

Land Information Memorandum



This information has been compiled from Tasman District Council records and is made available in good faith, but its accuracy or completeness is not guaranteed.

Applicant Details

Prepared for	Email
Tamas Janky	tamas.janky@gmail.com

LIM Details

LIM Number	Valuation Number	Certificate of Title	Requested on	Issued on
L220552	1928021067	83/4776	08/09/2022	19/09/2022

Contents

This Land Information Memorandum contains the following information:

1. **Property Information**
 - Property and owner information, rates, services, and classifications
 - Consents for building and resource management
 - Environmental information.
2. **Maps**
 - Aerial
 - Areas and Zones in the Tasman Resource Management Plan
 - Pipes
 - Bores
 - Fire Ban areas
3. **Additional Information**
 - Brochures and other relevant information
4. **Glossary**
5. **Site Plans**
 - Floor plan
 - Site plan
 - Drainage plan

Notes

- This Land Information Memorandum has prepared for the purposes of Section 44A of the Local Government Act 1987 and contains all the information known to the Tasman District Council to be relevant to the land as described in Subsection (2).
- Information provided is based on a search of council records only, and there may be other information relating to the land, which is not currently recorded in the Councils record system. Every care will be taken to ensure that the information is correct, however, Council cannot guarantee that the information is accurate and does not accept any liability for these records.
- A valuation assessment can consist of multiple land parcels. The information in this LIM covers the entire valuation assessment. If you are only interested in part of the land, you must wait until the subdivision of the land is complete before we can provide information that applies only to the newly subdivided valuation assessment.
- The Council has not undertaken any inspection of the land or any building on it for the purpose of preparing this LIM.
- Council records may not show illegal or unauthorised building works on the property.
- Conditions of any authorised uses of the land are contained in the Council's District and Regional Plans.
- A Development Contribution may be payable in accordance with the DC Policy set out in the Council's Long Term Plan and created under the Local Government Act 2002 in relation to subdivision and new development. You will need to refer to the DC Policy to see what DC's are payable for any particular building development and whether any limitations apply. The DC is required to fund District roads and infrastructural services other than reserves and community facilities.
- A Financial Contribution for Reserves and Community Services may be payable in accordance with the Tasman Resource Management Plan on all building other than first dwelling on a title. You will need to refer to the Tasman Resource Management Plan for full details of the FC's that are payable and whether any limitations or exceptions apply.
- The applicant is solely responsible for ensuring that the land is suitable for a particular use.
- This LIM has been produced at the issued date and is valid only as a statement of Council's information at that date.

1. Property Information

This section of the LIM provides information about the rates and services on the property, including:

- Property and owner information, rates, services, and classifications
- Consents for building and resource management
- Environmental information.

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Property Location

Valuation	Legal Description	Address	Suburb	Current Rating Area (ha)
1928021067	LOT 5 DP 523521	9 Wharua Tiro Place	Motueka Valley	0.9974

Rates Information

Rates are charged in four instalments for the period commencing 1 July and ending 30 June each year. Please note that if this property is a contiguous property, its rates will change if sold separately. Also note that this rating information relates to all parcels, i.e. Lot and DP numbers, under this valuation assessment.

Annual Rates	Current Instalment	Balance Owing	Arrears
\$3056.97	\$764.24	\$0.00	\$0.00

Rates Breakdown

The Annual Rates in the table above are broken down for the current financial year as follows:

Description	Rate	Units	Amount
General Rate	0.2118c/\$CV	1110000	2350.98
Uniform Annual General Charge	\$290.00/propert	1	290.00
WaimeaComDam-Env&ComBen-Distri	\$45.94/property	1	45.94
Shared Facilities Rate	\$64.46/property	1	64.46
Mapua Rehabilitation Rate	\$5.13/property	1	5.13
Museums Facilities Rate	\$64.35/property	1	64.35
District Facilities Rate	\$110.09/propert	1	110.09
Motueka Community Board	\$23.54/property	1	23.54
Regional River Works - Area Z	0.0117c/\$LV	430000	50.31
Stormwater: General Drainage	0.0047c/\$CV	1110000	52.17

Warm Tasman Rate

Warm Tasman Home Insulation Rate does not apply for this property.

Rating Valuation

Tasman District Council uses a capital value rating system. Please note that this rating information relates to all parcels, i.e., Lot and DP numbers, under this valuation assessment.

Capital Value	Land Value	Improvements	Valuation Date
\$1110000	\$430000	\$680000	01/10/2020

New Rating Valuation

Rating values are reviewed triennially. If the valuation of this property is going to change in the next rating year, it will show below as the New Capital Value. Please note that this rating information relates to all parcels, i.e., Lot and DP numbers, under this valuation assessment.

New Capital Value	New Land Value	New Improvements Value	New Valuation Date
\$1210000	\$430000	\$780000	01/10/2020

Water Meter Information

No Water Meter information is available for this property.

Services

No Services are available for this property.

Wheelie Bins

No wheelie bin has been issued to this property.

Services Notes

This property has the following Services notes on file. The Health Drinking Water Amendment Act (Section 69ZH of the Health Act 1956) requires councils to provide information relating to whether the land is supplied with drinking water and, if so, if the supplier is the owner of the land or a networked drinking water supplier. Note: Tasman District Council may not be aware of other drinking water systems connected to properties. There may also be private drinking water supply systems such as rainwater tanks or private bore/wells. Prospective purchasers are advised to clarify the drinking water supply and water quality with the landowner.

Notes
The property is not connected to any council reticulated services. There are no public drains crossing the property. Onsite Disposal – Council reticulated services are not available. Private Water Supply – No Council reticulated services are available.

Protected Trees

No protected trees have been found for this property.

Heritage Buildings

There are no heritage buildings on this property.

Planning Zones

The following Planning Zones pertain to this property. Please refer to the Tasman Resource Management Plan or contact a Duty Planner for detailed information about what activities can take place in a zone.

Zone	Zone Description
Rural Residential	The Rural Residential Zone provides for rural lifestyle living opportunities. Rules for development and subdivision generally seek to ensure that lifestyle living is enabled and that adequate servicing is provided, while maintaining rural character and amenity.

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Building Consents

Please note that if a Code Compliance Certificate has not been issued, then the work has not been certified by the Council as complying with the Building Code.

Application Date	BC Number	Proposal	Status	CCC Issue Date
25/08/2003	031647	Temp accommodation then garage	Cancelled	
02/06/2004	041011	New Dwelling/3 bay internal garage/woodburner	Code Compliance Certificate Issued	13/06/2005

Compliance Schedule

No Compliance Schedule records are available for this property.

Building Permits

No historical building permits have been found for this property.

LIM Building Notes

No additional building notes have been found for this property.

Swimming Pools

No Swimming Pool records have been found for this property.

Resource Consents

The following Resource Consents are noted against the property. Consents for water, discharges or coastal permits must be transferred to the person undertaking the activity. A fee will apply.

Application Date	RC Number	Proposal	Status	Decision Date
14/06/2021	130940V5	Variation of consent condition 1 of RM1309404 to add new plan references to show boundaries and areas of Lots 3 and 4 (Stage 3G) and the BLA on Lot 4	Consent Effective	02/08/2021
11/09/2020	130940V4	Variation of consent condition 1 of RM130940V2 to increase lot sizes of Lots 6 -8 and creation of Lot 66 to be amalgamated with existing Lot 63 DP 536032	Consent Effective	19/10/2020
29/10/2019	130940V3	Variation to change conditions of RM130940V2 for Lot 12 to enable	Withdrawn	

Application Date	RC Number	Proposal	Status	Decision Date
		construction of a shed south of the BLA.		
10/12/2018	130940V2	Change of consent conditions 1, 15, 16 and 17 of RM130940V1 to remove the cycleway easements and formation within Easements Q4-7 from the development.	Consent Effective	14/03/2019
02/05/2018	130940V1	Change of consent condition 1 of RM130940 add new plan reference to show changes to boundary of Lot 5 on which the existing dwelling is located	Consent Effective	13/07/2018
24/12/2013	130941	Construct dwellings closer than 30m to a vineyard operation	Environment Court Decision Notified	06/08/2014
29/08/2007	070843	Operate Off Licence wine sales	Consent Effective	09/10/2007

Planning Permits

No historical planning permits have been found for this property.

Planning Notes

These history notes include planning information relevant to this LIM.

TASMAN RESOURCE MANAGEMENT PLAN (TRMP) CHANGES: From time to time, changes are proposed to the planning provisions in the TRMP. Any such changes are publicly notified so that people can make submissions. Plan Changes may propose to alter zonings, policies or rules, and may affect this property or sites in the surrounding area.

Council-initiated Plan Changes can have some effect from the first day of notification as 'proposed changes'. From time to time Council receives a request for a Private Plan Change. These are processed by Council and have no effect until operative.

A list of all the current Plan Changes can be viewed on the Tasman District Council policy pages at www.tasman.govt.nz/link/trmp.

Notes
There are discharge consents that affect this property RM140218 'To discharge stormwater' and RM140220 'To discharge treated wastewater to an off-site area'. These consents will need to be transferred into the name of any new property owner/s. Copies are enclosed for your information. Information on the transfer process and an application form can be found on Tasman District Council's website.
The property access is to an unformed legal road that Council does not maintain.
Tasman Resource Management Plan planning maps identify the property is within the Rural Residential (Pangatotara) Zone and Land Disturbance Area 1. Further information on these Zones and Areas can be found in the Section 2 Maps; Section 4 Glossary and/or on the Tasman Resource Management Plan pages on the Tasman District Council website at www.tasman.govt.nz/link/trmp .
A Consent Notice is attached to the title for this property. A copy is enclosed for your information.

Compliance Notes

These notes include information relevant to compliance with the consents and permits noted above.

Notes

There are a suite of resource consents that may affect this property associated with subdivision. It is essential that the enquirer familiarises themselves fully with these consents and the conditions they impose. This is particularly important for any conditions associated with notification of commencements, submission of plans for approvals, sampling servicing and reporting.

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Environmental Health and Licences

No Environmental Health or Licence information has been found for this property.

Licencing Notes

No notes regarding licences have been recorded against this property.

Air Shed

This property does not sit within a controlled Air Shed.

Hazardous Activities and Industries List (HAIL)

No verified HAIL site has been found for this property. However, if the site or any adjacent site has been used for industrial, horticultural or agricultural purposes in the past, we suggest you make further enquiries.

Wetlands

Council is in the process of mapping wetlands across the Tasman District to meet current legislative requirements. Legislation relating to wetlands applies regardless of whether they have been mapped or not.

Pest Inspection History

The Tasman-Nelson region has a Regional Pest Management Strategy for the control of declared pest plants, animals and organisms. The responsibility for the control of pests lies with the land occupier or owner. No pests have been recorded on this property.

Significant Native Habitats

Council has been compiling biodiversity reports (also called Ecological Property Reports or reports on Significant Native Habitats) and where these exist they are available. However, no report has been lodged on this property.

Hazard Notes

These notes include hazard information relevant to this LIM.

SEA LEVEL RISE AND COASTAL HAZARDS MAPPING

We have developed a coastal hazards map viewer which maps the extent of low-lying coastal land in Tasman and Golden Bays that may be affected by sea level rise. The viewer shows a range of sea level rise scenarios, including the effects of higher tides caused by storms. Areas of historical coastal erosion (sediment loss) and accretion (sediment gain), as well as the presence of coastal structures such as stopbanks, walls and rock revetments, have also been mapped.

You can view the coastal hazards map viewer on our website at www.tasman.govt.nz/link/coastal-management and on our website you will also find more information about the project.

Notes

Council has no records of this property being affected by flooding or specific earthquake hazards. Soils at this property are formed on deeply weathered granites and are susceptible to severe erosion when exposed, such as during earthworks and/or following vegetation removal. Slope failure may occur if significant and prolonged rainfall results in deep saturation of the soil layer. Careful management of stormwater runoff is required. Further detail of the property's geotechnical setting is contained in the attached report prepared by Geologic Ltd (dated December 2013).

2. Maps

Several maps are included in your LIM:

- An aerial overview
- A map of the water and sewer pipes around the property
- A map showing any bores on the property
- A map of the fire ban areas that may apply
- Maps of the Zones and Areas defined in the Tasman Resource Management Plan (TRMP) and their associated legends.

Please note that other rules defined in the TRMP may also apply to this property. The TRMP is available online at www.tasman.govt.nz.



AZ Address Labels

~ Road Boundaries

AZ Road Labels

~ Property Boundaries



Aerial Photo Map

The information displayed is schematic only and serves as a guide. It has been compiled from Tasman District Council records and is made available in good faith but its accuracy or completeness is not guaranteed.

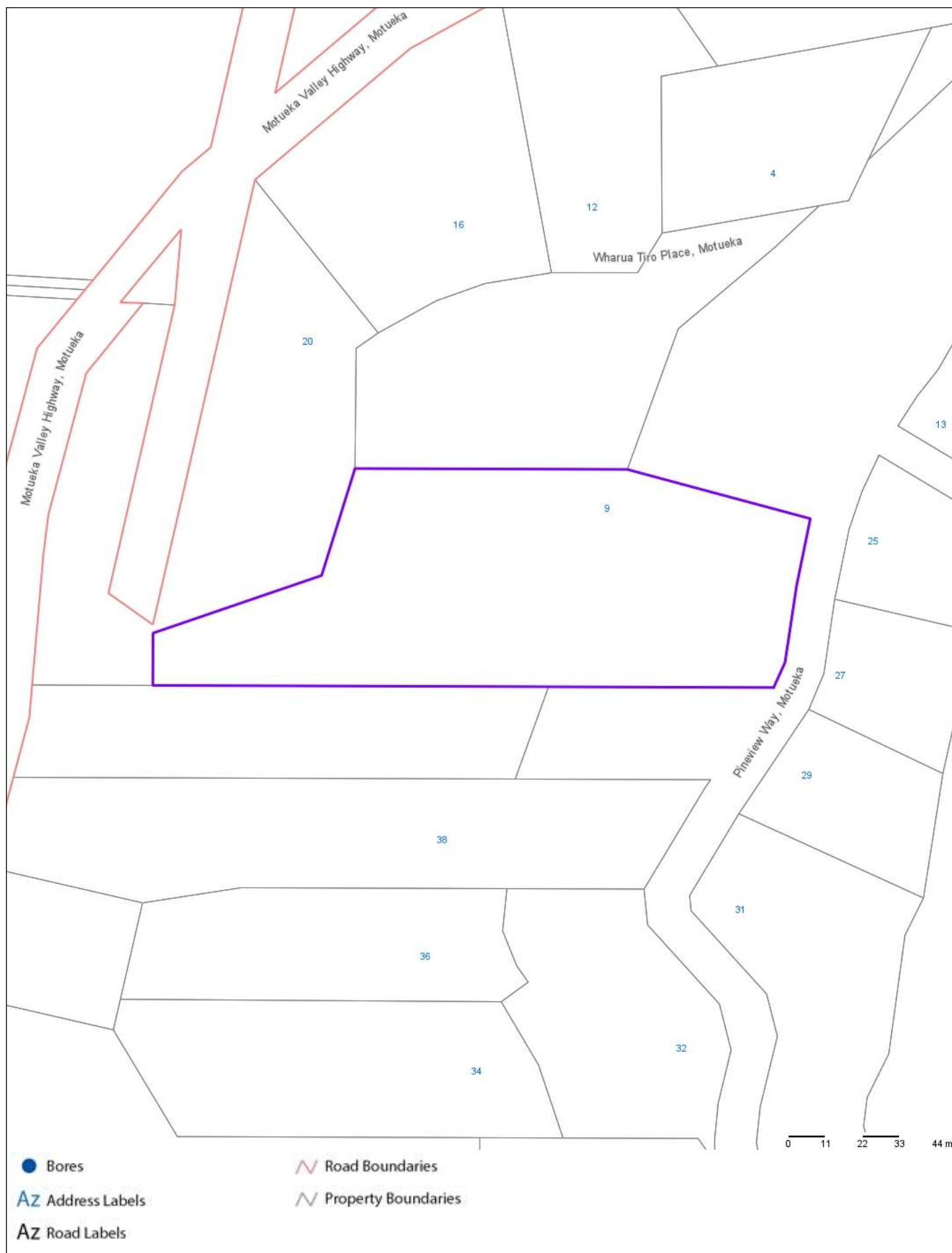
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Monday, 19 September 2022

Original Sheet Size 210x297mm



Bores Map

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WaterPipes

StormwaterDrains

RoadBoundaries

WastewaterPipes

AddressLabels

PropertyBoundaries

Stormwaterpipes

RoadLabels



Pipe Network Map

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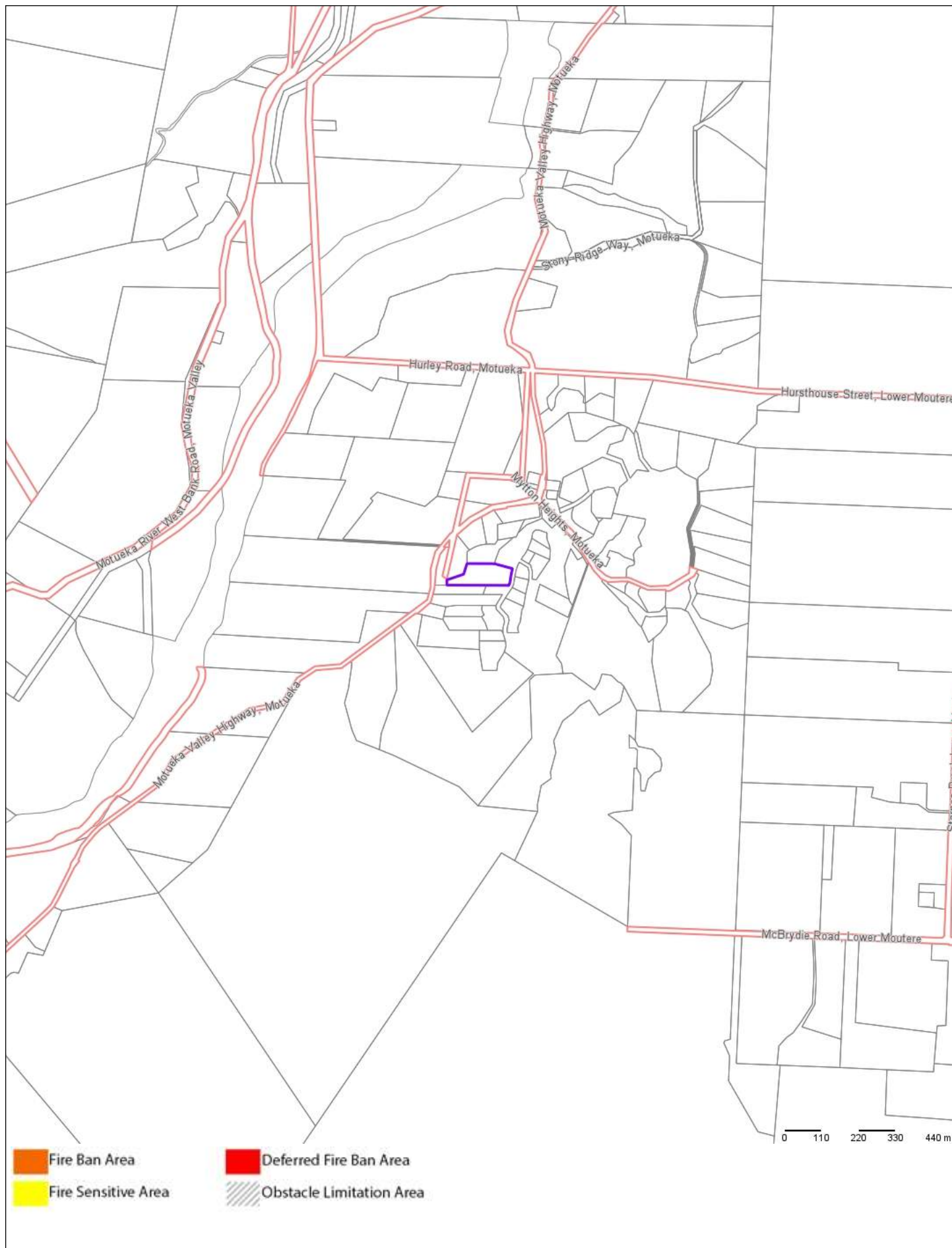
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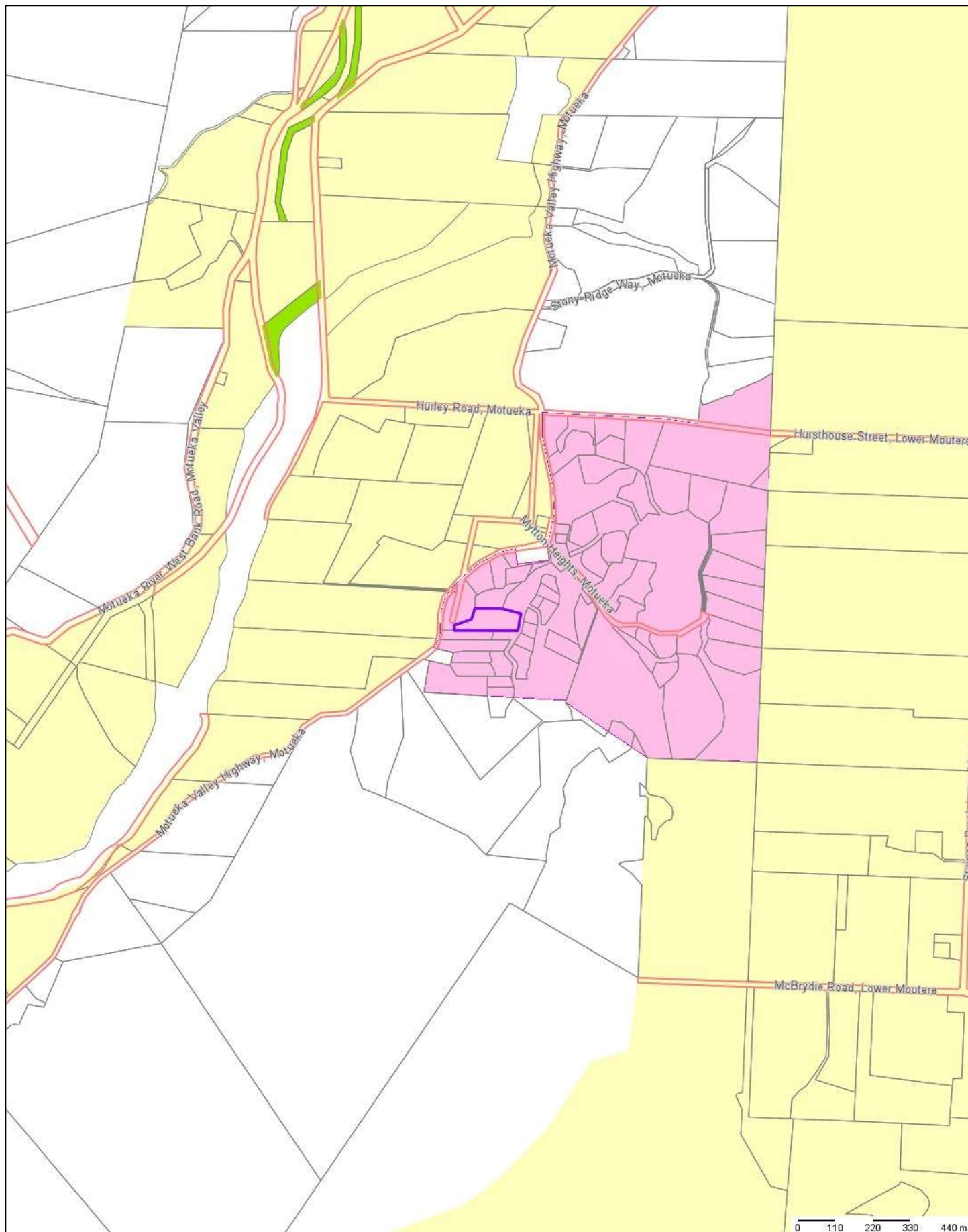
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Fire Ban Areas Map

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The legend for this map is included on a separate page.



