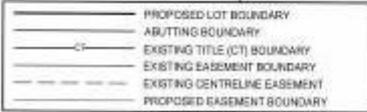
4. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are 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.

A handwritten signature in black ink, reading "P. J. Webby." The signature is written in a cursive style with a period at the end.

Pauline Webby  
**Consent Planner**



Existing Easements			
Purpose	Stipit	Document	
Right of Way, Right to Transmit Telephonic Communications	A, B, D, E, F, G, H	EC 343456/5 (over 354137/1)	
Right to Transmit Telephonic Communications	E, F, G, H	EC 7142723/1	
Right of Way	A, B, C, D	EC 357976/7	
Right of Way, Right to Transmit Telephonic Communications Electricity and/or Other Signals Impulses or Electronic Data	A, B	EC 357976/7	
Right to Transmit Electricity and/or Other Signals Impulses or Electronic Data	L1, L2, L3, J, X	EC 357976/7	
Right (in Gross) to Transmit Electricity and/or Other Signals Impulses or Electronic Data	L1, L2, L3, J, X	T 5425766/1	
	S	T 3060316/1	
	C	T 3230166/2	



Proposed Easements			
Purpose	Stipit	Service/Equipment	Document Reference
Right of Way, Right to Convey Electricity, Telecommunications and Computer Media	B	Lot 11 Hanson	Lots 8-10 Hanson
	V1, V2, F	Lot 11 Hanson	Lots 7 & 10 Hanson
	W	Lot 11 Hanson	Lot 9 Hanson
Right to Convey Water	D	Lot 2 Hanson	Lot 1 Hanson
	R1, R2	Lot 3 Hanson	Lot 4 Hanson
	S	Lot 11 Hanson	Lots 6-8 Hanson
Right to Convey and Store Water	T1, T2	Lot 11 Hanson	Lots 9 & 10 Hanson
	U	Lot 9 Hanson	Lot 10 Hanson
	F	Lot 2 Hanson	Lot 1 Hanson
Right to Drain Water	S	Lot 11 Hanson	Lots 8-10 Hanson
	H, M	Lot 11 Hanson	Lot 9-10 Hanson
	G	Lot 11 Hanson	Lots 5-8 Hanson
Right to Drain Sewage	V1, V2, F	Lot 11 Hanson	Lot 7 Hanson
	F, V2, V3	Lot 11 Hanson	Lots 9 & 10 Hanson
	D	Lot 11 Hanson	Lot 10 Hanson

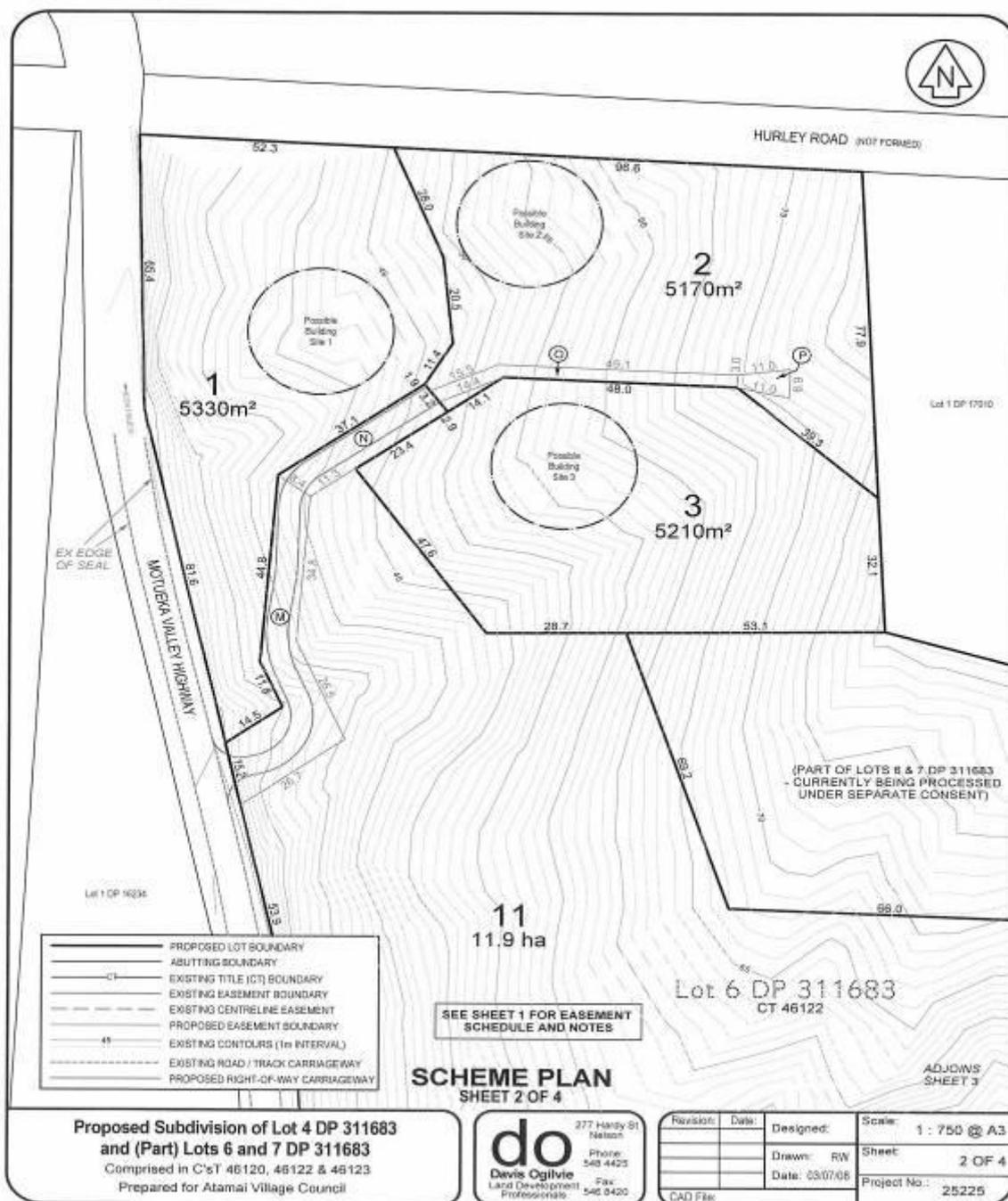
- Notes:**
- Dimensions and areas are subject to survey.
  - Land Covenant: Land in C/t 46120, 46122 & 46123 is subject to an existing Land Covenant (E17142723.2). Land in C/t 46122 & 46123 is subject to an existing Land Covenant (T 5501603.7), which includes building restrictions over areas marked (1-2, K1-K5, R2, S & T1 Hanson).
  - Land in C/t 46120, 46122 & 46123 is subject to an existing Consent Notice (doc. 5501603.5).
  - Land in C/t 46120 & 46123 is subject to an existing Certificate pursuant to Sec 321(2)(c) Local Gov't Act 1974 (doc. 5501603.2).
  - Amalgamation: Lots 11 & 12 Hanson are to be held in one certificate of title.
  - Refer to DP's 17743 and 311683 for existing lot & easement dimensions.