TRMP Zones Map

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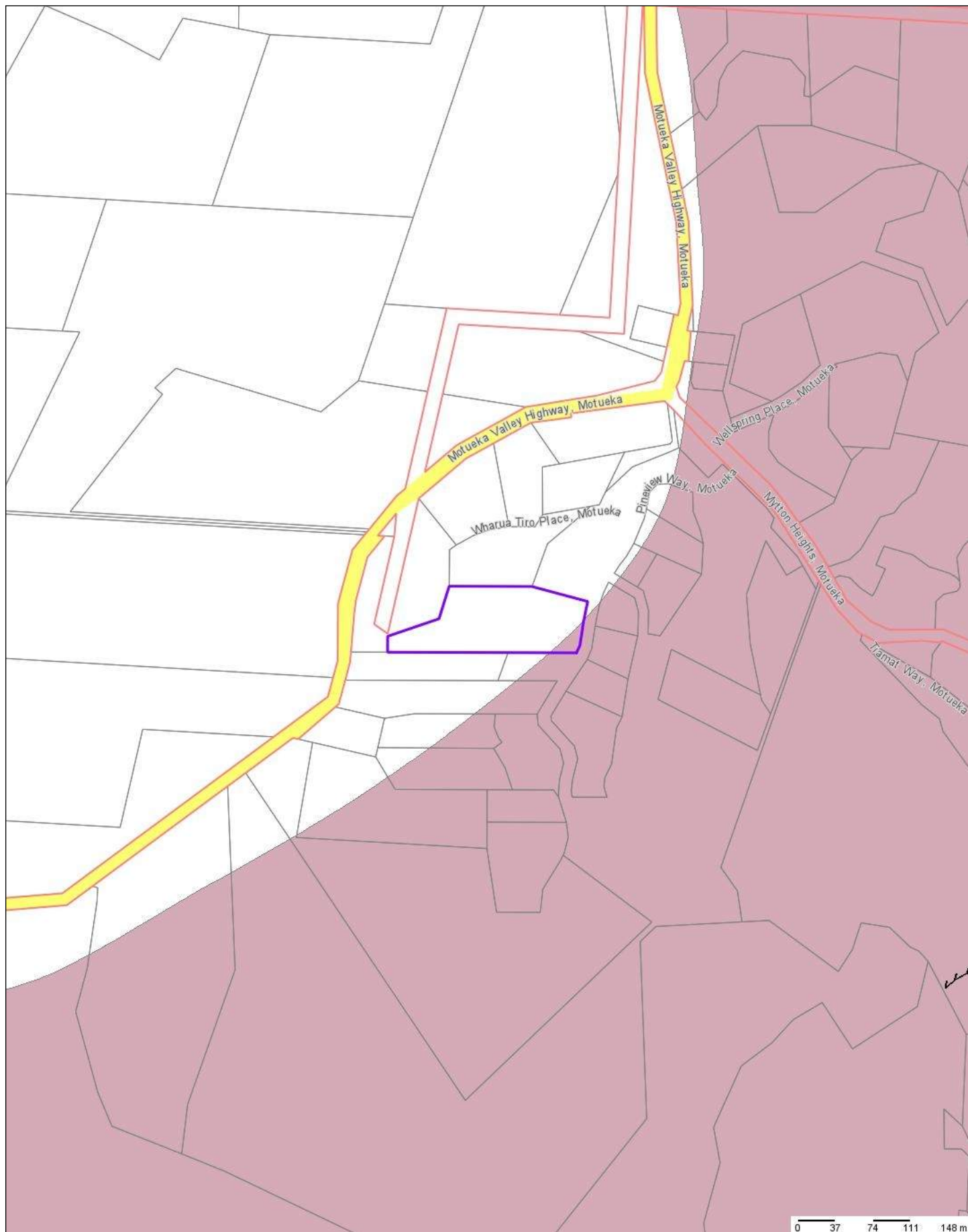
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The legend for this map is included on a separate page.



TRMP Areas Map

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Monday, 19 September 2022

Original Sheet Size 210x297mm

ZONE MAPS

	Rural 1		Compact Density Residential Area		Rural 2 deferred Residential
	Rural 1 Closed		Rural Residential		Rural 2 deferred Rural Residential
	Rural 1 Coastal		Rural Residential Serviced		Rural 2 deferred Rural Residential Serviced
	Rural 2		Rural Residential Closed		Rural 2 deferred Mixed Business
	Rural 3		Open Space		Rural 2 deferred Light Industrial
	Central Business		Recreation		Rural Residential deferred Residential
	Commercial		Conservation		Rural Residential Serviced deferred Residential
	Mixed Business		Tourist Services		Recreation deferred Mixed Business
	Light Industrial		Papakainga		Recreation deferred Residential
	Heavy Industrial		Rural 1 deferred Residential		Tourist Services deferred Residential
	Rural Industrial		Rural 1 deferred Tourist Services		Rural 1 deferred Papakainga
	Residential		Rural 1 deferred Mixed Business		Residential deferred Light Industrial
	Residential Closed		Rural 1 deferred Light Industrial		Development Area
	Residential Coastal		Rural 1 deferred Heavy Industrial		Notation
			Rural 1 deferred Rural Residential Serviced		Direction of development

AREA MAPS

	Protected Tree		Indicative Vehicle Access/ Crossing Point		Wastewater Management Area
	Heritage Building : NZ Historic Places Trust Register		Fault Rupture Risk Area		Services Contribution Area
	Heritage Building : Tasman District Council Register		Slope Instability Risk Area		Coastal Environment Area
	View Point		Ridgeline		Coastal Risk Area
	Designation Site		Working Quarry Site		Mooring Area
	Designation Area		Quarry Area		Chemical Hazard Area
	Indicative Development Area		Aquifer Protection Area		Landscape Priority Area
	Indicative Reserve		Significant Natural Area		Electricity Transmission Line
	Indicative Stormwater Retention Area		Recharge Protection Area		Shopping Frontage
	Indicative Road		Land Disturbance Area 2		Retail Frontage
	Indicative Walkway		Residential Activity Restriction Area		Service Lane
	Indicative Waterway		Special Domestic Wastewater Disposal Area		Road Area
					Car Park

3. Additional Information

This section of the LIM includes general information of interest to potential buyers in the area.

- **Civil Defence/Emergency Management**

The Council jointly provides civil defence arrangements with Nelson City Council. Details of alerts and other information can be found on the website at www.nelsontasmancivildefence.co.nz.

4. Glossary

Term	Explanation/Note
Coastal Environment Area	The Coastal Environment Area is a Tasman Resource Management Plan overlay. Its purpose is to guide the management of Tasman District's coastline. The seaward boundary of the Coastal Environment Area is mean high water springs and the overlay extends approximately 200 metres inland from this boundary. Any building work within the Coastal Environment Area may require resource consent. Rules relating to this area can be found in Section 18.11 of the Tasman Resource Management Plan.
Coastal Risk Area	The Coastal Risk Area is a Tasman Resource Management Plan overlay that extends over parts of Ruby Bay and recognises the extent of coastal erosion and inundation in this area. Any building work within the Coastal Risk Area will need to comply with Tasman Resource Management Plan Rule 18.9.2.1 or a resource consent will be required.
Consent Notice	A consent notice is a form of covenant between the Council and a landowner. A consent notice will be registered on the title alerting current and future property owners of certain obligations that must be complied with on a continuing basis by the property owner. The process to change or cancel a consent notice requires a resource consent application to Council.
Deferred Fire Ban Area	The land is subject to deferred Fire Ban Area provisions which will take effect once the deferrals applying to the land use zones are uplifted. The fire ban provisions mean that outdoor burning will be prohibited except in particular circumstances relating to lot size. Until then the land is subject to Fire Sensitive provisions which limit outdoor burning during winter months.
Electricity Transmission Lines and Towers	Any property identified as having high-voltage electricity lines over or adjacent to the property or there are transmission towers/pylons on or adjacent to the property, the applicant/landowner must ensure that the proposed building or structure complies with the clearances prescribed in the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP34:2001).
Fault Rupture Risk Area	This area encompasses active fault systems in the Tasman District. Rules in Section 18.13 apply to activities in this area.
Fire Ban Area	Rules 36.3.2.3, 36.3.3.3 and 36.3.7.3 apply to this property. The Rules are located in the Discharge Section of the Tasman Resource Management Plan. The rules mean outdoor fires (to burn waste paper and vegetation) are prohibited on properties less than 5,000m ² . Where properties are larger than 5,000m ² , resource consent is required to have an outdoor fire (the rules do not apply to barbecues or braziers).
Fire Sensitive Area	Rules 36.3.2.3, 36.3.3.3 and 36.3.5.3 apply to this property. The Rules are located in the Discharge Section of the Tasman Resource Management Plan. The rules mean that outdoor fires (to burn waste paper and vegetation) are not permitted during the months of June – August (inclusive) unless where there is disease on a horticultural crop (the rules do not apply to barbecues or braziers). Resource consent to burn other horticultural vegetation can also be sought for fires during June – August.

Term	Explanation/Note
Land Disturbance Area 1	This covers most of the District and is characterised by generally stable landscapes. Many land disturbance activities are permitted in this area subject to performance standards to maintain appropriate soil and surface water quality values. Consents may be required for some activities on the naturally higher risk terrains within the area such as steep hill country and the karst terrain. The full set of regulatory requirements are found in Section 18.5 “Land Disturbance Areas” of the Tasman Resource Management Plan (TRMP).
Land Disturbance Area 2	This covers the terrain known as Separation Point Granite, where land disturbance activities are known to pose special risks from erosion which may have detrimental effect both on site and off site. Few land disturbance activities are permitted in this area and generally consent is required for activities where mechanical land clearance is carried out on land exceeding 15 degrees and where track and road formation produce cuts greater than 0.5 metres. The full set of regulatory requirements are found in Section 18.5 “Land Disturbance Areas” of the Tasman Resource Management Plan (TRMP).
Landscape Priority Area	The Landscape Priority Area is a Tasman Resource Management Plan overlay that covers parts of St Arnaud and the Takaka Hill. Its purpose is to guide development in a way that protects the unique landscape and natural values of these areas. Any building work within the Landscape Priority Area may require resource consent. Rules relating to this area can be found in Section 18.2 of the Tasman Resource Management Plan.
Obstacle Limitation Surface	The Rule 36.3.3.1(g) relates to the safety of aircraft approaching Nelson Airport. Within the limitation surface area the efflux velocity of any discharge to air does not exceed 4.3 metres per second at a height greater than 60 metres.
Recharge Protection Area	This is an area where establishment of new plantation forest is regulated. Up to 20% new forest can be planted as a permitted activity in these areas - provided council is notified first. Otherwise resource consent is required. The objective for these provisions is to protect surface water yields and groundwater recharge from being reduced because of the rainwater interception effects of tall forest vegetation.
Services Contribution Area	Council has made an interim decision for properties in the Services Contribution Area that Council will not provide a reticulated wastewater system. All discharge of domestic wastewater will require a Resource Consent.
Slope Instability Risk Area	This area has particular rules relating to information requirements in relation to ground stability. Rules in Section 18.12 apply to activities in this Area.
Special Domestic Wastewater Disposal Area	Any new discharge of wastewater to land must meet the conditions of Rule 36.1.2.5 of the Tasman Resource Management Plan (including the installation of a treatment system that will treat the wastewater to the standards specified in the Rule). Any developments that increase the potential number of inhabitants, such as additional bedrooms, additional rooms that could be used as bedrooms, second dwellings or sleep-outs will require an upgrade of the wastewater treatment and disposal system so that it meets the conditions of Rule 36.1.2.5 of the Tasman Resource Management Plan (this may include the installation of a system that will treat the wastewater to the standards specified in the Rule), or alternatively a resource consent must be obtained.

Term	Explanation/Note
Wastewater Management Area	Any new discharge of wastewater to land will require resource consent. The wastewater treatment and disposal system should also meet the conditions of Rule 36.1.3.2 or Rule 36.1.4.2 of the Tasman Resource Management Plan (including the installation of a treatment system that will treat the wastewater to the standards specified in the Rule). Any developments that increase the potential number of inhabitants such as additional bedrooms, additional rooms that could be used as bedrooms, second dwellings or sleep-outs will require resource consent and will require and upgrade of the wastewater treatment and disposal system so that it meets the conditions of Rule 36.1.3.2 or Rule 36.1.4.2 of the Tasman Resource Management plan (including the installation of a treatment system that will treat the wastewater to the standards specified in the Rule).

5. Site Plans & Consent Information

This section of the document contains plans that are on file regarding the site. This may include:

- Resource Consent information
- Floor plans for any buildings on the site
- Drainage plans
- Overall site plans.

Council may hold additional plan information, such as technical specifications for items used in the construction of any buildings. If you would like a full copy of all the documents on file, please contact Customer Services. Note that this can be quite extensive in some cases, and a fee applies.

DEED dated this 28th day of November

2002

CONO 5501603.5 Consen

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TASMAN DISTRICT COUNCIL

Consent Notice Under Section 221 Resource Management Act 1991

TDC Consent No. RM000413

**McFADDEN McMEEKEN PHILLIPS
SOLICITORS
NELSON**

TASMAN DISTRICT COUNCIL

Consent Notice Under Section 221 Resource Management Act 1991

TDC Consent No. RM000413

BACKGROUND

- A **T W MYTTON LIMITED** ("the Registered Proprietor") is the registered proprietor of an estate in fee simple of the land comprised in Certificates of Title 46117-46124 inclusive being Lots 1-8 on Deposited Plan 311683 (Nelson Registry) respectively.

OPERATIVE PART

TASMAN DISTRICT COUNCIL hereby gives notice pursuant to section 221 of the Resource Management Act 1991 that the subdivision consent in respect of Land Transfer Plan 311683 being a subdivision of the land referred to above was granted subject to the following conditions being complied with on a continuing basis:

- (a) Any buildings erected on Lot 1 and Lot 2 shall have a finished height which is no higher than the ridge line running through the property.
- (b) 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 proposed Tasman Resource Management Plan.

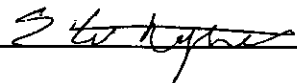
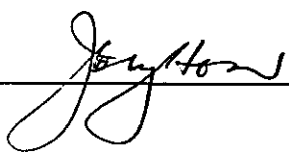
- (c) Any dwelling on Lots 1-4 and 6-8 shall be provided with a water storage tank of at least 23,000 litres.
- (d) No buildings shall be erected on Lots 3 and 7 in the "no build" areas as shown on the submitted plan for RM000414 (being more particularly shown on Deposited Plan 311683 as O on Lot 3 and N and M on Lot 7).

- (e) A sealed access shall be provided in accordance with 16.2.2 of the proposed Tasman Resource Management Plan for Lots 1-4 and 6-8 at the building consent stage for any dwelling built on those allotments. This shall include 5 metres of sealing inside the boundary as per section 16.2.2(x) of the Proposed Tasman Resource Management Plan.

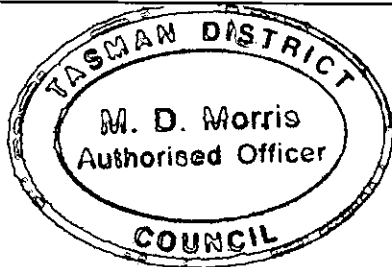
This Consent Notice is issued under section 221 of the Resource Management Act 1991.

DATED at 10.00 am this 28th day of November 2002

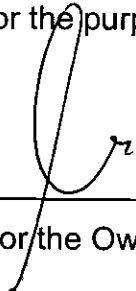
SIGNED by T W MYTTON LIMITED)
by its Directors)

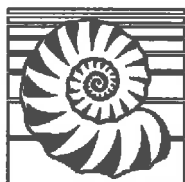



SIGNED by an authorised officer of)
TASMAN DISTRICT COUNCIL)
under delegated authority given)
pursuant to section 716 of the Local)
Government Act 1974)

Correct for the purposes of the Land Transfer Act 1952


Solicitor for the Owner



GEO-LOGIC
L I M I T E D

Atamai Land Trust

**Preliminary Geotechnical Assessment
Proposed Vineyard Subdivision – Stage 3
Motueka Valley Highway
MOTUEKA**

December 2013

ENGINEERING GEOLOGY & GEOTECHNICAL SERVICES

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Attachments:

Geotechnical Site Plan – Proposed Vineyard Subdivision – Stage 3

Geotechnical Photo Site Plan – Proposed Vineyard Subdivision – Stage 3

Photoplate 01 Site Overviews, Proposed Lots 1-4

Photoplate 02 Site Overviews, Proposed Lots 6-9

Photoplate 03 Slumping

Hand Auger Bore Logs HA-V1, V2

Exposure Log EX-V1

Scala penetrometer test results SP-V1 to V6 (6 sheets)

Descriptive Log TP-21

Graphic Trench Log TP-22

Scala penetrometer test results SP-21A, B; SP-22A, B

Soil Terminology Description Sheets

1. Project Brief and Summary

Geo-Logic Ltd was requested to undertake a preliminary geotechnical assessment of the feasibility and site suitability of possible building sites, access and associated site developments for a proposed 13 Lot Vineyard Subdivision – Stage 3. The lots are located to the east of the Motueka Valley Highway, south of its intersection with Mytton Heights Road, and west of Proposed Atamai Subdivision – Stage 2.

The proposed subdivision is set out in the supplied scheme plan “*Atamai Village – Stage 3; Proposed Subdivision of Lot 8 DP 311683 and Lot 51 DP 462516, revision 11 December 2013*” prepared by Village Green Developments Ltd. Twelve new building sites are proposed and there is an existing dwelling, surrounded by Vineyards on Lot 8 DP 311683 (proposed Lot 5). The proposed building sites command sweeping views of the Motueka River Valley to the north, west and south.

We are familiar with the site and vicinity having previously undertaken geotechnical investigations/evaluations of the proposed Stage two subdivision to the east (Geo-Logic Ltd, 2010). Limited field work (hand augering, Scala penetrometer testing and geotechnical reconnaissance mapping) was undertaken on 19 November 2013. Test pitting relevant to the proposed ROW on the adjacent Proposed Stage 2 Subdivision was undertaken previously on 01 June 2010.

This report documents work undertaken to evaluate 13 Possible Building Sites (refer *Geotechnical Site Plan, Sheet 01*) and provide recommendations to support associated consent applications. Our work was undertaken in association with Richard Walker of Engineering Sustainable Solutions Ltd (ESS) who prepared a preliminary engineering report for Atamai Subdivision – Stage 3, on the proposed building platforms, stormwater drainage and water supply and on-site wastewater systems (ESS, 2013).

Our services have been undertaken in terms of an IPENZ Agreement dated 8 November 2013.

2. Site Description and Geology

2.1 Geology

All of the site and vicinity is underlain by the Separation Point Granite Formation of Cretaceous age (Rattenbury et al, 1998) which is deeply weathered to a SILTY SAND/ SANDY CLAY (SM/SC). Geology of the site is well exposed in road cuts of several metres in height along the existing ROW to the dwelling at 239 Motueka Valley Highway, locally in existing track batters and as apparent granite bedrock outcrops on the western flanks above Motueka Valley Highway to the west.

The proposed building platforms are generally well positioned on the mid to upper flanks of broad sloping ground (refer *Photoplates 1 and 2*) with one lot, Lot 9, positioned on a saddle (refer *Geotechnical Site Plan, sheet 01*). A deeply incised gully, showing evidence of active regression, and locally slumping, in its uppermost reach, is sub-parallel to the main proposed ROW servicing the lots. Vineyards surround the existing dwelling at 239 with most of the proposed Building platforms currently open grazing pasture. Only the southernmost lot (lot 12) is densely vegetated.

While all of the proposed subdivision is underlain by the same geological unit, Tasman Resource Management Plan rule 18.6.7 applies to only the southeastern portion, designated as “*Land*”

3. Scope of Work

For our preliminary geotechnical assessment we undertook the following work:

- Review of available geological maps/ reporting (see references)
- File review of previous work completed in the vicinity
- Geotechnical reconnaissance mapping by an experienced engineering geologist on 19 November 2013
- Limited subsurface investigation (2 hand augers and 6 Scala penetrometer tests) was ably assisted by Village Green Developments Ltd.

Our programme of subsurface investigation was limited to hand auguring and included limited Scala penetrometer testing. The hand augers were undertaken to enable visual examination of *in-situ* materials away from areas of existing exposures. Scala penetrometer testing enabled an assessment of general foundation conditions being completed in undisturbed materials to assist with an evaluation of soil bearing strength and to identify the depth to competent materials.

Surveying of the field test locations was undertaken by Davis Ogilvie with positions as shown on the attached ***Geotechnical Site Plan***, sheet 01. With the exception of Slumps 1 and 2 the positions of geotechnical features were not surveyed and are approximate.

The logs, which are appended to this report, indicate conditions on the date of exploration and may not represent conditions at other location and on other dates. Water levels and/or moisture content where shown are subject to variation. Stratification lines or depth intervals indicate approximate boundaries between material types and the transitions may be gradual unless otherwise indicated. Soil classifications shown are field classifications based on the Unified Soils Classification System (see attached sheet - Soil Exploration Log Terminology). The Scala penetrometer tests indicate ground conditions at the location of the test and ground conditions may vary at other locations not tested. Groundwater levels may vary seasonally.

4. Observations

4.1 Possible Building Sites

Ground slopes across the possible building sites are gentle to moderate being well positioned on the mid to upper flanks of broad sloping ground for proposed lots 2, 3 and 4 and on primary or secondary spurs for proposed lots 1 and 6 to 13, exclusive of proposed lot 9 which is positioned on a saddle (refer ***Photoplates 1*** and ***2***). There is no evidence of instability associated with the possible building sites which are geotechnically well suited for the intended use for residential dwelling sites. Hummock ground, indicative of soil creep in the upper weaker overburden, was observed on the lower flanks well downslope of proposed building sites on Lots 6, 7 and 8 (see ***Photoplate 2.1***).

4.2 Access

Active instability, shallow slumping, was observed as active regression at the head of the gully to the north of proposed lots 9 and 10 (Slump 1). Similarly localised slumping to the east of proposed lot 11 has developed in the vicinity of/ potentially as a result of surface runoff collected on nearby access track (Slump 2). These can be effectively mitigated by appropriate earthworks and retaining as well as improvements to existing surface drainage. Apparently active, shallow slumping was evident in the gully between lots 3 and 4 downslope of a portion of ROW Q.

6. Conclusions

- 6.1 The overall geotechnical setting is characterised by a relatively high degree of stability away from gullies. The topography, orientation and aspect of the areas identified as “*Possible Building Sites*” on the *Geotechnical Site Plan*, sheet 01, exhibit a high degree of stability given the gentle to moderate slopes and adequate setback from gullies. There is no evidence of instability associated with the possible building sites which are geotechnically well suited for the intended use
- 6.2 We believe the proposed site developments are geotechnically appropriate provided the engineering controls recommended in the preliminary engineering report (ESS, 2013) are implemented under the direction of a qualified civil or structural engineer, experienced in foundation design.
- 6.3 For any earthworks required to enable development of the proposed building sites or ROW adequate stripping, benching and, as appropriate, filling under the control of an engineer experienced in earthworks is required. Geotechnical review of significant earthworks is recommended, particularly in areas associated with slumping/ slope instability.
- 6.4 Access to the potential building sites is geotechnically feasible. Features of localised instability can be effectively mitigated and are to be implemented as a part of access development with supervision and design by an engineer experienced in road construction and earthworks. Further subsurface investigation may be appropriate to assist in developing these works with, as appropriate, geotechnical review.
- 6.5 Localised areas of fill associated with earthworks or previous land use may exist.

7. References

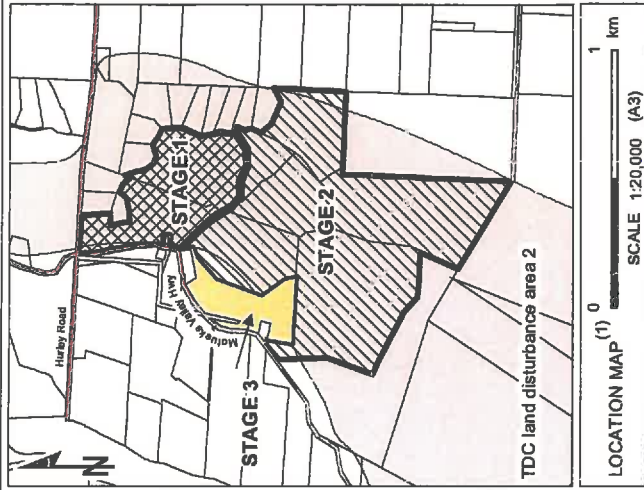
COOTE, T P; DOWNES, G L, 1995: Preliminary assessment of earthquake and slope instability hazards in Tasman District, Report prepared by the Institute of Geological and Nuclear Sciences Ltd for the Tasman District Council.