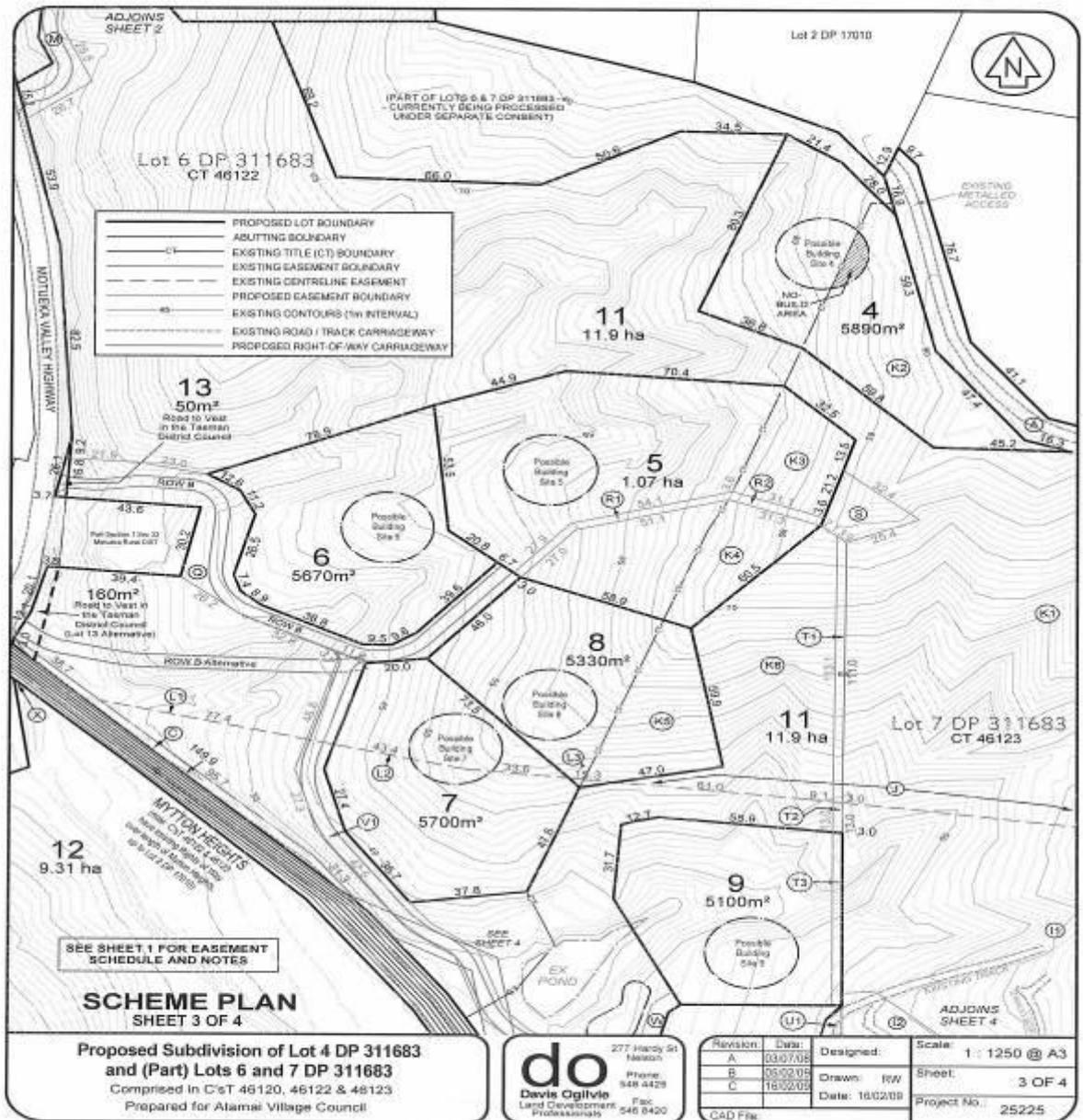
**SCHEME PLAN SHEET 1 OF 4**

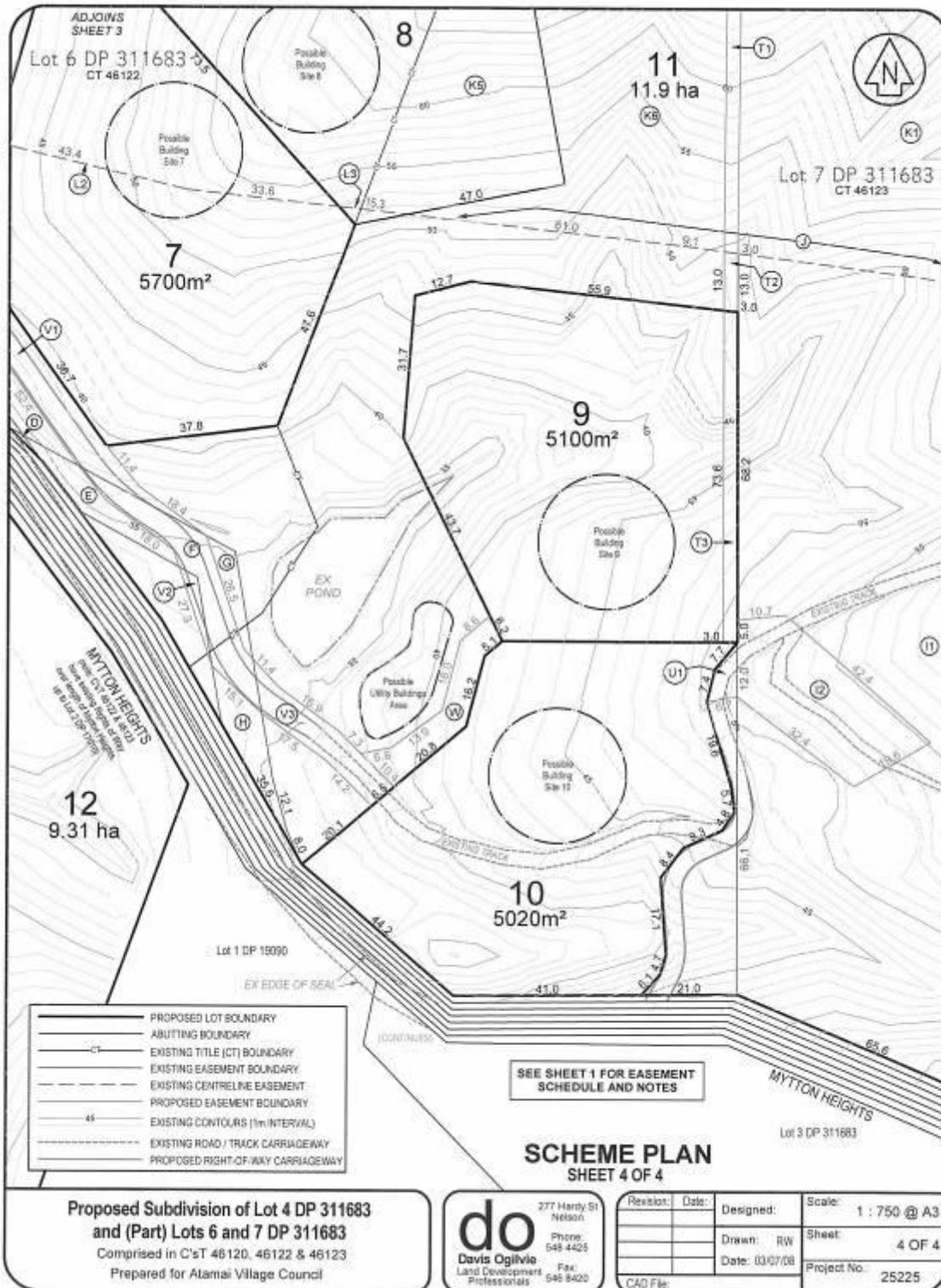
Proposed Subdivision of Lot 4 DP 311683 and (Part) Lots 6 and 7 DP 311683  
 Comprised in C/t 46120, 46122 & 46123  
 Prepared for Atamai Village Council

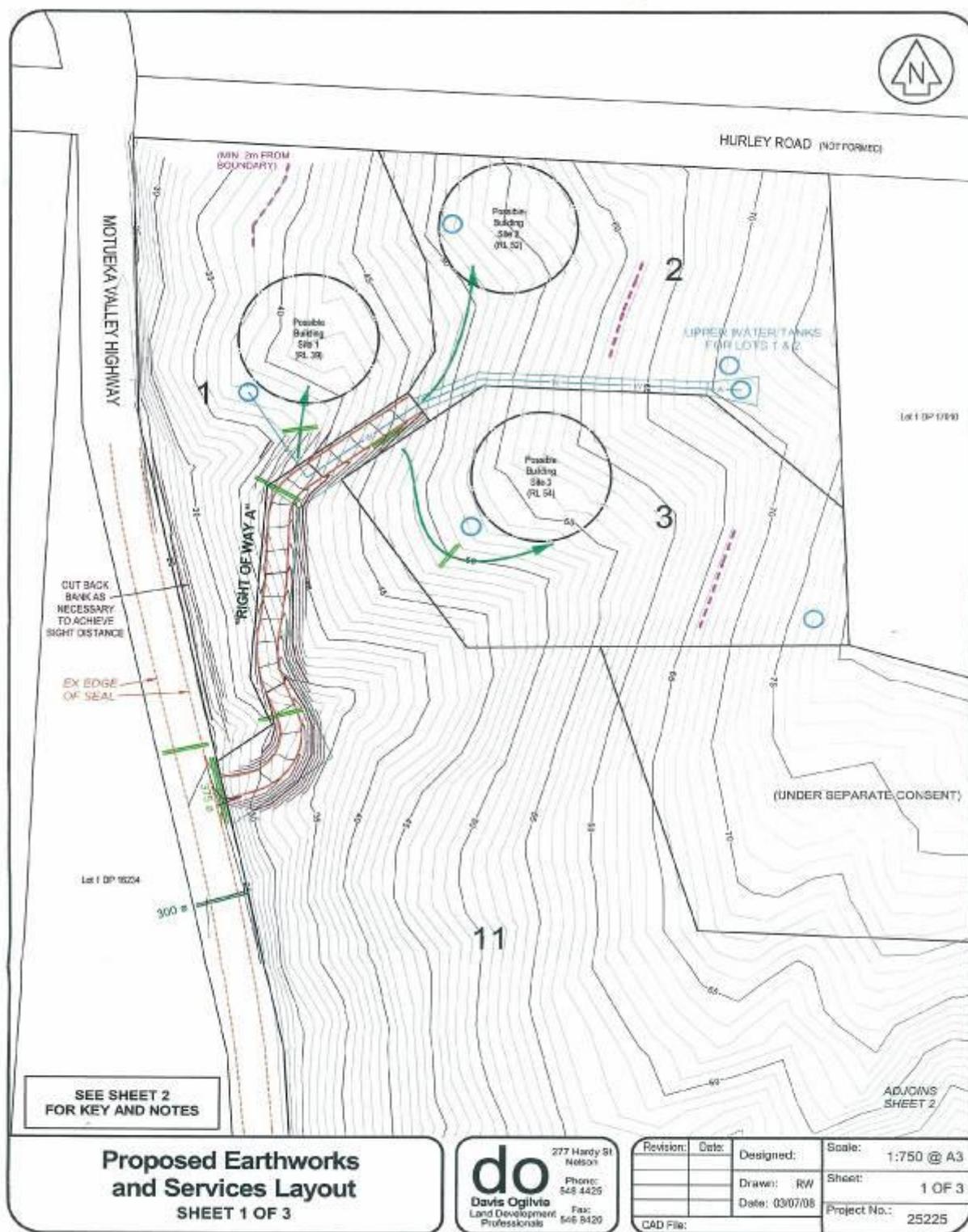
**do**  
 Davis Ogilvie  
 Land Development Professionals  
 277 Hardy St Nelson  
 Phone: 548 4425  
 Fax: 546 9420

Revision:	Date:	Designed:	Scale: 1 : 5000 @ A3
		Drawn: RW	Sheet: 1 OF 4
		Date: 03/07/08	Project No.: 25225
CAO File:			