ENGINEERING SUSTAINABLE SOLUTIONS LTD, 2013: Engineering Report for Proposed Subdivision South of Mytton Heights Road for Atamai Village Stage Three at Motueka Valley. Preliminary Engineering report prepared for Atamai Village dated December 2013.

GEO-LOGIC LTD, 2010: Geotechnical Investigation, Proposed 30 Lot Subdivision, Atamai Village – Stage 2, Motueka Valley Highway, Motueka. Consultant’s report prepared for Atamai Village Council dated September 2010.

JOHNSTON, M R; HULL, A G AND DOWNES, G L, 1993: Earthquake, Landslide and Coastal Hazards in Nelson City. Report prepared by the Institute of Geological and Nuclear Sciences for the Nelson City Council.

RATTENBURY, M S; COOPER, R A; JOHNSTON, M R, 1998: Geology of Nelson Area. Prepared by the Institute of Geological and Nuclear Sciences 1:250 000 geological map. Lower Hutt New Zealand.



Legend

- HA-V2 Hand auger
- EX-V1 Exposure log (position approximate)
- SP-V8 Scala penetrometer test (s, position surveyed)
- TP-22 Test pit (s, position surveyed)
- Area of apparent shallow instability (2)
- Seepage or area of locally elevated groundwater (2)
- Proposed building platform (position indicative)
- Bedrock outcrop
- Slump (s, position surveyed)

NOTES:

- (1) Cadastral information source from LINZ data, extracted 10 September 2010. Crown Copyright Reserved
- (2) Refer to discussion in text
- (3) Ponds shown are future

Basemap Reference:
 "Stage 2 Amended Lots.dwg", supplied by A Stephenson,
 10 December 2013



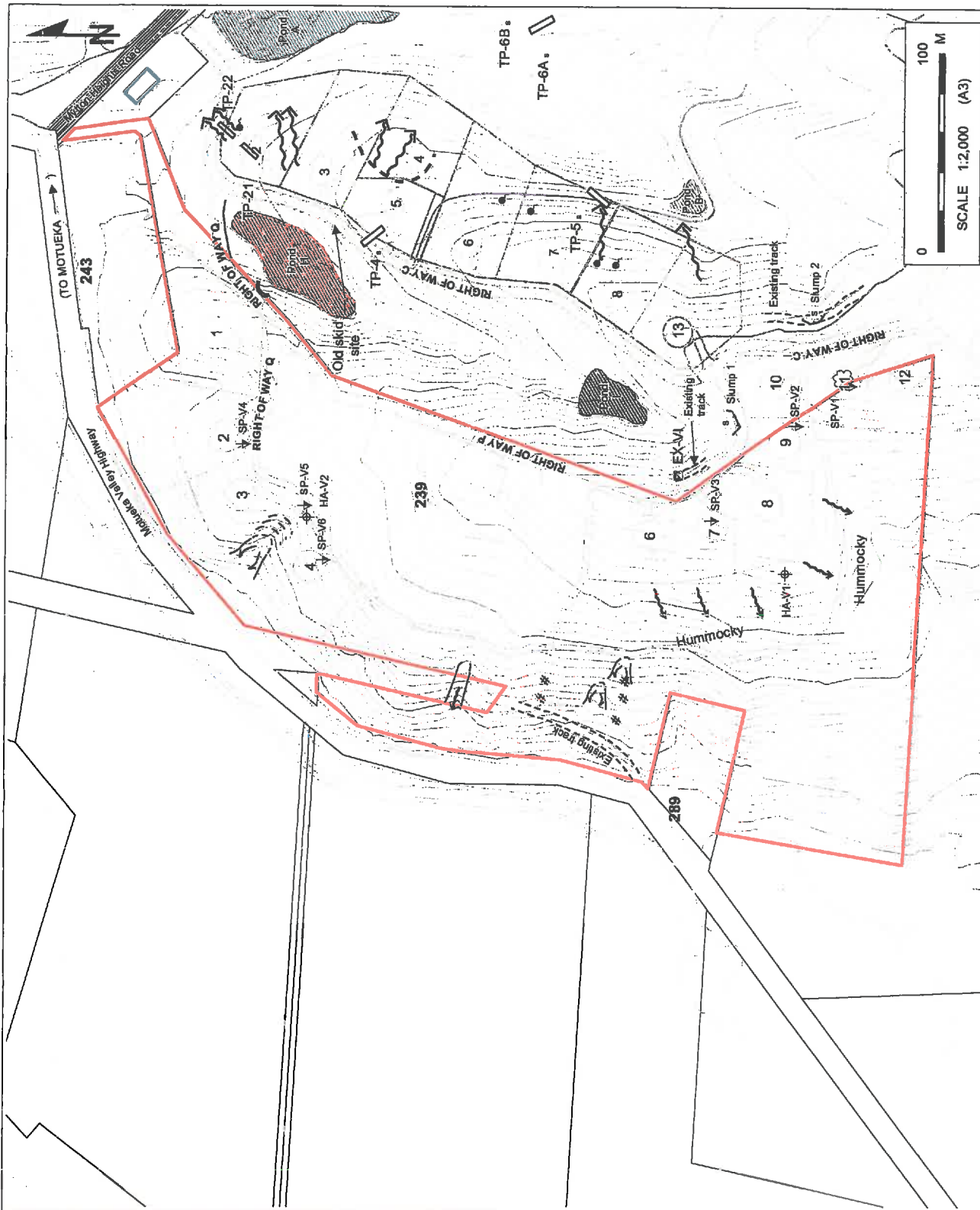
Surveyed	Drawn	Designed	PCD	Scale	12,000 (A3)
				Status	CONCEPTUAL
				Date	11 December 2013
				File	07028 Vineyard01.mxd
				Project #	7028

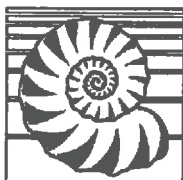
REV	AMENDMENTS	DATE	INIT

GEOTECHNICAL SITE PLAN

Atamai Land Trust
 Preliminary Geotechnical Assessment
 Proposed Vineyard Subdivision - Stage 3
 Motueka Valley Highway, MOTUEKA

SHEET 01 REV





GEO-LOGIC
L I M I T E D

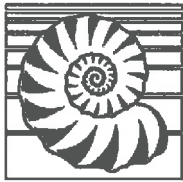
Atamai Land Trust
Preliminary Geotechnical Assessment
Proposed Vineyard Subdivision – Stage 3
Motueka Valley Highway, MOTUEKA
7028



1.1 Proposed Lot 1 (view looking northeast)



1.2 Proposed Lots 2, 3, 4 (view looking southwest)



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Preliminary Geotechnical Assessment
Proposed Vineyard Subdivision – Stage 3
Motueka Valley Highway, MOTUEKA
7028



3.1 Slump 1 north of ROW P; Lots 9/10 (view looking east)



3.2 Slump 2 east of ROW C; Lots 10/11 (view looking south)

BORE HOLE # HA-V1

West of Lot 8

Project Number/Name: 7028 / Vineyard Subdivision

Drill Rig: Hand Auger

Geologist/Engineer: PC Denton

Ground Elevation (m):

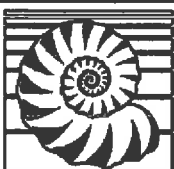
Date Drilled: 19 November 2013

Total Depth of Bore Hole (m): 1.2

Bore Hole Diameter: 50mm

Depth to Groundwater (m):

Classification	Graphic Log	Description	Depth	Scala Test	Sample	Groundwater Level	Completion
SC/ CL		<u>TOPSOIL</u> 0.0 - 0.3 Medium brown SANDY CLAY with silt; slightly damp; moderate plasticity; abundant fine sand	0				
SC		<u>SUBSOIL/COLLUVIUM</u> 0.3 - 1.0 Light brown CLAYEY SAND/SANDY CLAY; firm	0.5		S-1		
		0.8 Increasing moisture and clay content below 0.8m; rusty brown colour	1.0		S-2		
		<u>WEATHERED BEDROCK</u> 1.0 - 1.2 Orange brown SILTY SAND with CLAY; damp; low to moderate plasticity; very stiff					
		bottom of boring at 1.2m (refusal)	1.5				



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EXPLORATION
BORE LOG

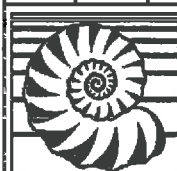
Sheet 01 of 01

PROFILE # EX-V1

West of Proposed Lots 6 & 7

Project Number/Name: G7028 / Vineyard Subdivision	Drill Rig: Exposure Log
Geologist/Engineer: PC Denton	Ground Elevation (m):
Date Drilled: 19 November 2013	Total Depth of Bore Hole (m):
Bore Hole Diameter:	Depth to Groundwater (m):

Classification	Graphic Log	Description	Depth	Scala Test	Sample	Groundwater Level	Completion
SC/ CL		<u>TOPSOIL</u> 0.0 - 0.3 Dark brown SANDY CLAY: moderate plasticity; soft to firm; roots and rootlets	0				
CL/ ML		<u>COLLUVIUM</u> 0.3 - 1.2 Yellow brown mottled gray CLAYEY SILT; damp; stiff to very stiff	0.5 1.0				
SM		<u>WEATHERED BEDROCK</u> 1.2 - 1.6 (Separation Point Granite Formation) Yellow brown SILTY SAND: slightly damp; low plasticity; very stiff	1.5				
		Free standing cut batter adjacent to track.					



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DESCRIPTIVE PROFILE LOG

Sheet 01 of 01

SCALA PENETROMETER TESTS

Page 2 of 6

JOB	Vineyard Subdivision		
LOCATION	Atamal		
WEATHER	Fine; 30mm rain previous day		
BY:	PCD/AJS	DATE:	Tue 19 Nov 2013
		FILE:	G7028

SCALA PENETROMETER TESTS

[illegible]

TRENCH # TP-22

Project Number/Name: G7028.01 / Atamai Village

Geologist/Engineer: PCD

Date Logged: 1 July 2010

Excavation Equipment:

Trench Width (m):

Notes:

UNITS			STRUCTURE			
Depth	No.	Description	No.	Strike	Dip	Type
	1	0.0 - 0.8 Topsoil				
	2	1A Slumped topsoil to 0.4m COLLUVIUM				
	3	0.8 - 1.2 Bedrock				
	4	1.2 - 2.6				

DEPTH
(E.L.)

BEARING:

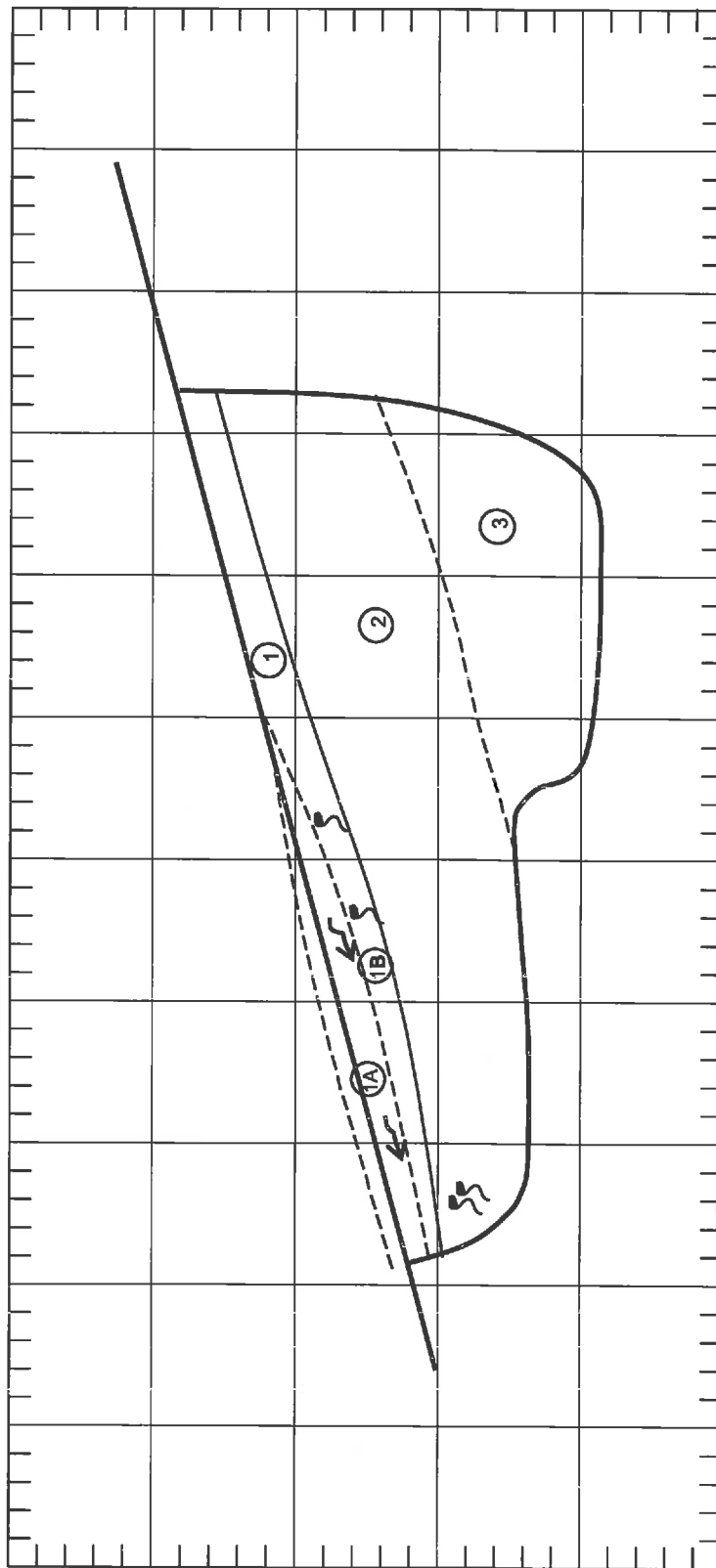
074°

LOOKING:

North

0 1.0 m

SCALE 1:50



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Atamai Village Council
Geotechnical Investigation
Proposed Lot 37, Stage II (South Block)

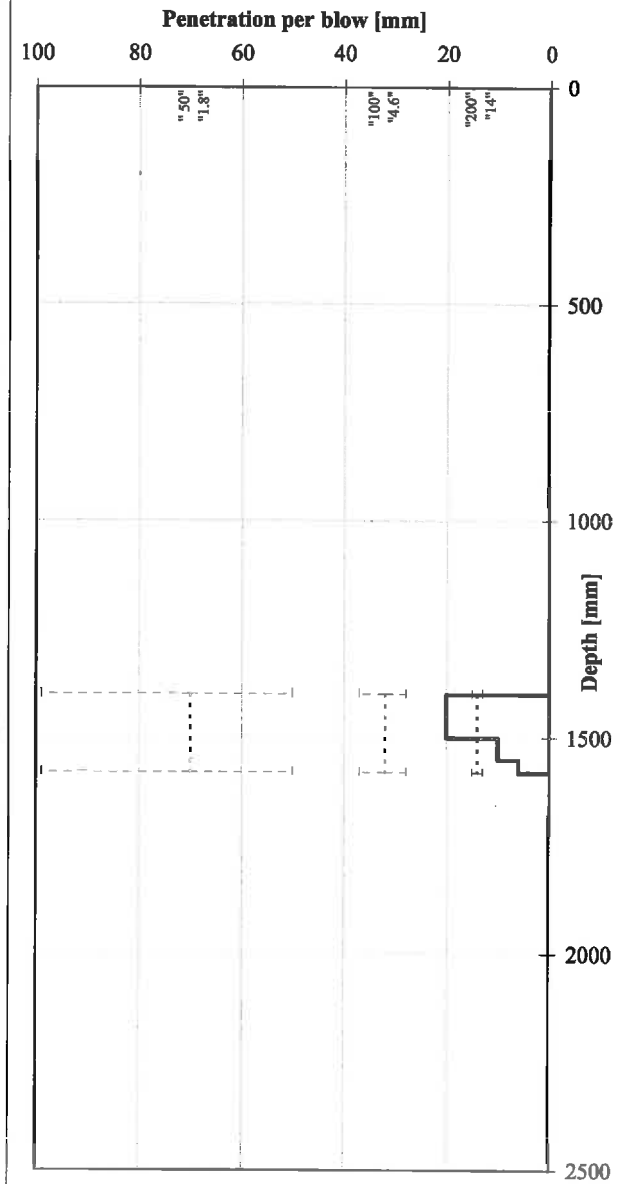
GRAPHIC TRENCH LOG

Sheet 01 of 01

JOB	Atamai Village Council, Stage 2 (South Block)			
LOCATION	Vicinity Proposed Lot 3			
WEATHER	Rain			
BY:	PCD	DATE:	Tue 01 Jun 2010	FILE: G7028.01

SCALA PENETROMETER TESTS

TEST: **SP-TP-21-B** Refer to **SITE PLAN** for location

[illegible]

JOB	Atamai Village Council, Stage 2 (South Block)		
LOCATION	Vicinity Proposed Lot 3		
WEATHER	Rain		
BY:	PCD	DATE: Tue 01 Jun 2010	FILE: G7028.01

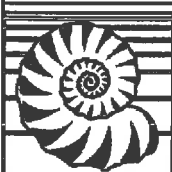
SCALA PENETROMETER TESTS

[illegible]

UNIFIED SOIL CLASSIFICATION

FIELD IDENTIFICATION PROCEDURES (Excluding particles larger than 3 inches and basing fractions on estimated weights)					GROUP SYM- BOLS s	TYPICAL NAMES	
Coarse GRAINED SOILS More than half of material is <u>larger</u> than No. 200 sieve size.	GRAVELS More than half of coarse fraction is larger than No. 4 sieve size.	CLEAN GRAVELS (Little or no fines)	Wide range in grain size and substantial amounts of all intermediate particle sizes.			GW	Well graded gravels, gravel-sand mixtures, little or no fines.
			Predominantly one size or a range of sizes with some intermediate sizes missing.			GP	Poorly graded gravels, gravel-sand mixtures, little or no fines.
		GRAVELS WITH FINES (Appreciable amount of fines)	Non-plestic fines (for identification procedures see ML below).			GM	Silty gravels, poorly graded gravel-sand-silt mixtures.
			Plastic fines (for identification procedures see CL below).			GC	Clayey gravels, poorly graded gravel-sand-clay mixtures.
	SANDS More than half of coarse fraction is smaller than No. 4 sieve size. (For visual classifications, the 1/2" size may be used as equivalent to the No. 4 sieve size.)	CLEAN SANDS (Little or no fines)	Wide range in grain size and substantial amounts of all intermediate particle sizes.			SW	Well graded sands, gravelly sands, little or no fines.
			Predominantly one size or a range of sizes with some intermediate sizes missing.			SP	Poorly graded sands, gravelly sands, little or no fines.
		SANDS WITH FINES (Appreciable amount of fines)	Non-plastic fines (for identification procedures see ML below).			SM	Silty sands, poorly graded sand-silt mixtures.
			Plastic fines (for identification procedures see CL below).			SC	Clayey sands, poorly graded sand-clay mixtures.
FINE GRAINED SOILS More than half of material is <u>smaller</u> than No. 200 sieve size. (The No. 200 sieve size is about the smallest particle visible to the naked eye).	IDENTIFICATION PROCEDURES ON FRACTION SMALLER THAN No. 40 SIEVE SIZE						
	SILTS AND CLAYS Liquid limit less than 50	DRY STRENGTH (CRUSHING CHARACTERISTICS)	DILATANCY (REACTION TO SHAKING)	TOUGHNESS (CONSISTENCY NEAR PLASTIC LIM.)			
		None to slight	Quick to slow	None	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slight plasticity.	
		Medium to high	None to very slow	Medium	CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.	
	SILTS AND CLAYS Liquid limit greater than 50	Slight to medium	Slow	Slight	OL	Organic silts and organic silt-clays of low plasticity.	
		Slight to medium	Slow to none	Slight to medium	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.	
		High to very high	None	High	CH	Inorganic clays of high plasticity, fat clays.	
		Medium to high	None to very slow	Slight to medium	OH	Organic clays of medium to high plasticity.	
	HIGHLY ORGANIC SOILS		Readily identified by color, odor, spongy feel and frequently by fibrous texture.			Pt	Peat and other highly orgenic soils.

Reference: Figure 7, Unified Soil Classification Chart (drawing 103-D-347), Earth Manual; US Department of the Interior, 1974



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SOIL TERMINOLOGY DESCRIPTION SHEET

Sheet 02 of 02



Decision of Independent Commissioners Appointed by Tasman District Council

On an application for Resource Consent by Atamai Village Trust

**CONSENTS, PURSUANT TO SECTIONS 104, 104B, 104D AND 108 AND PART 2 OF THE RESOURCE MANAGEMENT ACT, ARE GRANTED SUBJECT TO CONDITIONS
THE FULL DECISION IS SET OUT BELOW**

Applicant	Atamai Land Trust
Application number	RM130940 (Subdivision and Transport Standards)
Activity	To subdivide Lot 8 DP 311683 (239 Motueka Valley Road), Lot 20 DP 447980 (4 Wellspring Place) and an area that was included within RM120684, Part of Lot 51 DP 462516, to create 19 allotments with areas that are less than the controlled standard of 5000m² specified in the TRMP for the rural residential (Pangatotara) zone. This application does not meet the permitted standards of 16.2.2.1 (more than six users - in terms of the number of users on Mytton heights). There are areas of where internal access ways do not meet the permitted standards are set out in the TRMP.
	RM140217 (Land Use Consent)
	To undertake development earthworks associated with the development of 19 allotments.
	RM140218 (Discharge Permit)
	To discharge stormwater to land from 19 allotments.
	RM140219 (Land Use Consent)
	To undertakes works in a water course in the construction of a dam.
	RM140220 (Discharge Permit)
	To discharge of treated wastewater to an off-site area
Legal descriptions	Lot 8 DP 311683, Lot 51 DP 462516 and Lot 12 DP 444136
Site addresses	239 Motueka Valley Road and Mytton Heights
Zoning	Rural Residential
Lodgement date	17 December 2013
Limited notification date	18 March 2014
Submissions closed	16 April 2014
Hearing Panel's site visit	1 July 2014
Hearing commencement	9.30am 7 July 2014
Hearing adjourned	11.46am 8 July 2014
Hearing closed	12.00pm 16 July 2014

APPEARANCES		
Hearing Panel	Jeff Jones	Independent Commissioner (Chair)
	Brian Ensor	Independent Commissioner (TDC Councillor)

Council Officers	Pauline Webby	Consent Planner, Subdivision
	Leif Pigott	Co-ordinator Natural Resources Consents
	Dugald Ley	Development Engineer
	Michael Croxford	Principal Resource Consents Advisor
	Hannah Simpson	Democracy Support Officer

For the applicant	Fiona McLeod	Legal Counsel for Applicant
	Hilary Palmer	Assisting Ms McLeod
	Bernadus van der Wijngaart	Trustee of Atamai Land Trust
	Richard Walker	Engineer
	Andrew Stephenson	Architect
	Elizabeth Gavin	Landscape Architect
	Christopher Pawson	Traffic Engineer
	Jane Hilson	Planner

Submitters	Patsy Blackstock	Atamai Village Council
	Joseph Wells	Resident of Mytton Heights
	Wendy Wells	Resident of Mytton Heights

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1. SUMMARY

- 1.1 All resource consents are **GRANTED** subject to conditions for the reasons summarised in section 13 of this decision.

2. APPLICATION DETAILS

- 2.1 Atamai Land Trust lodged its application to create 19 rural residential allotments and associated consents on 17 December 2013, which was then limited notified¹ on 18 March 2014 with submissions closing on 16 April 2014. Twelve submissions were received². No written approvals were supplied.
- 2.2 Tasman District Council (the Council) appointed Dr Jeff Jones (Chair) and Cr Brian Ensor as hearings commissioners to hear and determine this application pursuant to Section 34A of the Resource Management Act 1991 (the RMA).
- 2.3 A Section 42A RMA report (the S42A report) was prepared for the hearing by Ms Pauline Webby, the Council's reporting officer, which included a memorandum by Mr Dugald Ley, Council's Development Engineer. Ms Webby recommended granting consent subject to a suite of conditions based on the information provided in the application.
- 2.4 The hearing was held at the Tasman Council Service Centre, 7 Hickmott Place, Motueka, on 7 July 2014.
- 2.5 We conducted a site visit on the afternoon of 1 July 2014. We drove the length of Mytton Heights and viewed the subject site from the access ways on to many of the submitters' properties. We inspected some of the formed lots on Stage 2 of the subdivision. We accessed 239 Motueka Valley Highway, past the existing dwelling on proposed lot 5, and viewed much of the land subject to the application.
- 2.6 The hearing was closed at 12.00pm on 16 July 2014 after review of the applicant's right of reply.

3. PROCEDURAL MATTERS

- 3.1 There were no procedural matters that required consideration or a ruling prior to or during the hearing.
- 3.2 A submitter, Mr Nick Davidson, who had asked to be heard, was unable to attend the hearing due to ill health. He had a further written submission delivered during the course of the hearing which was tabled and taken into consideration. The applicant through its counsel had no objection to this course of action.

4. PROPOSAL AND SITE

- 4.1 As set out in the summary and section 1 of the S42A report prepared by Ms Webby, the proposal seeks to:
- (a) subdivide an area of some 10.1 hectares of Rural-Residential zoned land to create 19 private allotments and one lot set aside as commons. This included an area within the site that already had authorisation for subdivision under RM120684;
 - (b) undertake earthworks associated with the formation of the allotments and access;
 - (c) discharge stormwater to land in circumstances where it can enter water;
 - (d) to construct two dams within the bed of a watercourse; and,

¹ The relevant limited notified persons are identified in the s95 RMA notification decision

² A summary table of the submission is provided in Section 4.4 of the s42A report.

(e) to discharge wastewater to an off-site location.

- 4.2 The application as first lodged sought to establish 13 new lots with the intention that a change in consent conditions to RM120684 would alter the shape of six approved lots to fit this application. However, as a result of a further information request dated 4 February 2014, the applicant changed the scope of this application to include the area already subject to the approved subdivision. Stage 2B and 2C of subdivision resource consent RM120684V2 allows seven residential lots to be formed in all or part of the same area that this consent wants to establish 11 residential lots (Lots 9 & 10, 13-19 and part of Lots 11 and 12).
- 4.3 Section 2 of the S42A report by Ms Webby gives a description of the application site and surrounding Pangatotara Rural Residential zone.

5. TRMP ZONING, AREAS AND RULES

- 5.1 The site is within the following zone and areas identified in the TRMP:

Zoning: Rural Residential (Pangatotara)
Area(s): Land Disturbance Area 1 and Land Disturbance Area 2

- 5.2 The following are the applicable rules of the TRMP:

Activity	Relevant permitted rule	Applicable rule	Status
RM130940 Subdivision Access formation Horticultural setback to dwellings	Not applicable 16.2.2.1 17.8.3.1	16.3.8.4 16.2.2.6 17.8.3.3	Discretionary Restricted Discretionary Non-Complying
RM140217 Earthworks Land Disturbance Area 1 Land Disturbance Area 2	 18.5.2.1(q) 18.5.3.1(c)	 18.5.2.2 18.5.3.3	 Controlled Restricted Discretionary
RM140218 Discharge stormwater from lots	36.4.2.1	36.4.2.3	Restricted Discretionary
RM140219 Construct a dam in a watercourse	28.2.2.1	28.2.2.4	Discretionary
RM140220 Discharge wastewater	36.1.2.1	36.1.5.2	Discretionary

- 5.3 No party disputed that the proposal should be considered, overall, as a **Non-Complying Activity** as this is the most stringent status of all consents sought.

6. RELEVANT STATUTORY PROVISIONS

- 6.1 Section 9 of the RMA provides that:

'No person may use land in a manner that contravenes a district rule unless the use—

(a) ...allowed by a resource consent;'

- 6.2 Section 11(1) of the RMA provides that:

'No person may subdivide land, within the meaning of section 218, unless the subdivision is—

(a) ...expressly allowed by a ...rule in a district plan...or a resource consent;'

- 6.3 Section 13(1) of the RMA provides that:

'No person may, in relation to the bed of any lake or river,—

(a) ... place ...any structure or part of any structure in, on, under, or over the bed...

...unless expressly allowed by ...a rule in a regional plan ...or a resource consent.'

6.4 Section 15(1) of the RMA provides that:

'No person may discharge any,—

(b) contaminant onto or into land in circumstances which may result in that contaminant ...entering water

...unless the discharge is expressly allowed by ...a rule in a regional plan ...or a resource consent.'

6.5 Section 104(B) states that:

'After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.'

6.6 Our authority to grant or refuse this application for a non-complying activity is limited by section 104(D) which states:

'(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan [being the TRMP]...

6.7 The reference in sub-section (a) above to section 104(3)(a)(ii) is a reference to situations where written approvals have been given.

6.8 Section 104(1) sets out the matters we must have regards to in considering the application and the submissions received including:

'(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*'

6.9 We note that Section 104(1) is subject to Part 2 of the RMA. The following matters are particularly relevant to this proposal:

- The sustainable management purpose defined in Section 5.
- The maintenance and enhancement of amenity values (Section 7(c));
- The maintenance and enhancement of the quality of the environment (Section 7(f)); and,
- Any finite characteristics of natural and physical resources (Section 7(g)).

6.10 We were advised that there were no Section 6 matters of national importance and no section 8 Treaty of Waitangi principles that needed to be taken into account by both the applicant's planner and the reporting officer, both of whom supported their contention with analysis. We adopt that analysis and accept their advice in this regard

6.11 Similarly we were advised that there was no provision in any national policy statement, national environmental standard or other regulation that we need consider.

6.12 Section 104(1)(c) allows us to consider any other matter that we consider relevant and reasonably necessary to determine the application.

6.13 Section 104(2) of the RMA provides that we may disregard an adverse effect of an activity if the District Plan permits an activity with that effect. No evidence was presented that there is a meaningful permitted baseline for the purposes of section 104(2), although in her submissions, Ms Hilson did suggest that we should "take into account the complying subdivision layout for" the subject land as a "baseline consideration". While the existing subdivision consent could be given effect to we consider that the part of the existing subdivision subject to this application will not be given affect to if this one is granted and therefore we consider that the consented subdivision layout is not a baseline consideration for us or that it forms part of the consented environment.

7. WRITTEN APPROVALS AND SUBMISSIONS

7.1 No written approvals were received with the application.

7.2 The application was limited notified pursuant to Sections 95-95E of the Act and submissions closed on 16 April 2014.

7.3 A total of 12 submissions were received:

- seven supporting submissions with all stating that they would like to be heard if a hearing was required
- five opposing submissions, of which three indicated that they wished to be heard.

7.4 A number of common concerns were raised in submissions opposing the application and we summarise those as:

- potential visual glare and aesthetics when locating photovoltaic panels;
- potential noise from use of generators;
- impact on rural amenity from ridge-line location and clustering of proposed dwellings;

- pattern of development affecting rural character and amenity of those existing residents prior to Atamai Village concept; and,
- effects on the amenity of existing residents due to construction and on-going earthworks.

8. SUMMARY OF EVIDENCE HEARD

- 8.1 The Council reporting officer's Section 42A report by Ms Pauline Webby and its attached supporting expert evidence from Mr Dugald Ley was pre-circulated prior to the hearing, and was taken as read.

Applicant's Pre-circulated Evidence

- 8.2 The applicant provided briefs of evidence two weeks prior to the hearing as required under Section 41B of the RMA. These were taken as read. We summarise them below:
- 8.3 Mr Bernadus van der Wijngaart, a trustee of the Atamai Land Trust and a resident of Atamai Village, provided a lay witness statement regarding the history of the Atamai Village development and provided an opinion regarding the submissions and matters raised in the S42A report.
- 8.4 Mr Richard Walker, a Chartered Professional Engineer specialising in design and construction of civil engineering projects trading as Engineering Sustainable Solutions (ESS) Limited, provided an assessment of engineering aspects and impacts of proposed, , earthworks, access roads, stormwater drainage, water supply, treatment and disposal of wastewater from the proposed subdivision and building platforms.
- 8.5 Mr Andrew Stephenson, a Registered Architect of Village Green Design Limited, provided a report which included photo simulations of the proposed stage 3 development and an illustration of the proposed height restrictions on an example lot.
- 8.6 Ms Elizabeth Gavin, a Landscape Architect with Canopy Limited, assessed the landscape effects of the proposed subdivision, with paragraph 5 of her report outlining the scope of the evidence.
- 8.7 Mr Christopher Pawson, a Chartered Professional Engineer specialising in traffic engineering with Traffic Design Group, provided a description of the existing traffic and road environment and an assessment of the transport related effects of the subdivision. His paragraph 4 details the scope of his evidence.
- 8.8 Ms Jane Hilson, a Resource Management Consultant with Planscapes (NZ) Limited, gave an assessment of the key planning related matters, including commentary on the proposed consent conditions within the S42A report.

Submitters' Pre-circulated Evidence

- 8.9 No submitter provided briefs of evidence from an expert prior to the hearing.

Applicant's Evidence at Hearing

- 8.10 At the hearing, Ms Fiona McLeod, Counsel for the applicant, presented opening legal submissions. Ms McLeod discussed the nature of the application, outlined the key issues that she considered were for our determination and commented on the proposed conditions of consent. The matters she considered were important to our determination were effects on rural residential character and amenity and traffic effects of increased users of Mytton Heights right-of-way.

- 8.11 Mr van der Wijngaart gave a presentation on the Atamai Village development which included opinions regarding traffic issues and solar panel glare.

Earthworks

- 8.12 Mr Walker detailed the design constraints when working with the Separation Point Granite soils. These include ensuring that slopes are no steeper than 26 degrees, which facilitates revegetation including sowing with grass to provide stability.
- 8.13 We questioned Mr Walker regarding the ongoing supervision of the earthworks considering the proposed formation of building platforms after the issuing of certificate of title. Mr Walker was confident that the formation of the building platforms would continue to fall under the scope of the land disturbance resource consent and compliance with the conditions of consent. He said that any reluctance to form the building platforms prior to the issuing of title came from the desire to minimise the earthworks on each site to that necessary to identify the building centre-point and thus the formation of the access from the various right of ways.
- 8.14 We raised concerns regarding the sustainability of many of the right of way grades stated in the application and asked whether there were any cross-sections available which demonstrated that the proposal could be achieved. A set of engineering plans were presented for the proposed works demonstrating the extent of the proposed works for the formation of right-of-way C based on the approved Stage 2 consent. No such plans were available for those areas of Stage 3 previously not subject to consent.
- 8.15 We expressed unease regarding the staging of the subdivision and the lack of restrictions on timing of earthworks. Ms Hilson commented that the lots would tend to be completed when demand for a particular stage dictated and so would be self-governing. We expressed our apprehension that without appropriate controls placed on the consent, there could be adverse environmental effects if earthworks were left incomplete for a number of seasons, especially if sales fell through or later stages in the subdivision sold first.

Servicing

- 8.16 Mr Walker outlined the proposed servicing for each new dwelling. Stormwater is to be captured in a gravity fed tank and then pumped to an offsite top tank at times when there is surplus energy generation. Pressure for the potable supply is then provided by gravity from the top tank. He said that generators can be used to pump the water uphill from the lower to top tank if there are extended periods without surplus electricity generation.
- 8.17 Mr Walker also highlighted that each dwelling with the exception of the existing house on proposed lot 5 will be required to be fitted with a sprinkler system and linked to a reticulated scheme which is fed by one of two dedicated 23,000 litre water storage tanks.
- 8.18 We questioned Mr Walker regarding the required area for wastewater and in particular with regard to capacity for the smaller lots. He considered that this would have to be considered carefully at the time of preparing building plans for each lot, taking in to consideration the maximum occupancy rates. He considered that all effluent should be able to be dealt with on-site to a primary treatment level. He said that the identified land application area is included as a precaution.

Visual Effects of Dwellings

- 8.19 Mr Stevenson outlined the approach he took to the preparation of the visual simulations included in his evidence. He stated that the building shapes and colours chosen were to demonstrate that multiple storey buildings can be constructed with the use of recessive colours to integrate the dwellings into the landscape and to reduce their visual impact. He contended that this would reduce the need for earthworks and drainage on the steeper sites.

- 8.20 Mr Stephenson provided an additional diagram showing cross-sections on Lots 3 and 4 and the construction of possible dwellings in relation to the maximum height constraints as proposed. We questioned Mr Stephenson on whether the proposed consent conditions adequately reflected or controlled the proposed range of dwellings he has presented and whether amendments were required. He confirmed that they needed amendment in order to avoid buildings cascading down the hillside and becoming visually dominant.

Landscape

- 8.21 Ms Gavin drew our attention to the fact that that the proposed building platform locations and road layout have been designed to limit the cumulative effects of the proposed building clustering and to mitigate the potential adverse effects on rural residential character. She said that the proposed landscape treatments were selected to minimise effects on ridgelines.
- 8.22 We questioned Ms Gavin regarding the timing of the proposed planting for the ridgeline lots in order to achieve the mitigation offered. We expressed concern that the proposed consent conditions required the structure plan to be approved prior to stage 3 commencing but then implemented in stages prior to issuing the certificates of title.

Traffic and Roading

- 8.23 Mr Pawson considered that the proposed road/right of way formation specifications were sufficient to provide a safe environment for pedestrians, cyclists and vehicles given the current users. He was of the opinion that preference should be given to the more permissive New Zealand Standard 4404:2010 than those in the TRMP given the later being prepared almost 20 years ago.
- 8.24 We questioned Mr Pawson regarding whether Council should still have an interest in the formation standards of the right-of-ways and linkages given the departure from the requirements of the TRMP and the number of dwellings the rights-of-way access. He considered that the formation standards were mostly an internal matter reflective of the values of the prospective and current owners and did not consider that the departure was of concern.
- 8.25 We expressed concern over the number of intended users of right-of-way C, being 27, and the formation standard proposed, being 5.5 metres, especially as the only evidence presented to us supported the two way 6 metre sealed width over its whole length, (Appendix B of Mr Walkers evidence).

Rural Character and Amenity

- 8.25 Ms Hilson contended that the layout of the land and in particular the ridges dictated where people can build within the area. The activity status in the TRMP provides a minimum lot size as a controlled activity but considers smaller lot sizes on a case-by-case basis. The land to be vested as commons provides open space that is on a scale that differs from a residential environment and gives the proposal the rural character. She said that this should be considered in the context of the proposed restrictions on the scale of the earthworks and the restrictions on development volunteered by the applicant.
- 8.26 Ms Hilson noted that while the suite of consents sought is assessed as a non-complying activity as a result of "bundling", this is only due to the non-complying setback of the proposed dwellings from the vineyard which is within the land to be vested as commons. She noted that ownership and management of the vineyard is to remain within the control of Atamai Village Council and if there is a conflict between the two then the vineyard could either be restricted in its operation or discontinued.

Submitters' Evidence at Hearing

- 8.27 Ms Patsy Blackstock spoke in support of the application on behalf of the Atamai Village Council.
- 8.28 Given the circumstances leading to Mr Nick Davidson not attending the hearing, his further written submission was tabled and accepted as part of proceedings.
- 8.29 Mr and Mrs Wells attended the full hearing and advised us during the hearing that they did not wish to present as all of their concerns had been raised in our examination of the applicant or its witnesses.

Council Staff's Evidence at Hearing

- 8.30 Ms Webby, Mr Pigott and Mr Ley were each given the opportunity to comment on any matters raised during the hearing.
- 8.31 Mr. Piggott stated that he continued to support the proposal including the proposed amendments during the hearing. He suggested that the Construction, Erosion and Sediment Management Plan required by consent RM140217 would detail how the applicant would implement the works to achieve the conditions of consent, and we could include a condition on timing if that was specifically considered to be an issue.
- 8.32 Mr Pigott also commented that organic vineyards do use sprays which may affect adjoining properties amenity. As a preventative measure he would expect to see good first flush provision for roof water.
- 8.33 Ms Webby advised us that the proposed wastewater system, while requiring building consent, can be outside the building location area. She also confirmed that while the applicant was proposing restrictions on maximum height above natural ground level there also needed to be a control relative to finished ground level particularly when the building platform has been the result of significant excavation (cut). This will assist in minimising the overall bulk of the potential dwellings.

Applicant's Right of Reply

- 8.34 In her legal submissions in reply, Ms McLeod outlined the structure of the Atamai Village Council and provided further comment on a number of matters which are dealt with below in Section 8. Overall though, she contended that the proposal maintains and enhances the amenity values of the area, is based on robust engineering design and that adverse effects are mitigated by the comprehensive set of conditions she appended to her Right of Reply. She noted that these conditions had been agreed between the applicant's planning advisor Ms Hilson and Ms Webby, the TDC's S42A reporting officer.

9. PRINCIPAL ISSUES IN CONTENTION

- 9.1 We now identify the principal issues that were in contention and our findings in relation to those issues. Based on the application documents, the submissions (written and verbal), the evidence presented at the hearing, and the contents of the officer's report, we consider the principal issues of contention to be:
- a) Road and access formation;
 - b) Earthworks;
 - c) Rural character and amenity; and,
 - d) Setback from existing vineyard.

10. ISSUE 1: ROAD AND ACCESS FORMATION

10.1 Chapter 11.1 of the TRMP addresses transport safety and efficiency. Only one issue is identified:

11.1.1 *The adverse effects on the safe and efficient provision and operation of the land transport system, from the location and form of development and carrying out of subdivision and land use activities.*

10.2 The sole objective is:

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.*

10.3 Ms Hilson identifies in her evidence the policies that she considers relevant to this application, namely:

11.1.3.1 *To promote the location and form of built development, particularly in urban areas, that:*

(c) avoids an increase in traffic safety risk;

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

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.*

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

10.4 The identified policies require us to consider the safety and efficiency of the proposed transport system within the subdivision and connections to the wider network. We also consider that Chapter 11.2 of the TRMP is relevant which addresses the effects of the transport system on the environment. Again, only one issue is identified:

11.2.1 *The adverse effects on the environment from the location, construction and operation of the land transport system.*

10.5 The sole objective includes:

11.2.2 *The avoidance, remedying, or mitigation of adverse effects on the environment from the location, construction, and operation of the land transport system, including effects on:*

(a) the health and safety of people and communities;

(b) the amenity of residential areas, workplaces and recreational opportunities;...

10.6 The policies that we consider relevant include:

11.2.3.3 *To promote transport routes, and approaches and methods of design, construction, and operation which avoid, remedy, or mitigate adverse effects on:*

- (a) *the health and safety of people and communities; in particular, cyclists and pedestrians;*
- (b) *amenity values of neighbourhoods and areas of special character;...*

10.7 Policy 11.2.3.3 requires us to consider the health and safety of people and communities when considering the proposed transport system. We note that amongst the methods of implementation the following is listed:

11.2.20.1 *Rules specifying performance standards for road construction, pavement construction, intersection spacing, and street lighting...*

10.8 The subdivision proposal seeks a departure from the performance standards within the rules set in Chapter 16 and in particular in Schedule 16.2A of the TRMP.

10.9 The applicant proposes to construct Right of Way C1 from the intersection with Mytton Heights Right of Way to the intersection with Right of Way R as per 'Proposed Cross-Section for Two Lane Right of Way' detailed in Davis Ogilvie' Plan entitled "*Proposed Cross-section of Rights of Way and Driveways*" dated 10 December 2013 (Project number 25225) appended to the statement of evidence of Richard Walker.

10.10 Above Right-of-Way C1 the applicant proposes to decrease the width of the two traffic lanes from 3.0 metres to 2.75 metres. Mr Walker argued that the Right-of-Way formation standard has been set by the consenting of Stage 2 of the subdivision. However, we note that this part of the Stage 2 consent has not been given effect to nor will it be, if this consent is granted. Right of Way C as approved by RM120684 provides access to 13 new building sites and two existing dwellings. Right-of Way C as applied for under this consent will provide access to 24 new building sites and three existing dwellings. We consider that the formation standard of the entire road network should be considered afresh as circumstances have changed significantly.

10.11 Another part of the road network that differs significantly from the standards within the TRMP is right-of-way Q which passes over the crest of the dam below Pond H and joins with the proposed cycle/walkway linking through to right-of-way P near the top of the hill. We expressed concern regarding the width of the carriageway over the crest of the dam and the potential for conflict between pedestrians, vehicles and cyclists at this point. Mr Pawson and Mr Ley both were of the view that this was a low traffic environment and that passing bays would allow safe passage. No evidence was provided as to the ability to accommodate a passing bay given the topographical constraints of this location.

10.12 The intersections between right-of-way C and Q and between right-of-way C and Mytton Heights, as proposed in the application, do not meet the criteria set within the TRMP (namely Schedule 16.2C Diagrams 1 and 2). No evidence was given to support the lower formation standard.

10.13 Mr Walker and Mr Pawson asserted and Mr Ley agreed that the proposed formation standards for the rights-of-way and intersections are to reduce the extent of the required earthworks and to reduce the speed environment. Mr Pawson states in his evidence that where there is a deviation from the TRMP then the cross-section follows the design guidelines of NZS 4404:2010 Land Development and Subdivision Infrastructure. He contends that "*safe and convenient access to each lot in this development is able to be provided in accordance with accepted engineering standards, without compromise to the existing and consented users of Mytton Heights and ROW C, or to the existing intersection arrangements with the highway*". However, we are of the opinion that no specific expert evidence was provided, other than the contention that compliance was achieved with the standards set in NZS 4404:2010, and in particular we note that a design and access statement as required 3.2.6 of the Standards was not prepared.

- 10.14 We questioned Mr Pawson regarding the difference between the standards set in the TRMP, TDC's Engineering Standards & Policies 2013 and NZS 4404:2013 and sought his opinion on weighting of documents. He stated that there was a 14 year gap between the publishing of the TRMP and the NZ Standards and considered the latter to be more relevant. He also mentioned, and Mr Ley agreed, that there were currently, albeit stalled, plans which had to align the Engineering Standards, the NZ Standards and Nelson City Council's Engineering Standards. His answer was not of much help to us, given the stalled nature of the proposal. We have therefore had regard to all three and particular regard to the TRMP's standards and the TDC's Engineering Standards & Policies 2013.
- 10.15 Policy 11.2.3.3 requires us to have regard to the health and safety of people and communities; in particular, cyclists and pedestrians, when considering the proposed transport system. When we questioned Mr Pawson on the design and whether it adequately provided for these matters he placed an emphasis on it being appropriate for the current residents. This was also confirmed by both Mr Ley and Ms Webby with an emphasis on it being an internal matter for those residents within Atamai Village.

Finding

- 10.16 We were not generally persuaded that from a public safety point of view, lower ROW standards and significantly lower 'major ' intersection standards will promote slower traffic and thus increased traffic safety, particularly having regard to the relatively steep grades that the topography of the Stage 3 land dictates. Neither were we persuaded that the ethos of the proposed village will ensure that vehicle usage will be less than those used for the development of the TRMP and other standards.
- 10.17 In particular, we were not persuaded that we should accept the status of ROW C as a road that is internal to Atamai Village and not serving the existing residents of Mytton Heights as a reason for reducing the road formation from that set by the existing access road servicing both the pre-existing development and the Atamai village Stages 1 and 2. We are mindful of the proposed number of users of ROW C, the consented link as part of Stage 2 through to the Motueka Valley Highway to the south and potential future demands for vesting ROW C as a road should the Atamai Village concept be modified in future to meet market demands.
- 10.18 We also note that the existing Mytton Heights Right-of-Way above the intersection with Right of Way C serves 30 consented residential allotments. The Mytton Heights Right-of-Way is formed to a higher standard than what was proposed for Right-of-Way C which will serve 27 lots. We consider this further justification for imposing the standard as prescribed in the TDC's Engineering Standards & Policies 2013 for a Rural Residential Access Road serving 20 to 60 lots rather than the standard applied for.
- 10.19 We also share submitter Davidson's concerns regarding the sustainability of the surface material used for Right-of-Way C but note that the surface will be sealed prior to the last stage of the subdivision being completed.