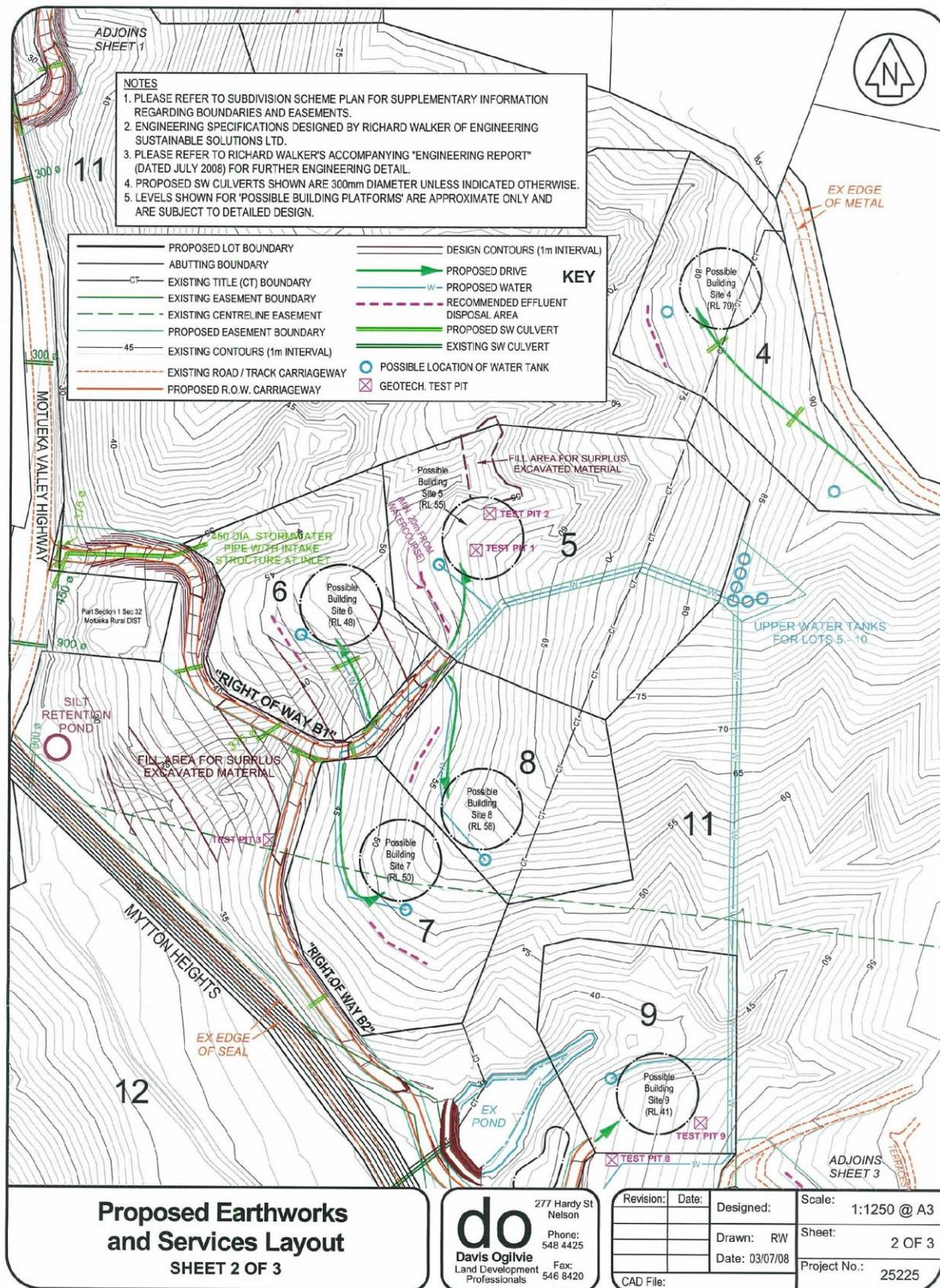
SEE SHEET 2 FOR KEY AND NOTES

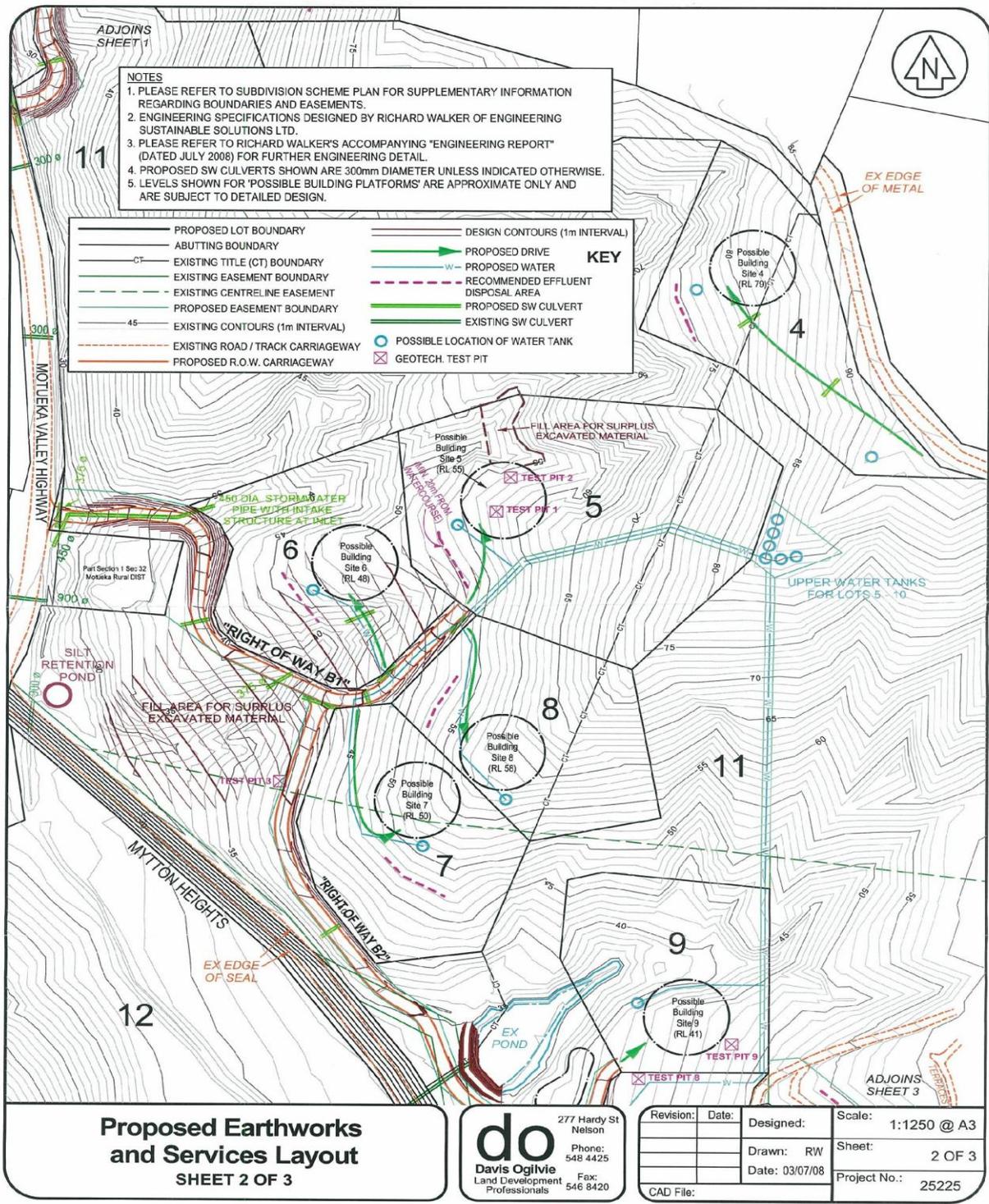
**Proposed Earthworks and Services Layout**  
SHEET 1 OF 3