11. ISSUE 2: EARTHWORKS

- 11.1 Chapter 12.1 of the TRMP addresses land disturbance. Only one issue is identified:

12.1.1 *Land disturbances for a range of purposes may result in soil loss or damage, instability, sediment deposition and contamination of water, river channel and cave system changes and adverse visual, natural habitat and archaeological site effects.*

- 11.2 The sole objective is:

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...*

11.3 The policy that we consider relevant to this application is:

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...*

11.4 Mr Walker presented evidence on the earthworks for the proposed subdivision including those completed to date for previous stages of Atamai Village. A preliminary geotechnical investigation prepared by Mr Paul Denton, Engineering Geologist for Geo-logic Limited, was provided with the application and we were advised that it is Council practise that this is considered sufficient information prior to grant of consent with a detailed investigation to occur as a condition of consent. As part of Mr Walker's assessment he recommended a number of engineering conditions in relation to the development of the site and the access to it. These recommendations were incorporated into Council officer Ms Webby's report on the application and confirmed by the applicant's Planning consultant Ms Hilson.

11.5 We have reviewed the submissions and it is clear that the primary concerns appear to be duration that specific areas are open to land disturbance rather than the earthworks themselves. We share that concern especially having viewed the extent of the current land disturbance as part of the Stage 2 development. During our site visit, we noted the results of Stage 1 and 2 development. As a result, we accept that land disturbance activity to form a subdivision of the scale proposed on the type of country that the development is occurring on, cannot help but have adverse environmental effects at least on amenity during construction.

11.6 With Separation Point Granites in particular, exposure to weather and the bulldozer imposes risks. However, we believe that by imposition of appropriate consent conditions particularly those which seek to control the area of land opened up at any one time, these adverse environmental effects, if not avoided, can be controlled and mitigated. While we gained some confidence from observation of those areas within the completed Stage 1, the Stage 2 development in its current state, did not give us the same level of confidence. This issue of the amount of land opened up to development was a concern of most of the submitters against this application.

Finding

11.7 As a result of our site inspection and our request for and examination of detailed contour maps for the proposed development, we had reservations as to the practicability of achieving in three-dimensions what was clearly set out for us in the application in two-dimensions. Mr Walker's evidence and his subsequent production on request of long and cross-sections covering ROW C and in particular Lots 2, 3 and 4 reassured us that while substantial earthworks would be required, particularly with ROW C, the development as proposed would be achievable.

11.8 However, in order to ensure that the adverse environmental effects are avoided, remedied or mitigated, such achievement requires application of the consent conditions we have imposed, most of which were agreed to between the applicant and the reporting officer.

12. ISSUE 3: RURAL CHARACTER AND AMENITY

12.1 Chapter 7.4 of the TRMP addresses rural character and amenity values. Two issues are identified:

7.4.1.1 *An appropriate level of protection of rural character, ecosystems and amenity values.*

7.4.1.2 *How to ensure that soil-based productive activities are able to continue to operate without undue constraints in rural areas, including those due to reverse sensitivity.*

12.2 The sole objective is:

7.4.2 *Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.*

12.3 The TRMP defines 'rural character' in Chapter 2 as follows:

Rural character – means 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 a 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.*

12.4 The TRMP does not include a definition of 'amenity values' but that expression is defined in the RMA. We note that section 7 (c) of the RMA requires us to have particular regard to the maintenance and enhancement of amenity values.

12.5 Ms Hilson considered, and we agree, that the following policies to be relevant to this application:

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.*

7.4.3.4 *To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.*

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

12.6 Policy 7.4.3.3 requires us to consider what local rural character actually is in any particular local situation and expressly includes the notions of openness, greenness, separation and the style and scale of buildings. There is no suggestion in any of the TRMP explanatory text

that Policy 7.4.3.4 should be confined to a consideration of amenity values associated with rural (non-residential) activities. The policy requires us to consider potential adverse effects on amenity values – whatever those are in a particular situation.

12.7 Chapter 9.2 of the TRMP addresses rural landscape character. Three issues are identified:

- 9.2.1.1** *Opportunities for landscape design and enhancement of visual amenities.*
- 9.2.1.2** *The need for recognition of local as well as wider landscape character and values as a basis for evaluating the acceptability of proposals for subdivision and development.*
- 9.2.1.3** *Urbanisation of the rural landscapes through reduced setback distances, urban fencing styles and planting in rural areas. The overall effect has been a loss of open character.*

12.8 The sole objective is:

- 9.2.2** *Retention of the contribution rural landscapes make to the amenity values and rural character of the District, and protection of those values from inappropriate subdivision and development.*

12.9 The relevant policies flowing from Objective 9.2.2 are:

- 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.*
- 9.2.3.5** *To evaluate, and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas.*

12.10 Mr Stephenson, Ms Gavin, Ms Hilson and Ms Webby all agreed that the proposed landscape treatment and controls on the buildings are consistent with the Rural Residential character and amenity within this location. We note the concerns of the submitters with regards to glare from the solar panels. The applicant advised that in their opinion there was insufficient noticeable benefit in applying an anti-glare treatment to the panels and that the duration of effect was negligible.

12.11 Both Ms Hilson and Ms Webby are of the opinion that the proposed subdivision, subject to controls through conditions, is consistent with the policies and objectives of the TRMP for the rural residential zone.

Finding

12.12 We acknowledge that the express purpose of the Rural Residential Zone is to provide for residential development within the rural environment. One of the issues for us to determine is whether the proposed subdivision density and layout are appropriate on this site in terms of the actual and foreseeable amenity values and rural character of this part of the Rural Residential Zone and the relevant District Plan policy provisions.

12.13 Within this Rural Residential zone we accept that the proposal, notwithstanding the cluster housing characteristic, is consistent with the underlying density provisions anticipated for this zone.

12.14 We note that the Controlled Activity standard of minimum 5,000m² sections could still lead to clustering of dwellings as is the case in the existing properties along the ridgeline constructed following the original Mytton Heights subdivision. The existence of this 'original' clustering, to

some degree sets an existing environment in this rural-residential zone, which we must give appropriate weight to in arriving at our overall decision.

12.15 We therefore must accept that within the framework of the existing environment, as set by the consented Stage 2 development and the clustering of the existing dwellings along the prominent ridgeline, the smaller lot sizes, as applied for by the applicant and supported by the Staff Report, are consistent with the existing environment for this Rural Residential zone.

12.16 Furthermore, Mr Stephenson's photo montages of the proposed development illustrating the proposed controls on buildings, based on the use of so-called "recessive" colours and the landscape treatments, reassured us that the proposed development would not have a more than minor adverse effect on the rural character and amenity of this rural residential zone and the surrounding Motueka Valley environs.

12.17 We sought and were supplied with more details of the so-called recessive colour palette and have ensured that the assumption that such recessive colours are in fact used by imposing a condition agreed between the applicant and the Sec 42A reporting officer. (Condition 45(j)) Subject to having that condition imposed, we were able to accept Mr Stephenson's reassurance in 9.43 above.

13. ISSUE 4: SETBACK FROM EXISTING VINEYARD

13.1 We note that the proposed setbacks of the proposed dwellings in relation to the existing vineyard leads to the application having an overall non-complying status as a result of bundling. We heard conflicting evidence on the matter of the organic management of the vineyard and the use of sprays as part of the overall development. The impression obtained from the applicant was that organic status would not result in any sprays being applied which would impact on the proposed neighbouring properties which did not have the required setback. On the other hand we also heard from Mr Pigott, a reporting officer, who advised us that even organically certified vineyards from time to time must apply 'approved' sprays, some of which contain sulphur compounds, copper and fish oils. In his opinion, such sprays drifting onto roofs used for the collection of potable water could have an adverse effect on the health of the consumers of the water and recommended that at the least an efficient first-flush diverter is installed. We note that all new dwellings with their own roof water supply under the Building Code are required to also have water filtration and UV disinfection prior to consumption. The applicant noted that first flush diverters, filtration and UV filtering were to be provided and that sufficient controls over the use of the vineyard on the common land would be established, and implemented by the Atamai Village Council.

Finding

13.2 We are satisfied that there are sufficient controls on the use of the vineyard that the adverse effects on the proposed adjoining allotments will be no more than minor.

14. SECTION 104D CONCLUSION AND REASONS

14.1 Our conclusion is that, subject to the conditions we have imposed, most of which have been offered or agreed by the applicant, the proposed subdivision will not have effects on the environment that are more than minor, for the reasons noted in part 8 of this decision. The proposal, in our view, meets the first threshold of section 104D that is that subject to the imposed conditions, the adverse effects of the activity on the environment will be minor. We also conclude that the proposal meets the second threshold of section 104D for the reasons also noted in part 8 above. Therefore pursuant to Section 104D (1) we may grant the consents sought subject to conditions.

15. OTHER MATTERS

- 15.1 We note the on-going issue with the vesting of the Mytton Heights Right-of-Way as a road and the concerns of the existing residents with the maintenance of the access. We strongly urge the Tasman District Council to afford this matter appropriate priority to avoid further future conflict as this pocket of rural residential living develops.

16. DECISION

- 16.1 Pursuant to Section 104B of the Act, we **GRANT** the consents applied for, subject to conditions.

17. REASONS FOR THE DECISION

- 17.1 Having regard to the key issues that have been raised through the evidence and submissions, and taking account of the conditions of consent we have imposed, we conclude that any effects on the environment, particularly with regards to road and access formation, earthworks; rural character and amenity; and the setback of dwellings from the existing vineyard are no more than minor.
- 17.2 We consider that the proposal, subject to the conditions imposed, will be consistent with the relevant provisions within Chapter 5 (Site Amenity Effects), Chapter 7 (Rural Environment Effects), Chapter 11 (Land Transport Effects) and Chapter 12 (Land Disturbance Effects) of the TRMP.
- 17.3 Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that subject to the conditions imposed, the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

18. COMMENTARY ON CONDITIONS OF CONSENT

- 18.1 The Council's reporting officer initially proposed a draft set of conditions for the consent applied for, in her report. The applicant's planner built on those with some modifications and presented another set with her evidence. During the hearing, these two were directed to meet and if possible, resolve any differences. This resulted in an 'agreed' set of conditions being tabled on the last hearing day. We have generally adopted those proposed conditions with amendments, of particular note are:

- Conditions 18 to 22 of Subdivision Consent RM130940 require different carriageway formation standards for some of the right of ways than those applied for; and,
- Condition 27 requires that the intersection of the existing Mytton Heights ROW with right-of-way C and other sub-ROWs with ROW C are constructed as per the standards set in the TRMP.

Issued this 6th day of August 2014



Dr Jeff Jones
Independent Commissioner and Chair



Cr Brian Ensor
Commissioner



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM130940

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

Atamai Land Trust
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THESE CONSENTS:

To subdivide Lot 8 DP 311683 (239 Motueka Valley Road), Lot 20 DP 447980 (4 Wellspring Place) and an area that was included within RM120684, Part of Lot 51 DP 462516, to create 19 allotments with areas that are less than the controlled standard of 5000m² specified in the TRMP for the rural residential (Pangatotara) zone.

This application does not meet the permitted standards of 16.2.2.1 (more than six users - in terms of the number of users on Mytton heights). There are areas of where internal access ways do not meet the permitted standards are set out in the TRMP.

LOCATION DETAILS:

Address of property: 239 Motueka Valley Road and Mytton Heights
Legal descriptions: Lot 8 DP 311683, Lot 51 DP 462516 and Lot 12 DP 444136
Certificate of title: 46124, 612602 and 560854
Valuation number: 1928021010, 1928021034 and 1928021018

CONDITIONS

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

General

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

Plan received 20 June 2014 titled "*Atamai Village - Stage 3: Proposed Subdivision of Lot 8 DP 311683 and Lot 51 DP 462516*", dated 19 June 2014, attached as Plan A;

Plan received 17 February 2014 titled "*Atamai Village - Stage 3: Proposed fire fighting and water supply*", dated 10 February 2014, attached as Plan B;

Report prepared by Paul Denton of Geo-Logic Ltd, titled: "*Atamai Land Trust: Preliminary Geotechnical Assessment, Proposed Vineyard Subdivision - Stage 3, Motueka Valley Highway, Motueka*" dated December 2013;

Report prepared by Richard Walker of Engineering Sustainable Solutions Ltd, titled: - *"Proposed Subdivision South of Mytton Heights Road for Atamai Village Stage Three at Motueka Valley – Engineering Report"* dated December 2013;

Report prepared by Chris Pawson of Traffic Design Group Limited, titled: *"Atamai Developments: Stage 3 Subdivision of Lot 8 DP 311683 – Transportation Assessment"* dated 17 December 2013;

Report prepared by Elizabeth Gavin of Canopy, titled: *"Landscape Assessment"* dated 4 December 2013; and,

Evidence received 20 June 2014 prepared by Andrew Stephenson of Village Green Design Limited, titled *"Statement of Evidence of Andrew John Stephenson on behalf of Atamai Land Trust"* dated June 2014.

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.

2. As soon as practicable after this consent is granted the consent holder shall apply to vary the relevant Stage 2 consents for the Atamai Village Development to remove all activities which will no longer be undertaken as a result of the granting of this Stage 3 consent. These include all activities related to the development of Lots 2 -8, Lot 29 and the construction of ROW C as authorised by RM120684V2.

Staging

3. The subdivision may be constructed in the following stages:

Stage	Lots, Right of Ways
3A	Lot 9, ROW C1-C4
3B	Lots 11 and 12, ROW C1-C5
3C	Lots 6-8, ROW C1-C4, P2 and P3
3D	Lot 5
3E	ROW Q1
3F	Lots 1 and 2, ROW Q2, P1 and closure and revegetation of S1
3G	Lots 3 and 4, ROW Q3
3H	Lots 10 and 13, ROW C1-C3
3J	Lot 30 (common land to be held in perpetuity)
3K	Lots 14 and 15, ROW C1 and C2
3L	Lots 16-19, ROW C1 and R
3M	Lot 21

Advice Note:

The order of commencement and completion of Stages 3A to 3M is interchangeable, providing the relevant rights-of-way are provided progressively and for each stage.

Advice Note:

Lot 21 may be either vested in Council, or a separate title created so that ownership of this land can transfer to Council, so that it is available for further intersection upgrading if required.

Lapsing of Consent

4. This consent shall be subject to an eight year lapse period in which to give effect to all stages in the subdivision.

Advice Note:

This condition shall have been satisfied at the point of Section 223 approval for the final stage in the subdivision.

Building Location Areas

5. The Consent Holder shall, prior to submitting a 'Survey Plan' for approval pursuant to Section 223 (Section 223 approval), identify the building platform areas shown on Lots 1-4 and 6-19, on the scheme plan.
6. If the building platform area is not formed prior to Section 223 approval, it shall be centre-pegged on the title plan.
7. If the building platform area is formed prior to Section 223 approval, a topographic survey shall establish natural ground levels for the purpose of Condition 45(l) prior to earthworks commencing.
8. All building sites shall be certified as suitable for the construction of a residential building by a chartered professional engineer with qualifications and experience in geotechnical engineering specifically Separation Point Granites and recognised as such by Council prior to Section 223 approval. Certification shall be in accordance with NZS4404:2004 Schedule 2A.
9. No buildings shall be sited on Lots 21 or 30 other than those required for community utility infrastructure such as concrete water supply tanks

Easements

10. 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.
11. Easements shall be created over any rights-of-way, for water supply and for waste-water disposal to the Land Application Area on Lot 30, 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.
12. 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.

Structure Planting Plan

13. A structure planting plan shall be submitted to Council for approval prior to Section 223 approval for the first stage in the subdivision. The structure planting plan shall specify what planting is to occur with each stage of the subdivision.

Advice Note:

The purpose of the structure planting plan is to form a framework and setting for the Stage 3 development when viewed from Motueka Valley and Mytton Heights Road if building platforms are visible from these areas, with the objective of softening and integrating development into the site. The structure planting plan will be built on and complemented by individual landscape plans associated with each residential lot as required under Condition 45(g).

Advice Note:

The structure planting plan is to be based on the subdivision plan submitted with the application (Annexure C of the Application dated 14/2/14) with areas consistent with those shown on this plan- namely on Lot 30, within proposed Lots 1-4 and along the nominated right of ways. The species in Schedule A shall apply to at least 80% of the plantings.

14. Prior to the release of the 'Completion Certificate' pursuant to Section 224(c) of the Resource Management Act 1991 for the relevant stage the Consent Holder shall carry out the following to the approval of the Council:
 - a. The structure planting on Lots 2-4 and in the Land Application Area on Lot 30, shall be in place prior to the release of the 'Completion Certificate' for the first stage of the subdivision.
 - b. Planting shall be implemented on the completion of the road formation and earthworks required with the relevant stage, and prior to the release of the Completion Certificate for each stage of the subdivision.
 - c. Planting shall be conducted in accordance with best horticultural practices. Any trees that die or become diseased shall be replaced with a similar species.

Internal Cycleway

15. Prior to the release of the 'Completion Certificate' pursuant to Section 224(c) of the Resource Management Act 1991 for the final stage the Consent Holder shall complete the proposed cycle/walkways as shown on Plan A with a maximum gradient of 1-in-8.

Advice Note:

The cycleway can be constructed as required independent of staging.

Rights-of-way and Access Formation

16. All earthworks for the formation of rights-of-way and cycleways shall be carried out in accordance with the conditions of RM140217 (land disturbance consent).
17. All rights-of-way, driveways, internal walkways and cycleways shall be formed in general accordance with the cross-sections and recommendations in the Report by Engineering Sustainable Solutions Ltd titled *"Proposed Subdivision South of Mytton Heights Road for Atamai Village Stage Three at Motueka Valley – Engineering Report"* dated December 2013, as modified by this consent and conditions 18 to 22 below.
18. Right-of-way C shall be formed for the entire length to the end of right-of-way (C1 to C5) in accordance with 'Proposed Cross-Section for Two Lane Right of Way' detailed in Davis Ogilvie' Plan entitled *"Proposed Cross-section of Rights of Way and Driveways"* dated 10 December 2013 (Project number 25225) appended to the statement of evidence of Richard Walker, specifically:

Lane Width:	2 x 3.0m
Shoulders:	2 x 0.5m wide gravel shoulders
Carriageway:	7.0m
Roadside Drain:	1.2m on uphill side only
Gravel Surface Batter:	0.5m
Earthworks formation:	8.7m minimum

19. Right-of-way Q1 shall be formed as follows:

Lane Width:	4.5m
Shoulders:	2 x 0.5m wide gravel shoulders
Carriageway:	5.5m
Roadside Drain:	1.2m on uphill side only (if applicable)
Gravel Surface Batter:	0.5m
Earthworks formation:	7.2m minimum

20. Right-of-way P1, Q2 and R shall be formed as follows:

Lane Width:	3.5m
Shoulders:	2 x 0.5m wide gravel shoulders
Carriageway:	4.5m
Roadside Drain:	1.2m on uphill side only
Gravel Surface Batter:	0.5m
Earthworks formation:	6.2m minimum

21. Right-of-way P2 and Q3 shall be formed as follows:

Lane Width:	3.0m
Shoulders:	2 x 0.3m wide gravel shoulders
Carriageway:	3.6m
Roadside Drain:	0.6m on uphill side only
Gravel Surface Batter:	0.3m
Earthworks formation:	4.5m minimum

22. A 2.0m wide gravel footpath shall be constructed along Mytton Heights ROW separate from the road carriageway between right-of-way C and the existing access to Lot 8 DP311683.
23. Passing bays shall be constructed on ROW Q1 to meet the TRMP requirements, minor variations specifically approved by Council's Engineering Manager to recognise the topography of the site shall be permitted.
24. Once ROW Q1 is formed, the existing access serving the dwelling on Lot 5 shall be permanently blocked off at the Mytton Heights/Motueka Valley Highway and this access recontoured and sown in grass up to where it meets ROW Q.
25. Stormwater from the rights-of-way shall be directed to discharge points that are authorised by discharge permit RM140218 (Stormwater Discharge Permit).
26. Culverts as required under the rights-of-way, together with secondary flow paths, shall be designed to meet Council's Engineering Standards & Policies 2013, minor variations specifically approved by Council's Engineering Manager to recognise the topography of the site shall be permitted.

Internal Intersections

27. The intersection of ROW C with Mytton Heights right-of-way shall be formed in accordance with Schedule 16.2C – Diagram 2 (Vehicle Crossing for more than Six Dwellings) in the Tasman Resource Management Plan once more than six lots have access to ROW C.

The intersections of ROW Q, R and P with ROW C shall be formed in accordance with Schedule 16.2C – Diagram 1 (Vehicle Crossing for up to Six Dwellings) in the Tasman Resource Management Plan.

External Intersection

28. The upgrade of the intersection between Motueka Valley Highway and Mytton Heights right-of-way shall be completed prior to the release of the "Completion Certificate" pursuant to Section 224(c) of the Resource Management Act 1991 for the first stage of the development authorised by this consent, with the exception of Stage 3D.

Advice Note:

This does not apply to Stage 3D and its balance area as this is the existing Jackson dwelling with existing access onto the Mytton Heights rights-of-way

Further access requirements

29. The Mytton Heights ROW shall be resealed in accordance with the provisions of the TDC's Engineering Standards & Policies 2013 to the full 6m width from the upgraded intersection with Motueka Valley Highway, referred to condition 28, and for at least 5.0m past the uphill side taper point of the new intersection with ROW C1, to be constructed once more than six lots have access to ROW C. Grass berms shall be trimmed to provide side slope to discharge road runoff.

Water Supply

30. Potable water storage tanks and reticulation for Lots 1 to 19, shall be installed in accordance with the report by Engineering Sustainable Solutions (ESS) Ltd, titled: *"Amended Plan received 17-2-2014 titled 'Atamai Village- Stage 3 Proposed fire fighting and water supply', dated 10 February 2014, attached as Plan B;*
31. A fire fighting water supply and reticulation for Lots 1 to 4 and 6 to 19 shall be provided in accordance with SNZ PAS 4509:2008 – Publically Available Specification: New Zealand Fire Service Firefighting Water Supplies Code of Practice and the report by Engineering Sustainable Solutions (ESS) Ltd, titled: *"Amended Plan received 17-2-2014 titled 'Atamai Village- Stage 3 Proposed fire fighting and water supply', dated 10 February 2014, attached as Plan B;*

Ponds for Stormwater Detention and Irrigation / Fire Fighting Purposes

32. All ponds shall be designed and constructed in accordance with New Zealand Dam Safety Guidelines, with outlets to accommodate a 100 year return period storm flows, and in accordance with RM140217 (Earthworks Consent), RM140218 (Stormwater Discharge Consent) and RM140219 (Dam Consent)

Hours of Construction and Works Activity

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

Commencement of Works and Inspection

34. No works shall begin on-site until the engineering plans for all the works authorised by this consent have been approved pursuant to Condition 36.
35. The Council's Engineering Department shall be contacted at least 5 working days prior to the commencement of any stage of construction. In addition, 5 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, to enable monitoring of such activities to be resourced if required.

Advice Note:

Prior to the commencement of work the Consent Holder and its representatives may be invited to meet 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

36. Engineering plans detailing all works and services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of works on Stages 3A to 3M of the subdivision. Unless specifically dealt with in these conditions, all plans shall be in accordance with either the Council's Engineering Standards & Policies 2013 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;
 - (b) stormwater culverts;
 - (c) all works associated with the construction of the stormwater detention ponds; and,
 - (d) all works associated with the provision of fire fighting water supplies.
37. Engineering plans shall not be approved until the Construction, Erosion and Sediment Management Plan required by consent RM140217 (Land Disturbance Consent) has been submitted and approved.
38. All works shall be completed in accordance with the approved engineering plans.

Engineering Certification

39. At the completion of works, a suitably experienced chartered professional engineer 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.
40. Where fill material is, as part of developing this subdivision, placed on any part of Lots 1 to 4 and 6 to 19, 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.
41. "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.

Site Certification

42. Certification that a site has been identified on each of Lots 1 to 4 and 6 to 19 that is suitable for the construction of a residential building shall be submitted from a chartered professional engineer with qualifications and experience in geotechnical engineering specifically Separation Point Granites and recognised as such by Council. This certificate shall define on Lots 1 to 4 and 6 to 19 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2010 Schedule 2A.
43. Any limitations identified in Schedule 2A above shall be noted on 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.

Financial Contributions

44. 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 5.62 per cent of the total market value (at the time subdivision consent is granted) of a notional 2500 square metre building site within each Lots 1 to 4 and 6 to 19.
 - (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 5.62 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Notes:

Stage 3 grants consent for 19 lots on an area of land, part of which covers all or part of the area of 8 lots authorised under RM120684V2. As a result, the financial contributions as part of Stage 2 will need to be amended accordingly once the consent(s) for Stage 2 have been varied in accordance with Condition 2.

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

Consent Notices

45. The following consent notices shall be registered on the certificates of title for Lots 1 to 4 and 6 to 19 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.

Building Location Areas

- (a) The location of all buildings (excluding wastewater systems and disposal areas) on the property, other than those for the housing of livestock, shall be sited within the Building Location Area shown on the title. The Building Location Area and any associated earthworks shall have a maximum area of 700m².
- (b) Any earthworks involved in forming a building site, property access and terracing/recontouring shall comply with the conditions of RM140217 (Land Disturbance Consent), including the Construction, Erosion and Sediment Management Plan prepared under that consent.

Advice Note:

The consent holder is responsible for compliance with the provisions of all earthworks related consents.

- (c) Prior to earthworks commencing in the formation of a building location area, a topographic survey shall establish natural ground levels for the purpose of compliance with Condition 31(l).
- (d) Any recommendations or recommended conditions resulting from the engineering certification required under Condition 40 and 42 above shall be identified as consent notices pursuant to Section 221 of the Act.

Lots 2-4 Structure Planting

- (f) The owners of Lots 2 to 4 shall maintain, and replace as necessary, any structure planting established in terms of condition 14a of this consent. These plantings shall be maintained in perpetuity.

Landscape Plan

- (g) At the time of the building consent application for a house on each of the Lots 1 to 4 and 6 to 19, a site landscape plan shall be submitted to the Council for approval. On approval, each landscape plan will be implemented within the first available planting season (April through to October), and the plantings maintained thereafter. The landscape plan will include 6 trees of at least 3m height at maturity in the vicinity of (within 2-5 meters) or on the proposed building location area (BLA). The landscape plan will relate to the building design within the site. The objective of the landscape plan is to integrate and soften built form within the building location area as experienced from Mytton Heights Road and Motueka Valley Highway if building platforms are visible from these areas.

Waste Water Treatment and Disposal

- (h) The wastewater treatment system shall be in general accordance with the report by Engineering Sustainable Solutions (ESS) Ltd, titled *"Proposed subdivision South of Mytton Heights Road for Atamai Village Stage Three at Motueka Valley"* dated December 2013. 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 recognised as such by Council.

Advice Note:

The discharge shall comply with the permitted discharge rules specified in Rules 36.1.2.4 or 36.1.2.6 of the TRMP or, where disposal of treated effluent is to occur off-site within the Land Application Area on Lot 30, in accordance with RM140220. The wastewater systems can include composting toilets and associated grey-water systems or dual chamber septic tanks with outlet filters for treatment of wastewater from houses with flush toilets as an alternative to composting toilets.

Stormwater Management

- (i) The owner shall comply with all conditions of the applicable stormwater discharge consent (RM140218).

Advice Note:

The stormwater discharge consent is held in the name of Atamai Land Trust and includes discharge from individual allotments and the common land holdings.

Building Colour

- (j) The exterior of any building on Lots 1 to 4 and 6 to 19 shall be finished in colours that are recessive and blend in with the immediate environment and have been approved

by the Council. The Consent Holder shall submit to the Council's Consent Planner for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:

- (i) the material to be used (eg, paint, Coloursteel);
- (ii) the name and manufacturer of the product or paint;
- (iii) the reflectance value of the colour;
- (iv) the proposed finish (eg, matt, low-gloss, gloss); and
- (v) either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purpose) descriptor code, or if this is not available, a sample colour chip.

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value <50%	A05 to A14 and reflectance value <25%
Group B	B19 to B29 and reflectance value <50%	B23 to B29 and reflectance value <25%
Group C	C35 to C40, reflectance value <50% and hue range 06-16	C39 to C40, reflectance value <25% and hue range 06-16
Group D	D43 to D45, reflectance value <50% and hue range 06-12	Excluded
Group E	Excluded	Excluded
Finish	Matt or low-gloss	Matt or low-gloss

Based on BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Height Restrictions on Buildings

- (k) On allotments of less than 2000 square metres in area, the maximum footprint of habitable buildings (including garages) shall be limited to 300 square metres.
- (l) Building heights on Lots 6, 7, 8, 9, 11 and 12 shall not exceed the lower of:

5 metres above natural ground level;

Or,

for multi-level buildings, 7.5 metres between the lowest finished ground level below the building and the highest point of the roof .

Water Storage and Fire Fighting

- (m) Each lot shall be provided with a lower rainwater storage tank of 23,000 litres incorporating a detention facility and an upper rainwater storage tank with water storage of 23,000 litres to be located in accordance with the report by *Engineering Sustainable Solutions (ESS) Ltd*, titled "*Proposed subdivision South of Mytton Heights Road for Atamai Village Stage Three at Motueka Valley*" dated December 2013. All water storage tanks shall as far as is practicable be buried within the ground, or alternatively screened, for the purposes of minimising their visual effects.

- (n) The owner shall install and maintain a home fire sprinkler system in accordance with NZS 4517:2010 Fire Sprinkler Systems for Houses.

Stormwater Management

- (o) Each lot shall provide onsite stormwater mitigation in accordance with the report by Engineering Sustainable *Solutions (ESS) Ltd*, titled “*Proposed subdivision South of Mytton Heights Road for Atamai Village Stage Three at Motueka Valley*” dated December 2013. Onsite stormwater mitigation can be provided by adding a detention component to the lower onsite storage retention tanks.

Services and Heating

- (p) Photovoltaic panels are required as no national power grid supply is provided. Such panels are to incorporate the best available technology to control off site glare effects.
- (q) It is the responsibility of the owners of Lots 1 to 4 and 6 to 19 to provide telephone servicing, which has not been provided at the time of subdivision.

Access from Motueka Valley Highway

- (r) No access to Lots 1-4 and 30 will be permitted to the Motueka Valley Highway.

GENERAL ADVICE NOTES

Council Regulations

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

Other Tasman Resource Management Plan Provisions

2. Any activity not covered in this consent shall either comply with:
 - (a) the provisions of a relevant permitted activity rule in the Tasman Resource Management Plan; or
 - (b) the conditions of separate resource consent authorising such an activity.
3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use and subdivision consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
4. Access by the Council’s officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
6. Attention is drawn to the provisions of the Historic Places Act 1993. In the event of the discovery of an archaeological find during the earthworks (eg, shell, midden, hangi or ovens,

garden soils, pit depressions, occupation evidence, burials, taonga, etc) under the Historic Places Act, 1993, the works must cease immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993 to continue.

Development Contributions

7. 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.

This consent will attract a development contribution on Lots 1-4, 6-19 in respect of roading.

Issued this 6th day of August 2014

A handwritten signature in black ink, appearing to be 'Jeff Jones', on a light yellow rectangular background.

Dr Jeff Jones
Independent Commissioner and Chair

A handwritten signature in black ink, appearing to be 'Brian Ensor', on a light yellow rectangular background.

Cr Brian Ensor
Commissioner

Schedule A: Plant Species (Refer Conditions 13 and 45(g))

Crop Tree Planting (PB 18 or Larger Grade):

Owner to choose tree mix:

Corylus avellana – Hazelnut

Macadamia integrifolia – Macadamia

Prunus dulcis – Almond Tree

Olea frantoto – Olive

Feijoa

Woodlot Tree Planting (PB 18 or Larger Grade):

Podocarpus totara – Totara

Eucalyptus Species - Gum

Alnus species – Elm

Quercus illex – Oak

Pinus pinea – Pinenut Tree.

Street Trees – 45L Plant Bag or equivalent:

Refer to Crop Tree planting list – one specimen tree to be confirmed for street tree planting.

Native Specimen Trees Revegetation

Trees PB18 or Larger Grade:

Podocarpus totara

Kunzea ericoides – Kanuka

Leptospermum scoparium – Manuka

Myoporum laetum – Ngiao

Alectyon excelsus – Titoki

Plagianthus regius – Ribbonwood

Shrub planting RT shrub grade sourced locally:

Cortaderia richardii – Toetoe

Dodonaea viscosa – Green akeake

Griselinea littoralis – Broadleaf

Hebe salicifolia

Hebe stricta

Phormium cookianum – Mountain Flax

Chinochloa rubra – red tussock

Carex secta

Pittosporum sp.



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM140217

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

Atamai Land Trust
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THESE CONSENTS:

To undertake development earthworks associated with the development of 19 allotments.

LOCATION DETAILS:

Address of property: 239 Motueka Valley Road and Mytton Heights
Legal descriptions: Lot 8 DP 311683, Lot 51 DP 462516 and Lot 12 DP 444136
Certificate of title: 46124, 612602 and 560854
Valuation number: 1928021010, 1928021034 and 1928021018

CONDITIONS

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

General

1. The earthworks shall be undertaken in accordance with the documentation submitted with the application and consent conditions listed in this resource consent document. Where consent conditions conflict with information submitted with the application, the consent conditions shall prevail.
2. The earthworks shall be carried out in general accordance with the application and plans submitted Atamai Land Trust, including reports and plans by:

Plan received 20 June 2014 titled "*Atamai Village - Stage 3: Proposed Subdivision of Lot 8 DP 311683 and Lot 51 DP 462516*", dated 19 June 2014, attached as Plan A;

Plan received 17 February 2014 titled "*Atamai Village - Stage 3: Proposed fire fighting and water supply*", dated 10 February 2014, attached as Plan B;

Report prepared by Paul Denton of Geo-Logic Ltd, titled: "*Atamai Land Trust: Preliminary Geotechnical Assessment, Proposed Vineyard Subdivision - Stage 3, Motueka Valley Highway, Motueka*" dated December 2013;

Report prepared by Richard Walker of Engineering Sustainable Solutions Ltd, titled: - "*Proposed Subdivision South of Mytton Heights Road for Atamai Village Stage Three at Motueka Valley – Engineering Report*" dated December 2013;

Report prepared by Elizabeth Gavin of Canopy, titled: "*Landscape Assessment*" dated 4 December 2013; and,

Evidence received 20 June 2014 prepared by Andrew Stephenson of Village Green Design Limited, titled "*Statement of Evidence of Andrew John Stephenson on behalf of Atamai Land Trust*" dated June 2014.

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.

3. The area of earthworks permitted in creation of a Building Location Area on each lot shall not exceed 700m², unless otherwise restricted as a result of the building site certification required under Condition 42 in RM130940
4. A copy of this resource consent shall be made available to contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council. Relevant sections of the consent shall be incorporated verbatim or by reference into any contracts or instructions for land development given to contractors engaged for that purpose.
5. 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 Co-ordinator and shall also give written notice to the Co-ordinator of the new representative's name and how they can be contacted.
6. The Consent Holder shall ensure that land development operations are carried out in accordance with the provisions of the approved Construction, Erosion and Sediment Management Plan (Condition 34).
7. If excavations reveal adverse ground conditions, such as the presence of soft and/or water-saturated ground or layers of plastic clay, a chartered professional engineer practising in geotechnical engineering or an experienced engineering geologist must be engaged to evaluate ground conditions.
8. All the works shall be supervised by a chartered professional engineer with qualifications and experience in geotechnical engineering specifically Separation Point Granites and recognised as such by Council
9. 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

10. The Consent Holder shall ensure that all practicable steps are taken to minimise the effect of any contaminant discharges to the receiving environment.
11. 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.

12. 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.
13. 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.
14. 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 seven 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.
15. Should work on site be ceased or abandoned, the consent holder shall ensure that adequate preventative and remedial measures to control sediment discharge are taken, and maintained for so long as necessary to prevent sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of Council's Co-ordinator Compliance Monitoring.
16. Prior to bulk earthworks commencing for each construction phase within the subdivision, 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 required by Condition 34, of this consent. The certified controls shall include, where relevant, diversion channels, sediment fences, decanting earth bunds and sediment retention ponds. The certification for these measures for each construction phase shall be supplied to the Council's Co-ordinator Compliance Monitoring.
17. 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.
18. 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.
19. All practical measures shall be taken to ensure that any dust created by operations at the site including vehicle manoeuvring in accessing the site and driving within it, shall not, in the opinion of Council's Co-ordinator Regulatory Services, become a nuisance to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.
20. Topsoil and subsoil shall be stripped and stockpiled separately. This shall then be re-spread at completion of the works.
21. The Consent Holder shall ensure that all practical measures are taken 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.

22. 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.
23. The Consent Holder shall monitor weather patterns during the construction phase and shall ensure that works are discontinued and appropriate protection and mitigation measures put in place prior to heavy rainfalls and floods reaching the site works.
24. 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.
25. 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.

26. All erosion and sediment control measures shall be inspected after any major rainfall event and any problems encountered shall be rectified within 24 hours.
27. All exposed ground shall be re-vegetated as soon as practicable after completion of earthworks thereon, but in all cases 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

28. All culverts within drains shall be armoured at the outlet to protect against erosion.
29. No significant erosion, scour or deposition shall result from the placement of culverts.
30. 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.
31. Any culverts within watercourses shall be constructed to allow fish passage both up and down stream.

Roading and Access Tracks

32. All water tables, cut-offs and culverts shall be constructed and installed to prevent scour, gullyng or other erosion for the formed or constructed surface.
33. All batters shall be constructed to avoid batter failure.

Construction, Erosion and Sediment Management Plan

34. Prior to undertaking any activities authorised by these consents, the Consent Holder shall prepare a Construction, Erosion and Sediment Management Plan. Works shall not commence before these plans have been approved by the Council's Co-ordinator Compliance Monitoring.

Advice Note:

The Consent Holder for the subdivision earthworks intends to prepare a Construction, Erosion and Sediment Management Plan that will serve both the subdivision and residential earthworks processes. The residential earthworks compliance with the Construction, Erosion and Sediment Management Plan is required within RM130940 (Subdivision Consent).

35. The Construction, Erosion and Sediment Management Plan may be amended as the Consent Holder considers appropriate during the period of these consents. However, any changes to the Construction, Erosion and Sediment Management Plan shall be made in accordance with the methodology and approved procedures set out in Condition 39 and shall be confirmed in writing by the Consent Holder following consultation with the Council's Co-ordinator Compliance Monitoring. Changes to the management plan shall not be implemented until authorised by the Co-ordinator Compliance Monitoring.
36. The Construction, Erosion and Sediment Management Plan required by Condition 34 shall comply with the relevant conditions of the resource consents RM140217, RM140219 and RM140218.
37. The consents (RM140217, RM140218 and RM140219) shall be exercised in accordance with the Construction, Erosion and Sediment Management Plan prepared by the Consent Holder in accordance with these conditions.
38. At any time during the period of these consents, a copy of the latest version of the management plan shall be on site and available to all relevant staff.
39. The Construction, Erosion and Sediment Management Plan required by Condition 34 shall set out the practices and procedures to be adopted in order that compliance with the conditions of the 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 runoff 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 run-off 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 stabilisation;
- (l) construction method for watercourse crossings;
- (m) staff and contractor training;
- (n) traffic management and property access management;
- (o) contingency plans (eg, mechanical failures, oil/fuel spills, flooding, landslips);
- (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 Management Plan:

- (a) minimise the disturbance to land;
- (b) stage construction;
- (c) protect steep slopes;
- (d) protect watercourses;
- (e) stabilise exposed areas as soon as practicable;
- (f) minimise the run-off velocities;
- (g) revegetate as soon as possible;
- (h) install perimeter controls and protect disturbed areas from run-off sourced above site;
- (i) employ detention devices;
- (j) take the season and weather forecast into account;
- (k) use trained and experienced contractors and staff;

- (l) update the plan as the project evolves;
 - (m) assess and monitor;
 - (n) keep on-site run-off 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.
40. Where practicable, the earthworks for each stage in the subdivision shall be completed within one (1) construction season. However should, in the opinion of the Council's Engineering Manager, that construction season be beset with significant periods of adverse weather conditions then that completion may be extended to a further construction season provided priority is given to that completion above any commencement of a further stage of the development

Monitoring

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

Hours of Construction and Works Activity

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

Review Conditions

44. The Council may review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
- (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - (b) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - (c) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate;
 - (d) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Expiry

45. The earthworks for the subdivision component of this consent expire eight years from the date that it is granted.
46. The residential (Lots 1-4, 6-19) earthworks component of this consent will apply to each of the individual titles for Lots 1-4, 6-19, therefore for each certificate of title the land disturbance consent will expire three years from the issue of each of the respective titles for Lots 1-4, 6-19.

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by this consent should be made in the first instance to the Council's Coordinator Compliance Monitoring.
5. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - (b) be allowed by the Resource Management Act; or
 - (c) be authorised by a separate resource consent.
6. 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.
7. Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

Issued this 6th day of August 2014



Dr Jeff Jones
Independent Commissioner and Chair



Cr Brian Ensor
Commissioner



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM140218

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

Atamai Land Trust
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THESE CONSENTS:

To discharge stormwater to land from 19 allotments

LOCATION DETAILS:

Address of property: 239 Motueka Valley Road and Mytton Heights
Legal descriptions: Lot 8 DP 311683, Lot 51 DP 462516 and Lot 12 DP 444136
Certificate of title: 46124, 612602 and 560854
Valuation number: 1928021010, 1928021034 and 1928021018

CONDITIONS

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

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:

Plan received 20 June 2014 titled "*Atamai Village - Stage 3: Proposed Subdivision of Lot 8 DP 311683 and Lot 51 DP 462516*", dated 19 June 2014, attached as Plan A;

Plan received 17 February 2014 titled "*Atamai Village - Stage 3: Proposed fire fighting and water supply*", dated 10 February 2014, attached as Plan B;

Report prepared by Paul Denton of Geo-Logic Ltd, titled: "*Atamai Land Trust: Preliminary Geotechnical Assessment, Proposed Vineyard Subdivision - Stage 3, Motueka Valley Highway, Motueka*" dated December 2013;

Report prepared by Richard Walker of Engineering Sustainable Solutions Ltd, titled: - "*Proposed Subdivision South of Mytton Heights Road for Atamai Village Stage Three at Motueka Valley – Engineering Report*" dated December 2013; and,

Report prepared by Chris Pawson of Traffic Design Group Limited, titled: "*Atamai Developments: Stage 3 Subdivision of Lot 8 DP 311683 – Transportation Assessment*" dated 17 December 2013.

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.

2. The stormwater disposal system for each property will be designed in general accordance with Council's Engineering Standards & Policies 2013 except as specified in this consent. An alternative system may be installed provided that it is designed by a chartered professional engineer and approved by Council's Engineering Manager. Any system installed is to retain the roof stormwater run-off on site resulting from rainfall in excess of the in a 5% annual exceedance probability storm event. Detailed design of the stormwater disposal system for each allotment shall be supplied with any building consent application.
3. The stormwater disposal system shall not cause any damming or diversion of floodwaters that may adversely affect adjoining properties. 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 lower rainwater tank for each property, as specified in RM130940 (condition 45(o)) shall provide for rainwater detention designed by a chartered professional engineer to retain the roof stormwater run-off resulting from rainfall in excess of that from impervious surfaces in a 5% annual exceedance probability storm event. Detailed design of the rainfall detention volume and orifice sizing for the tank on each allotment shall be supplied with any building consent application
5. The detention outfalls from this rainwater detention tank shall be discharged to adjacent gullies or the right-of-way drain. These discharge points shall be constructed to avoid any erosion.
6. 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 cut slopes. These drains shall drain towards the right-of-way drain and proposed culverts. No stormwater shall be allowed to discharge over fill material.
7. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.
8. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain.
9. The discharge shall not cause or contribute to any damage caused by flooding.

Expiry

10. This consent expires 35 years from the date that it is granted.

Advice Note:

This is the maximum duration allowed under Section 123 of the Resource Management Act 1991.

Review

11. Council may, each year, for the duration of this consent and within 3 months following the anniversary of its granting, 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 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.

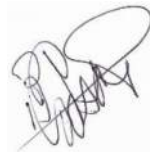
ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. This consent should be read in conjunction with RM100618V2.
3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by these consents should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
6. Attention is drawn to the provisions of the Historic Places Act 1993. In the event of the discovery of an archaeological find during the earthworks (eg, shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) under the Historic Places Act, 1993, the works must cease immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993 to continue.
7. These resource consents only authorise the activity described above. Any matters or activities not referred to in these consents or covered by the conditions must either:
 - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - (b) be allowed by the Resource Management Act; or
 - (c) be authorised by a separate resource consent.

Issued this 6th day of August 2014



Dr Jeff Jones
Independent Commissioner and Chair



Cr Brian Ensor
Commissioner



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM140219

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

Atamai Land Trust
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THESE CONSENTS:

To undertake works in a water course in the construction of a dam

LOCATION DETAILS:

Address of property: 239 Motueka Valley Road and Mytton Heights
Legal descriptions: Lot 8 DP 311683, Lot 51 DP 462516 and Lot 12 DP 444136
Certificate of title: 46124, 612602 and 560854
Valuation number: 1928021010, 1928021034 and 1928021018

CONDITIONS

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

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and the following plans and reports entitled:

Plan received 20 June 2014 titled "*Atamai Village - Stage 3: Proposed Subdivision of Lot 8 DP 311683 and Lot 51 DP 462516*", dated 19 June 2014, attached as Plan A;

Report prepared by Paul Denton of Geo-Logic Ltd, titled: "*Atamai Land Trust: Preliminary Geotechnical Assessment, Proposed Vineyard Subdivision - Stage 3, Motueka Valley Highway, Motueka*" dated December 2013;

Report prepared by Richard Walker of Engineering Sustainable Solutions Ltd, titled: - "*Proposed Subdivision South of Mytton Heights Road for Atamai Village Stage Three at Motueka Valley – Engineering Report*" dated December 2013; and,

Report prepared by Elizabeth Gavin of Canopy, titled: "*Landscape Assessment*" dated 4 December 2013.

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.

2. 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.

3. 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.
4. 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.
5. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes 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 emailed to the applicable Council staff person.

Advice Note:

Council's Co-ordinator Compliance Monitoring shall also contact engineering staff at the same time to ensure any works commencement is done in conjunction with the approved engineering plans associated with RM130940.

6. Secondary flow paths shall be constructed and designed in accordance with the dam design plans required under Condition 2.
7. The Consent Holder shall regularly inspect its' dams and maintain the embankment and spillway, etc in good condition and, shall not plant, or allow to grow, any trees or shrubs on the dam embankment in the vicinity of the spillway and spillway culverts. No trees which will develop significant root systems shall be planted on the dam embankment.
8. Should any slumping or significant seepage from the dam embankments be observed, the Consent Holder shall immediately inform the Council's Co-ordinator Compliance Monitoring and shall employ a suitably experienced, chartered civil engineer to advise on appropriate remediation measures.

Hours of Construction and Works Activity

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

Duration

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

Advice Note:

This is the maximum duration allowed under Section 123 of the Resource Management Act 1991.

Review

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

- (a) to deal with any unexpected adverse effect on the environment that arises from the exercise of the consent, including adverse effects on adjacent or downstream landowners, on downstream water use and on in-stream values; or
- (b) to require compliance with operative rules in the 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 will be undertaken by the Council as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.
5. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
6. Attention is drawn to the provisions of the Historic Places Act 1993. In the event of the discovery of an archaeological find during the earthworks (eg, shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) under the Historic Places Act, 1993, the works must cease immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993 to continue.