**do**  
Davis Ogilvie  
Land Development Professionals

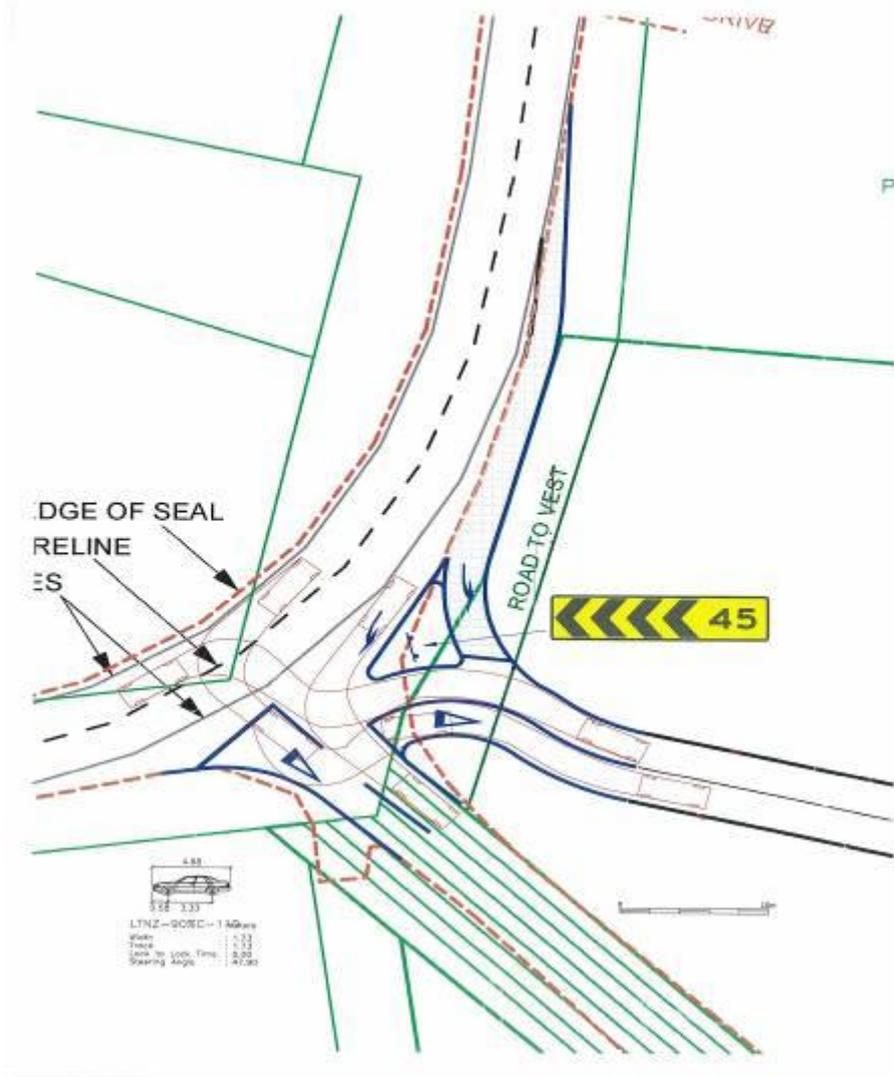
277 Hardy St  
Nelson  
Phone: 548 4425  
Fax: 546 9420

Revision:	Date:	Designed:	Scale:
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		Date: 03/07/08	Sheet: 1 OF 3
CAD File:			Project No.: 25225