7. 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.

Issued this 6th day of August 2014

A handwritten signature in black ink, appearing to be 'J. Jones', on a light yellow background.

Dr Jeff Jones
Independent Commissioner and Chair

A handwritten signature in black ink, appearing to be 'B. Ensor', on a light yellow background.

Cr Brian Ensor
Commissioner



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM140220

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

Atamai Land Trust
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THESE CONSENTS:

To discharge of treated wastewater to an off-site area

LOCATION DETAILS:

Address of property: 239 Motueka Valley Road and Mytton Heights
Legal descriptions: Lot 8 DP 311683, Lot 51 DP 462516 and Lot 12 DP 444136
Certificate of title: 46124, 612602 and 560854
Valuation number: 1928021010, 1928021034 and 1928021018

CONDITIONS

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

General

1. The discharge of wastewater to the offsite discharge field shown as the Land Application Area (LAA) on Lot 30 in RM 130940 shall meet the permitted activity standards for discharge to land other than those requiring the discharge to be "on-site", unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.
 - (a) This Waste Water Discharge Permit shall be held by Atamai Land Trust as Consent Holder until such time as the individual owner(s) of residential allotments confirm their intention to dispose of treated wastewater to the LAA. The permit shall then transfer to and be exercised by the individual property owner(s) as Consent Holder(s).
 - (b) The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 10, shall comply at all times with the following limits:
 - i. the 5 day biochemical oxygen demand (BOD5) in any single sample shall not exceed 150 grams per cubic metre;
 - ii. the concentration of total suspended solids (TSS) in any single sample shall not exceed 150 grams per cubic metre.

Advice Note:

The standards above are based on the effective primary treatment of wastewater from a septic tank.

2. There is no discharge of effluent from the disposal field to the ground surface in the vicinity or downslope of the LAA.
3. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
4. The total volume of effluent discharged from any residential allotment to the LAA shall not exceed a weekly averaged flow of 2,000 litres per day.
5. The disposal field is located not less than:
 - (i) 20 metres away from any surface water body;
 - (ii) 20 metres from any bore for domestic water supply;
 - (iii) 1.5 metres from any adjoining property other than those lot(s) from whence the discharge is being generated.
6. The design and operation of the system must result in the depth of unsaturated soil between the effluent disposal field and the average winter level of groundwater or of the basement rock being no less than 500 millimetres or sufficient to ensure that the discharge does not result in any bacterial contamination of groundwater beyond the property boundary.
7. All septic tanks contributing to the LAA shall be regularly desludged so that the liquid volume (excluding sludge and scum) is maintained at not less than one-third of the tank volume.
8. The discharge shall not create a discernible offensive or objectionable odour beyond the boundary of the LAA.
9. An access point to allow sampling of the effluent being discharged to the disposal field must be provided with any on-site wastewater disposal system.

Plans and Installation

10. Detailed plans for the wastewater disposal shall be submitted to the Council as part of the building consent for each dwelling that proposes to dispose of treated wastewater to the LAA. These plans shall show how Conditions 1-9 are to be met.
11. The construction and installation of the land application system shall be carried out under the supervision of a person who is suitably qualified and experienced. That person shall provide a written certificate or producer statement to the Council's Coordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1 and 2 shall also confirm the following:
 - (a) that all components of the discharge to the land application area have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
 - (b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.

12. The Consent Holder shall submit a set of final “as-built” plans. These shall show the location of all components of the land application system. For the purpose of this condition, the Consent Holder shall ensure that the “as-built” plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans.

Advice note:

This condition ensures that the plans for the wastewater systems installed on the common land are kept on the common land file.

Review of Consent Conditions

13. The Council may, during the month of October 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 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 determinands 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

14. This resource consent shall expire 15 years from installation of the respective disposal area for each lot within the LAA.

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that domestic water reduction fixtures be included in the amenities and recreational building design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2012 and Auckland Regional Council's Technical Publication 58.
3. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-ordinator Compliance Monitoring.
6. Attention is drawn to the provisions of the Historic Places Act 1993 that in the event of discovery of an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit,

depressions, occupation evidence, burials, taonga) that works cease immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

7. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.
8. Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.
9. 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.
10. 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.

Issued this 6th day of August 2014



Dr Jeff Jones
Independent Commissioner and Chair



Cr Brian Ensor
Commissioner

Writer's Direct Dial No. (03) 543 7241
Writer's Email: michael.croxford@tasman.govt.nz

6 August 2014

Atamai Land Trust
C/- Petra Stephenson
Village Green Developments
98 Thorp Street
Motueka 7120

Dear Petra

DECISION NOTIFIED RESOURCE CONSENT APPLICATION No. RM130940: ATAMAI LAND TRUST

Pursuant to Section 114 of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Commissioner's decision on your application for resource consent referred to above.

Section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal:

1. be made in the prescribed form;
2. state the reasons for the appeal and the relief sought; and
3. be lodged with both the Environment Court (PO Box 5027 Wellington 6145; Phone (04) 918 8300 or Fax (04) 918 8480) and the Council by **29 August 2014**.

If you receive a copy of an appeal from another party and you wish to be involved in the appeal process (ie, be a "*party to the proceedings*"), then you need to advise the Environment Court of this within 15 working days of the appeal being lodged. Section 274 of the Act outlines the process to become a party to the appeal proceedings.

For further information or for forms see the Environment Court's website at:
www.justice.govt.nz/courts/environment-court

At this stage the Council has not calculated the final costs of processing your application. Should the final costs exceed the deposit already paid, then as previously advised, you will be invoiced separately for these costs. Should the final costs be less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly regarding the final costs of processing your application.

Please also note that this resource consent attracts a monitoring fee for which you will be invoiced separately. In addition, officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.

Please note that under Section 125 of the Act, your consent will lapse in five years unless you have given effect to it before then. In the case of subdivisions, a consent is given effect to when you have submitted a survey plan to the Council for the subdivision under Section 223 of the Act. Once the survey plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Please feel free to contact Michael Croxford (Principal Resource Consents Adviser) on (03) 543 7241 if you have any questions regarding any aspect of your consent or its conditions.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. Croxford', written over a light grey rectangular background.

Michael Croxford
Principal Resource Consents Advisor

Code compliance certificate

Form 7: Section 95, Building Act 2004

The building

Street address of building: Motueka Valley Highway, Motueka-Woodstock

Legal description of land where building is located: Lot 8 DP 311683 - Subj to & Int in RoW

Valuation number: 1928021010

Building name:

Location of building within site/block number:

Level/unit number:

Current, lawfully established, use:

Year first constructed:

The owner

Name of owner: Jackson Daniel John

Contact person:

Mailing address: P O Box 36, Motueka 7160

Street address/registered office:

Phone number: Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

First point of contact for communications with the council/building consent authority:

Full Name: L K & D J Jackson

Mailing Address: 18 Harbour Road, Motueka

Phones:: 035287319

Building work

Building consent number: 041011

Issued by: Tasman District Council

Code compliance

The building consent authority named below is satisfied, on reasonable grounds, that —

(a) the building work complies with the building consent.

Signature
OfficePan Street
Ricag 4
New 7031
Tel (0)nd
Fax (03) 3-8400
43-9524**Murchison
Service Centre**92 Fairfax Street
Murchison 7191
Tel (03) 523-1013
Fax (03) 523-1012

Position

1 of 2

**Motueka
Service Centre**7 Hickmott Place
P.O. Box 123
Motueka 7161
Tel (03) 528-2022
Fax (03) 528-9751

Date: 13/06/05

**Golden Bay
Service Centre**78 Commercial Street
P.O. Box 74
Takaka 7172
Tel (03) 525-0020
Fax (03) 525-9972

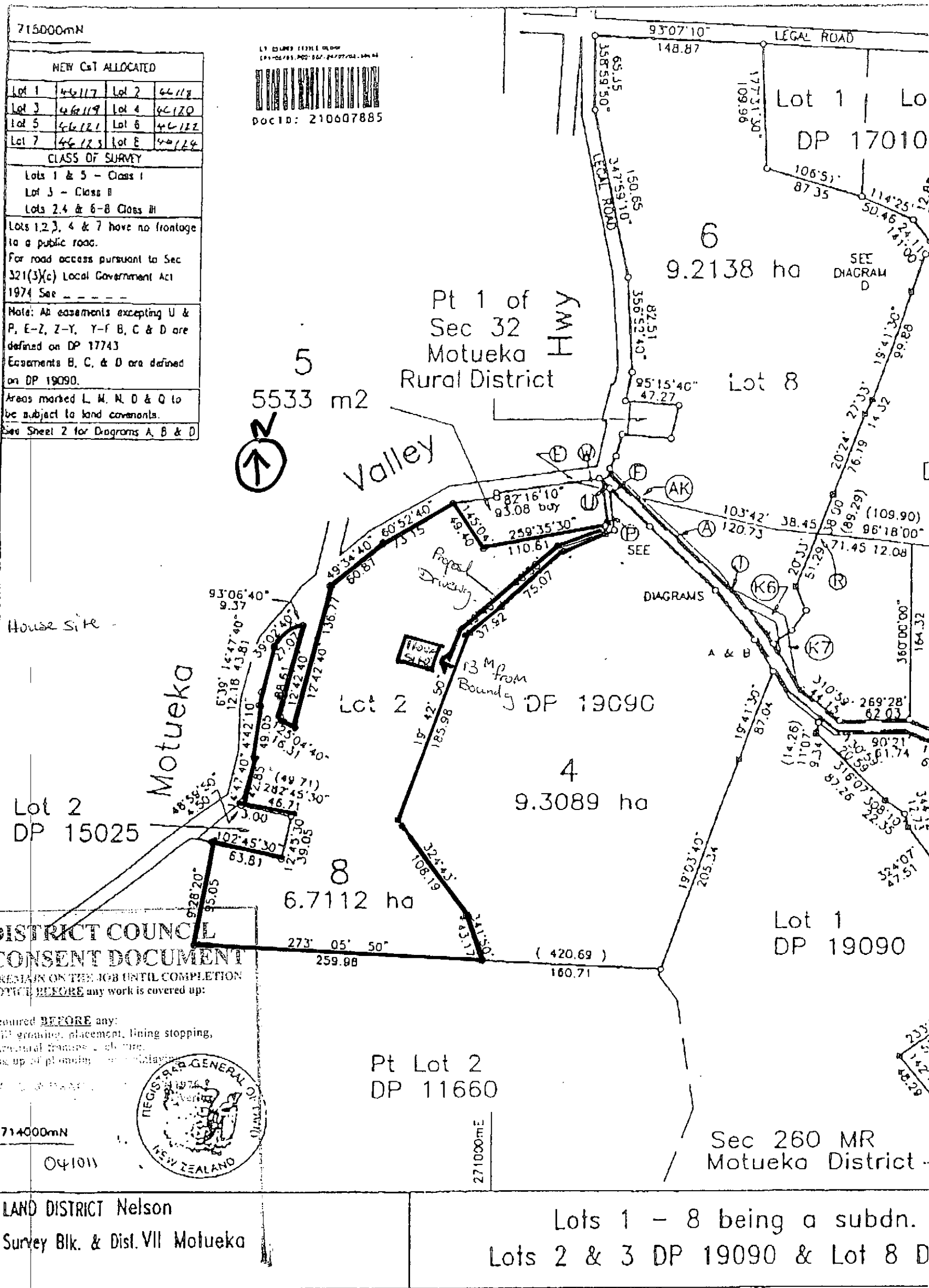
Site Plan

DS + LK Jackson

LR DP 311,83

Motueka Valley Highway

Transaction Id 3719547
Client Reference 72254.5 PWED



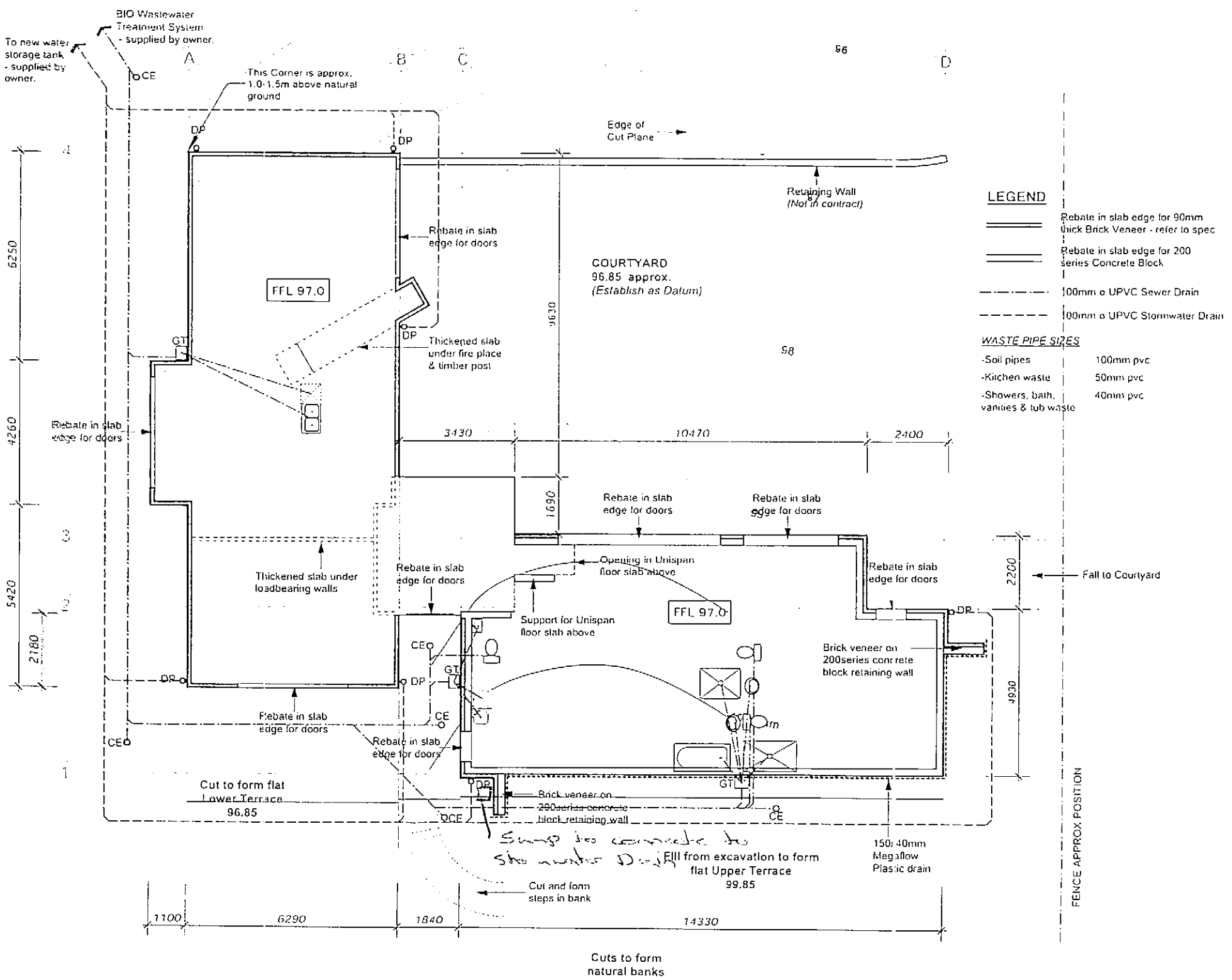
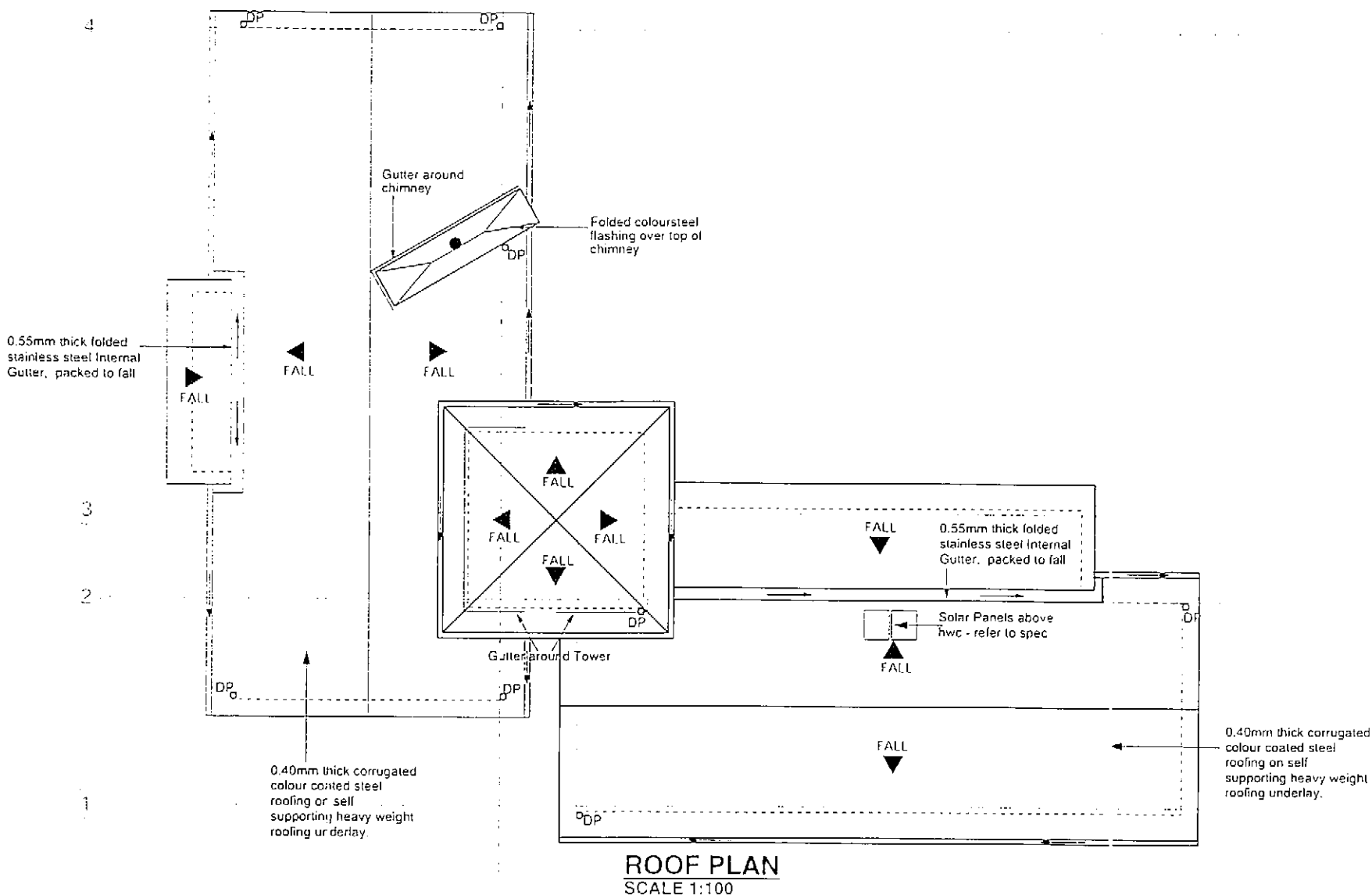
TASMAN DISTRICT COUNCIL
APPROVED CONSENT DOCUMENT
THIS DOCUMENT MUST REMAIN ON THE JOB UNTIL COMPLETION
GIVE 24 HOUR NOTICE BEFORE any work is covered up:

- Council inspection is required **BEFORE** any:
- Concrete masonry, footpath, grading, placement, lining stopping, chiselling, roof fixing, structural frames, etc.
- Lining stopping, covering up of plumbing, etc.

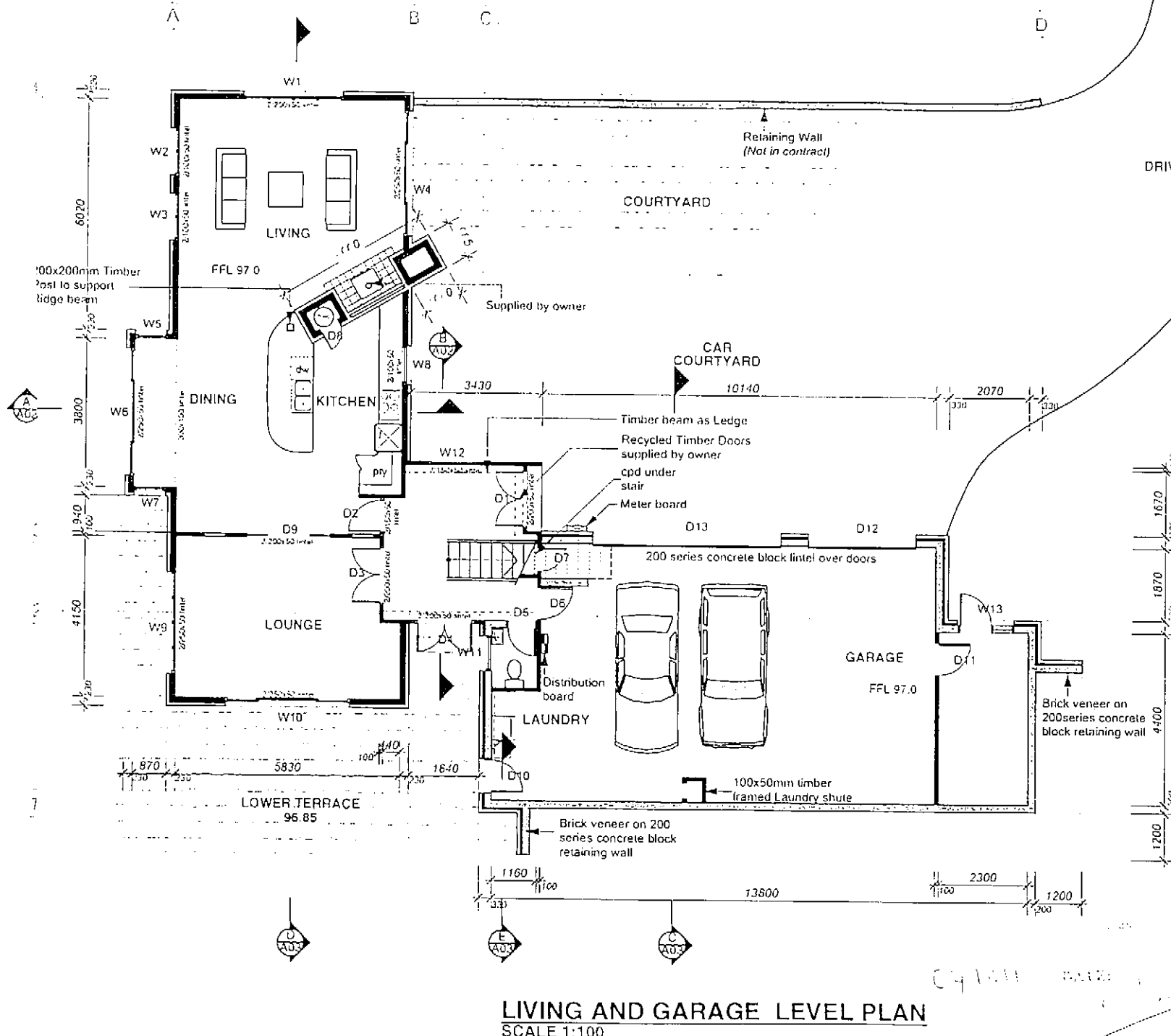
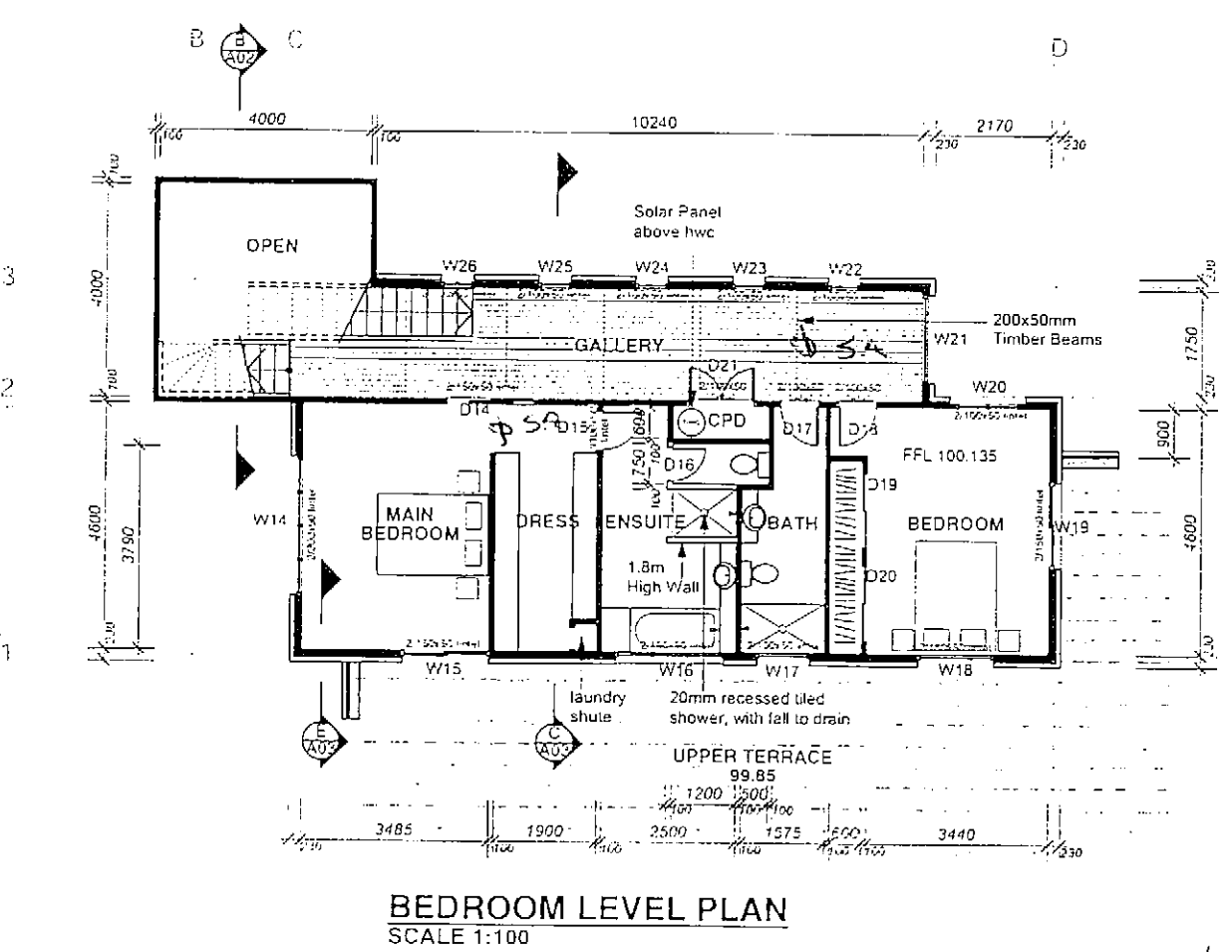
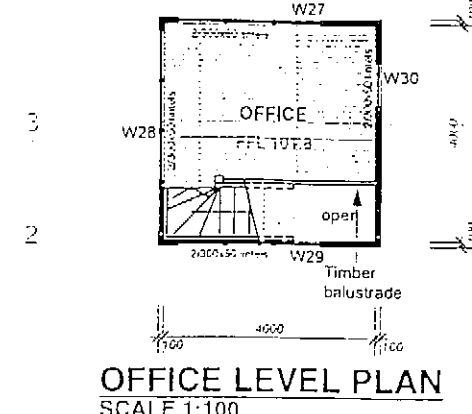
- PLUMBERS, ELEC, etc. must have permits only. Trades and Gasfitters etc.