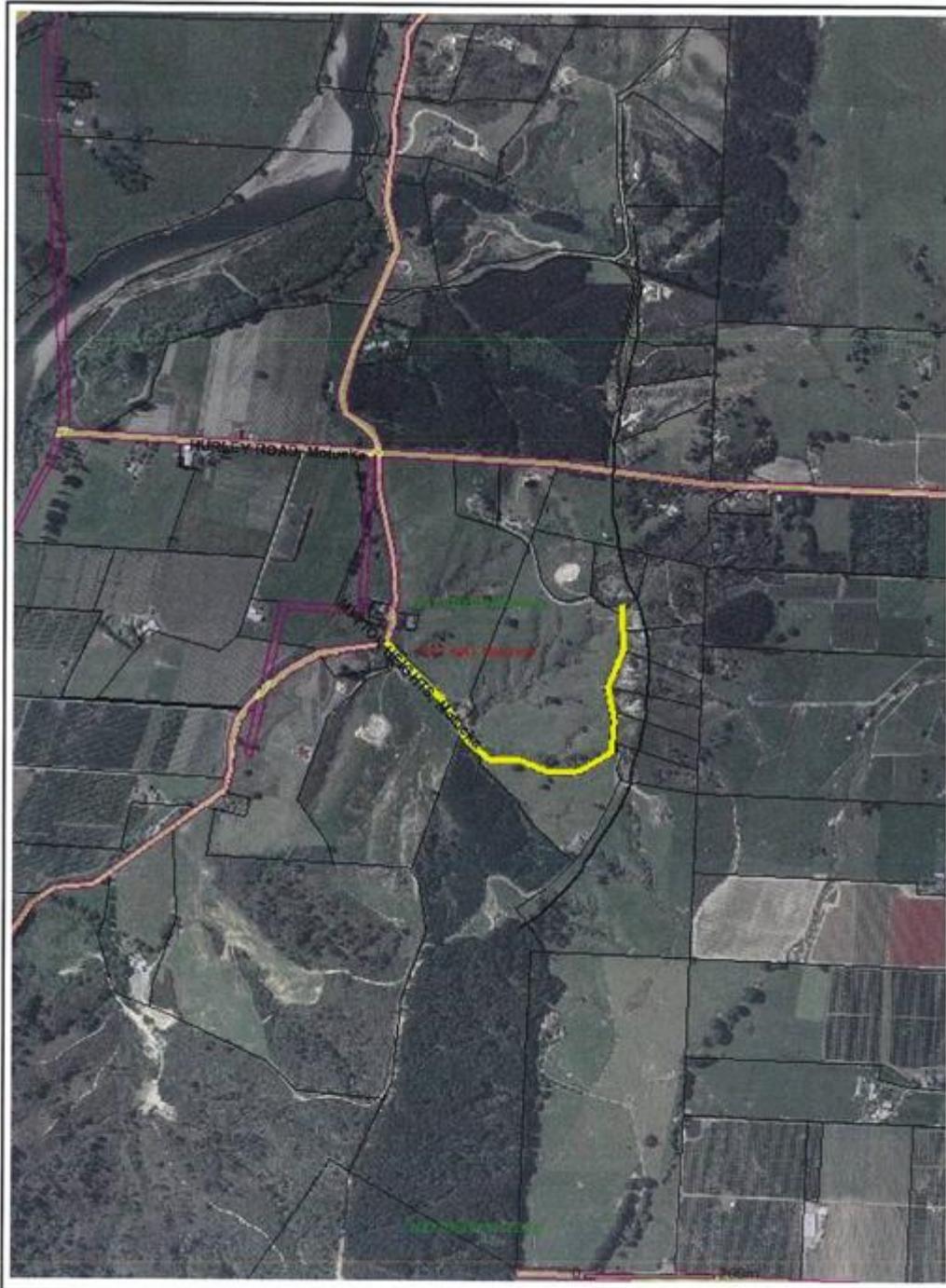




Plan H  
Mytton Heights and Row B preferred Option



APPENDIX 1  
Ridgeline / Mytton Height Right-Of-Way and Motueka Valley Road



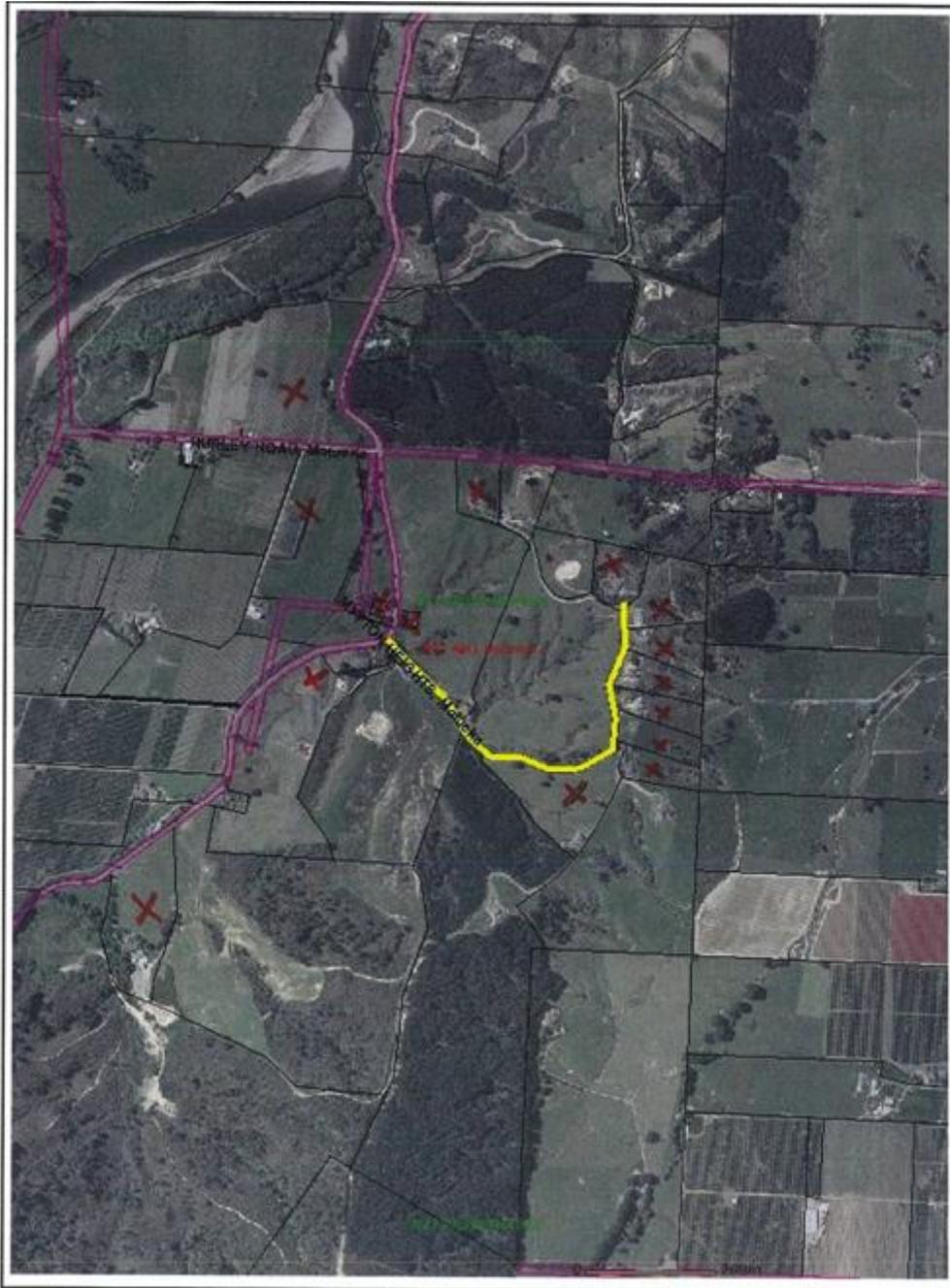
ExploreTasmanMap

18/2/2009 **DISCLAIMER:**

This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the TDC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, TDC advises that the customer arrange onsite verification. TDC will not be liable for any damages or loss whatsoever suffered from the use of this information.

Cadastral sourced from Land Information New Zealand data. Crown Copyright reserved.

**APPENDIX 2**  
**Location of Submitters**



**ExploreTasmanMap**

**18/2/2009 DISCLAIMER:**

This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the TDC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, TDC advises that the customer arrange onsite verification. TDC will not be liable for any damages or loss whatsoever suffered from the use of this information.  
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**TO:** Chair and Members, Environment & Planning Hearings Committee

**FROM:** Dugald Ley, Development Engineer

**DATE:** January 2009

**REFERENCE:** RM080626

**SUBJECT:** **TEN-LOT SUBDIVISION – MOTUEKA VALLEY HIGHWAY  
ATAMAI VILLAGE COUNCIL**

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## **1. INTRODUCTION**

The application site is located immediately to the north of the existing Mytton Heights private road subdivision created some eight years ago.

The application is set out in the papers submitted to Council and the plan has been recently amended to show a relocated access at the Mytton Heights right-of-way intersection.

The application is to create two new entrances on to the Motueka Valley Highway. Right-of-way A will serve three lots and Right-of-Way B will serve six lots with the balance lots and lot 4 coming off the private Mytton right-of-way.

## **2. BACKGROUND**

Two new rights-of-way will be constructed off Motueka Valley Road. Right-of-way “A” will be located some 225 metres north of Mytton Heights right-of-way and Right-of-way “B” will be immediately north of the Mytton Heights right-of-way. The application has been assessed by Dave Petrie, a professional traffic design engineer at Traffic Design Group in regard to traffic safety issues and sight distance requirements. Mr Petrie has advised that the two intersections will not have an adverse effect on the functioning of the adjacent highway.

Richard Walters a consulting engineer also advises that the two rights-of-way can be constructed to council’s standards. These standards will be discussed further in this report.

Motueka Valley Road is a rural arterial road on Council’s highway network and has an approximate 6-7 metre seal width and carries approximately 1500-1600 vehicles per day. As advised in the Traffic Design Group report vehicle speeds vary along the highway and a number of accidents have occurred at the bend at the Mytton Heights intersection. At least 3 of these have been injury accidents with the majority being “loss of control” of the vehicle. That bend has a 45 kmh speed advisory sign and also a number of chevron arrows. The seal is delineated by a painted centreline and white edge lines. This intersection is presently programmed for upgrade in the next one to two years.

Construction of the two rights-of-way will generally be in accordance with the plans presented by the applicant and attached to this report.

In relation to right-of-way "A" shown on diagram 1, the engineering department has the following requirements:

- a) Access to come in at right angles to the Motueka Valley Road.
- b) Access from the edge of the sealed carriageway (white edge line) shall be level for a distance of 10 metres.
- c) The access shall be sealed from the edge of the existing seal (Motueka Valley Highway) for the full length of right-of-way "A".
- d) The right-of-way intersection with Motueka Valley Road shall generally be formed to diagram 1 of schedule 16.2c of the TRMP 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).
- e) Culverting of the roadside drain is required to meet the requirements of the current Engineering Standards.
- f) The right-of-way from the Motueka Valley Highway shall have a seal width of at least 6.0 metres or for a distance of 10 metres to aid passing of vehicles at the entrance. Thereafter it can be to 5.0 metres for the next 15.0 metres and subsequently reducing down to 3.5 metres with suitable passing bays as required by the TRMP. The carriageway shall incorporate gravel shoulders plus appropriately designed side drains. (The above widening is to allow for passing of vehicles at the entrance and also at the hairpin bend where sight distance will be limited, ie up to 8.0 metre cuts).
- g) Existing culverts traversing Motueka Valley Road either side of new entrance at right-of-way "A" will most likely require to be upgraded in regard to sizing and inlet/outlet controls, together with erosion mitigation leading up and away from the culverts. This is due to the increased run-off directed towards them from the impermeable right-of-way and cut bank surfaces.
- h) Accesses at a minimum grade of 1-in-6 shall be formed with an all-weather surface to each of the pre-levelled building sites.
- i) Sight benching (banking trimming) along Motueka Valley Road is required to be achieved to 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.
- j) On completion of earthworks/benching along Motueka Valley Highway areas may be required to "vest as road" such that the top of the batter at least 1.0 metres shall come under the control of Council. Appropriate fencing shall be reinstalled on the boundary.

In relation to right-of-way "B" shown as diagram 2, the engineering department has the following requirements:

- a) Access to come to the Motueka Valley Road and as close as legally and physically possible to the existing Mytton heights ROW. (when on road reserve the access shall combine as one entrance). See plan presented by Dave Petrie. Further refinement of the intersection will be confirmed at the Engineering plan stage in consultation with Council engineers and consultants.
- b) Access from the edge of the sealed carriageway (2.5 m back from the white edge line) shall be level for a distance of 10 metres.
- c) The access shall be sealed from the edge of the legal road reserve boundary (new bdy) for a distance of 10 metres. Together with all paint markings and appropriate signage.
- d) The right-of-way intersection with Motueka Valley Highway shall generally be formed with a tapers reducing to the north over a 40m length (ie a deceleration taper) and as generally shown on the attached concept plan.
- e) The existing access to Pt Section 1 sec 32 Motueka Rural distance (ie existing concrete drive) shall be modified to allow for the taper to be constructed on road reserve. This may require the private access to be reformed into the property and comply with the TDC standards.
- f) Culverting of the roadside drain may be required to meet the requirements of the current engineering standards.
- g) New culverts may be required under the Motueka Valley Highway as the rainfall runoff coefficients for the catchment will be altered. This aspect will be checked at the Engineering plan stage of the subdivision
- h) An area shall be formed off the Motueka Valley Highway 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.
- i) Fencing/shrubs removed/benching may be required in both directions from the new right-of-way "B" along Motueka Valley Highway 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.
- j) Areas of "road to vest" will be required as denoted on the plans at no compensation.
- k) Rights-of-way "B" and B2 shall have a minimum grade of 1-in-7 (as per the application) with a minimum 3.5 metre lane plus 500mm gravel shoulders on each side together with side drains draining to an approved system.
- l) Culverts as required under rights-of-way shall be appropriately designed to Council's engineering standards together with secondary flow paths.

**Note:** All works as advised above shall be shown on engineering plans complying with Council's engineering standards or as noted above together with as-built plans on the completion of the works. All works shall be certified by a chartered professional engineer together bonds and maintenance period of 2 years all as per the requirements of the TDC engineering standards 2008.

Access to the balance 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.

Access to all the formed building sites shall be constructed to a minimum grade of 1-in-5 and prior to the issue of a 224 certificate.

Dugald Ley  
**Development Engineer**