- The Council





- LEGEND**
- Rebate in slab edge for 90mm thick Brick Veneer - refer to spec
 - Rebate in slab edge for 200 series Concrete Block
 - 100mm ø UPVC Sewer Drain
 - 100mm ø UPVC Stormwater Drain
- WASTE PIPE SIZES**
- Soil pipes 100mm pvc
 - Kitchen waste 50mm pvc
 - Showers, bath, vanities & tub waste 40mm pvc



NOTES

- Floor and Skirtings to be tiled in Bathrooms.
- Bathrooms to be lined in Gib Aqualine

CHECK ALL DIMENSIONS PRIOR TO CONSTRUCTION OR INSTALLATION

DIMENSIONS:

REVISIT DATE BY REASON

SCALE: 1:100

DATE: 22 APRIL 2004

JOB TITLE/CLIENT:

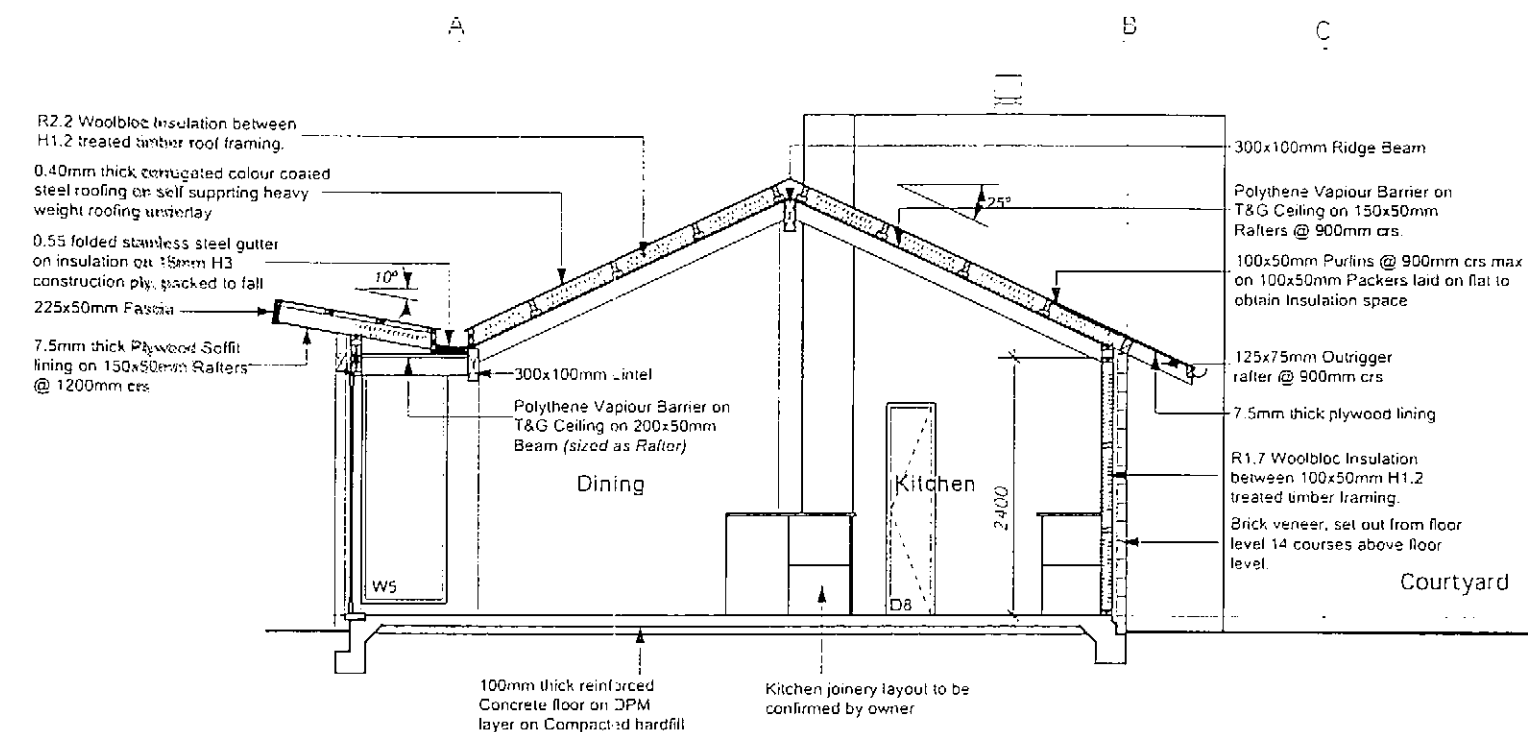
LESLEY & DANIEL JACKSON
NEW RESIDENCE
MOTUEKA

SHEET TITLE:

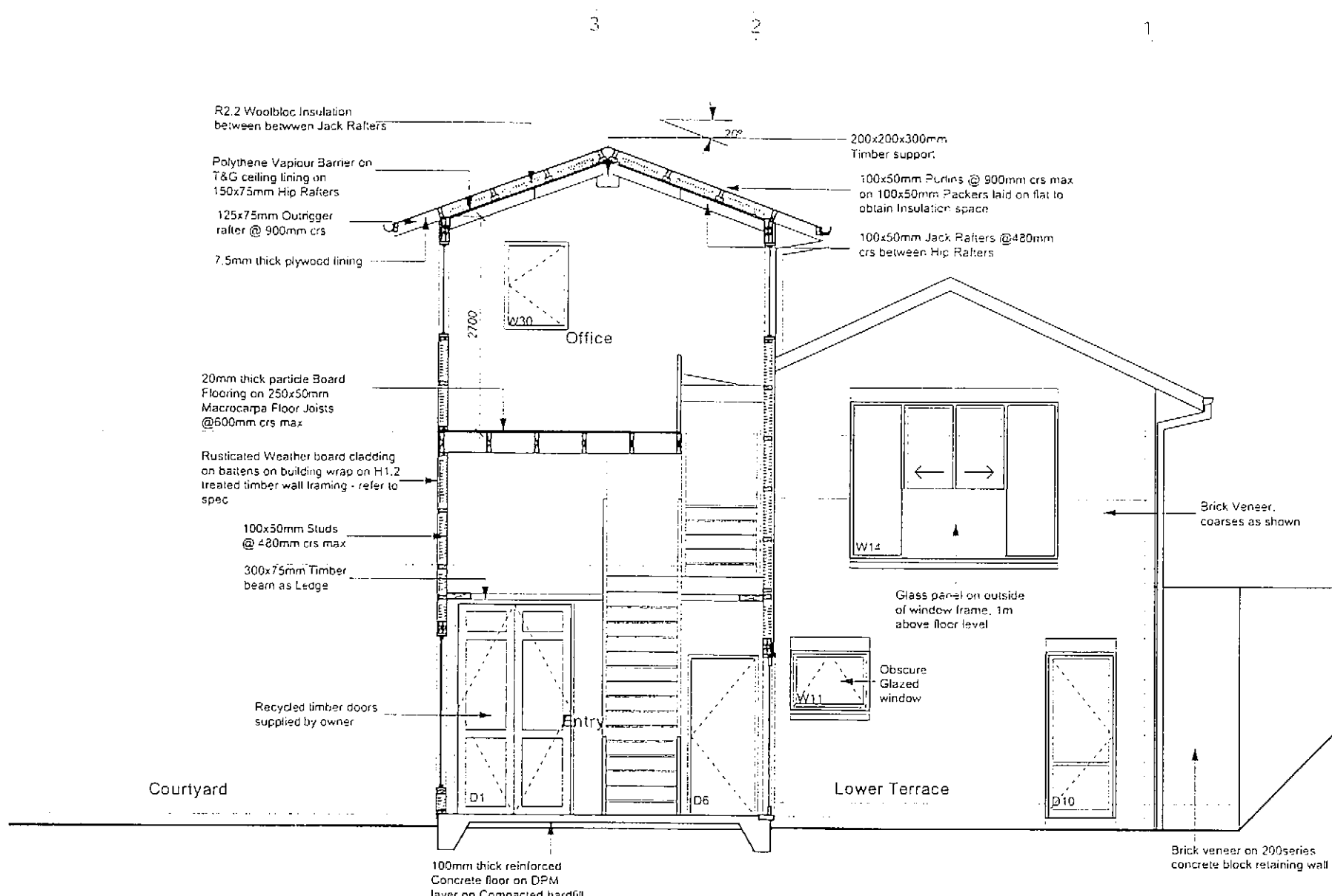
FLOOR PLAN
SLAB PLAN
ROOF PLAN

SHEET No: A01

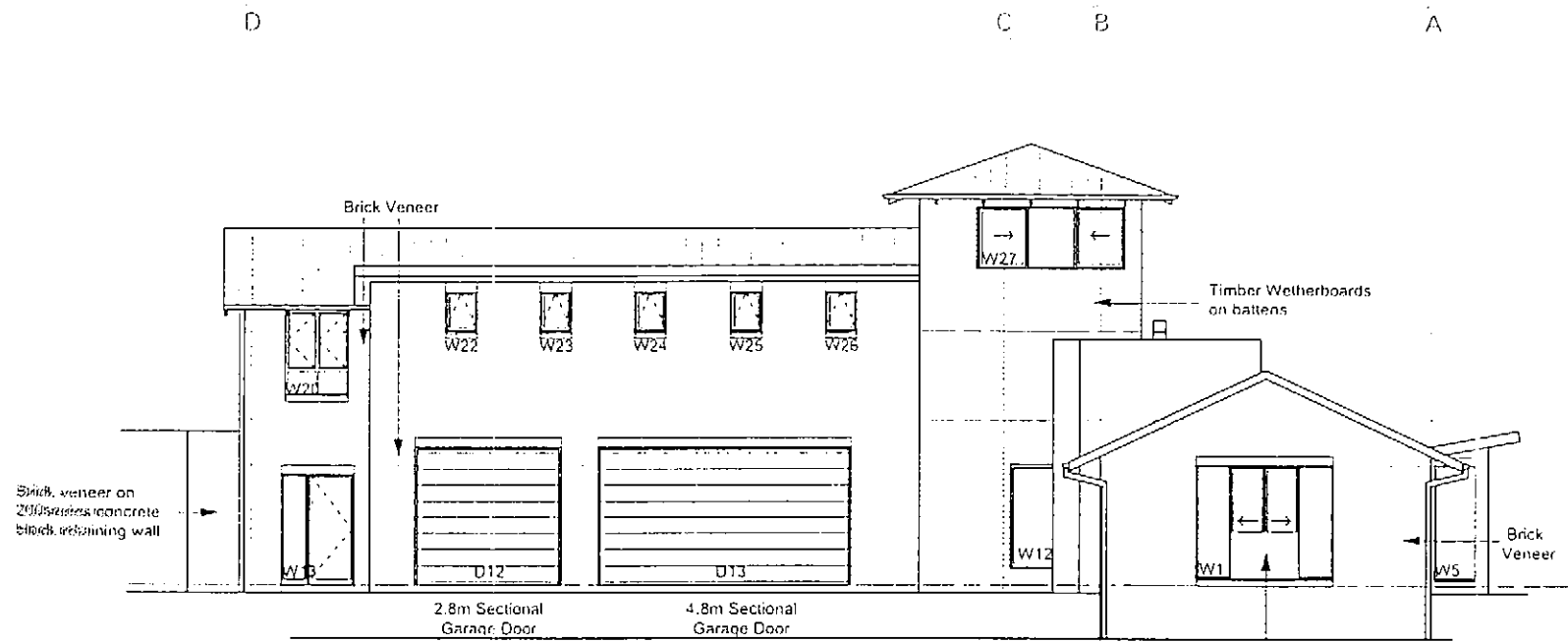
PROJECT No: 03-14



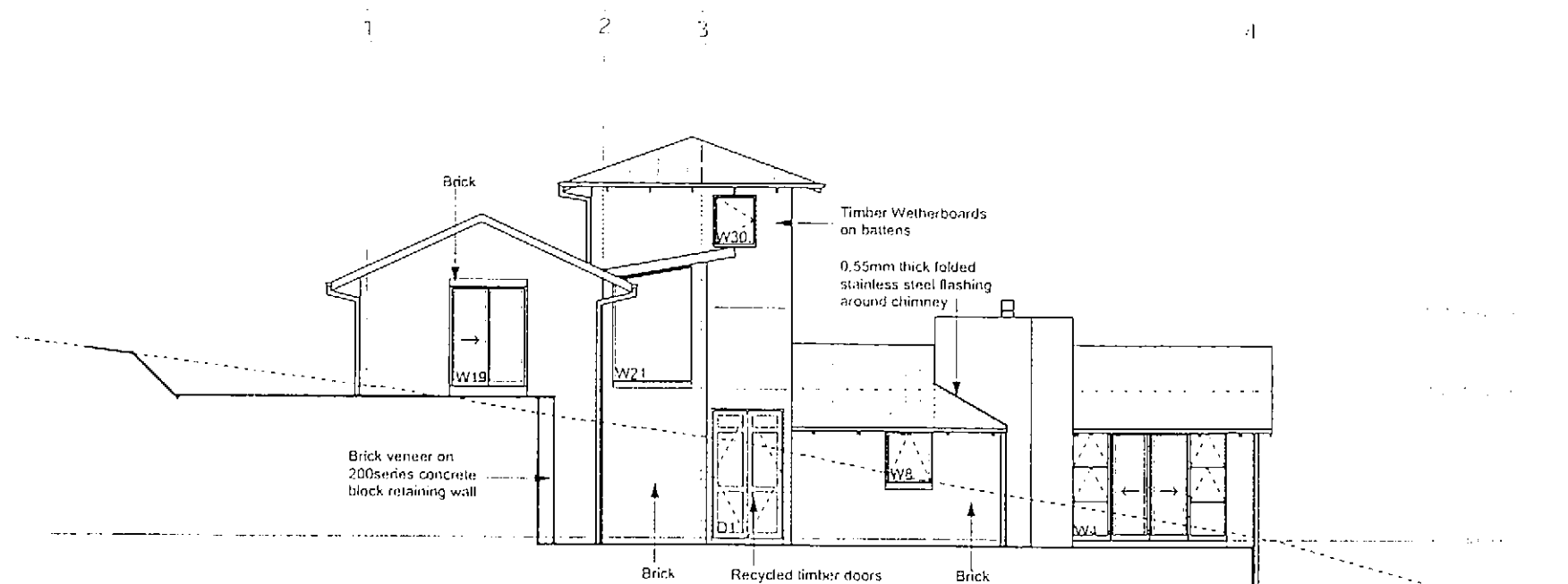
SECTION A
SCALE 1:50



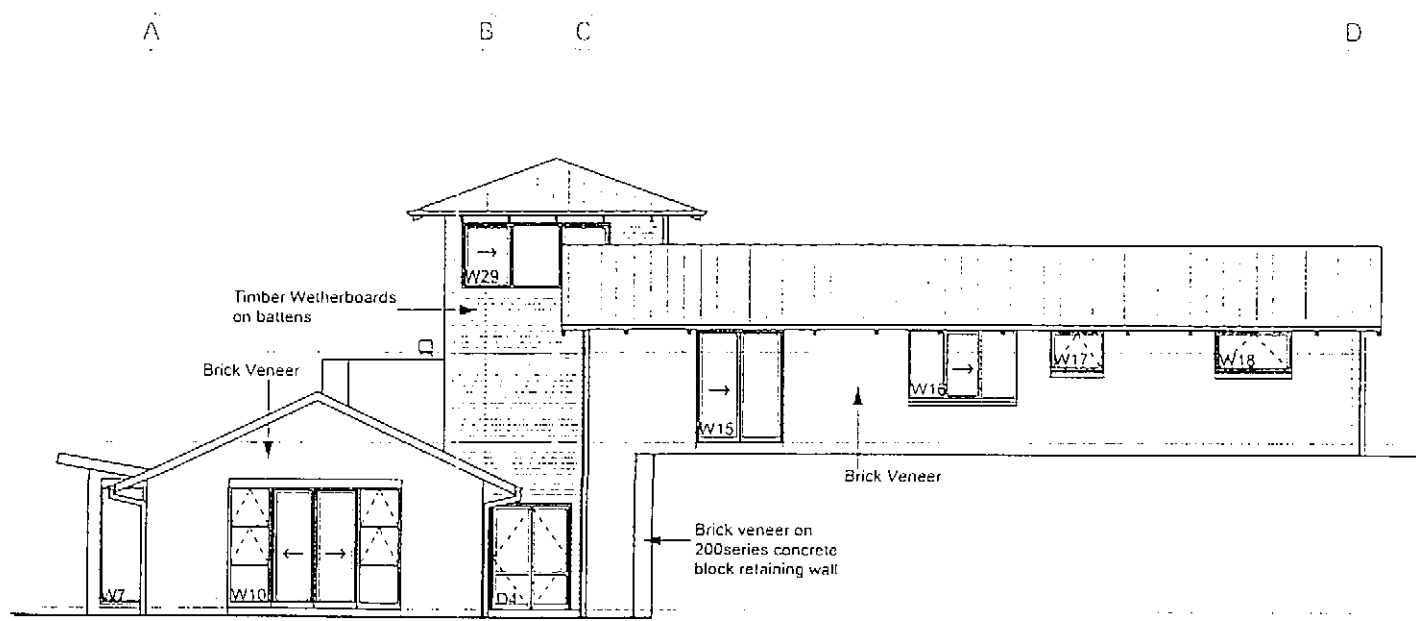
SECTION B
SCALE 1:50



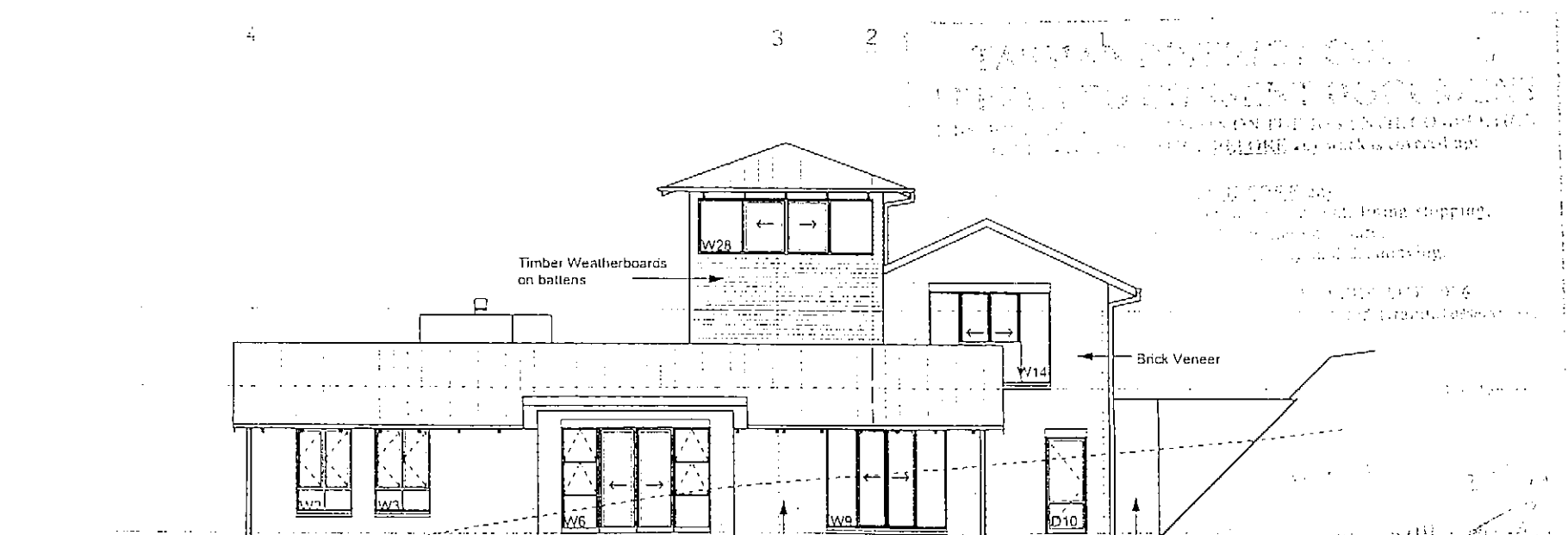
NORTH ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100

- NOTES**
- Elevations set out to set even brick courses
 - Brick courses set from floor level
 - All windows to be Double Glazed

CHECK ALL DIMENSIONS PRIOR TO CONSTRUCTION OR INSTALLATION
DIMENSIONS:

REV	DATE	BY	REASON

SCALE: AS SHOWN

DATE: 22 APRIL 2004

JOB TITLE/CLIENT:
LESLEY & DANIEL JACKSON
NEW RESIDENCE
MOTUEKA

SHEET TITLE:
ELEVATIONS
SECTIONS

SHEET No: A02

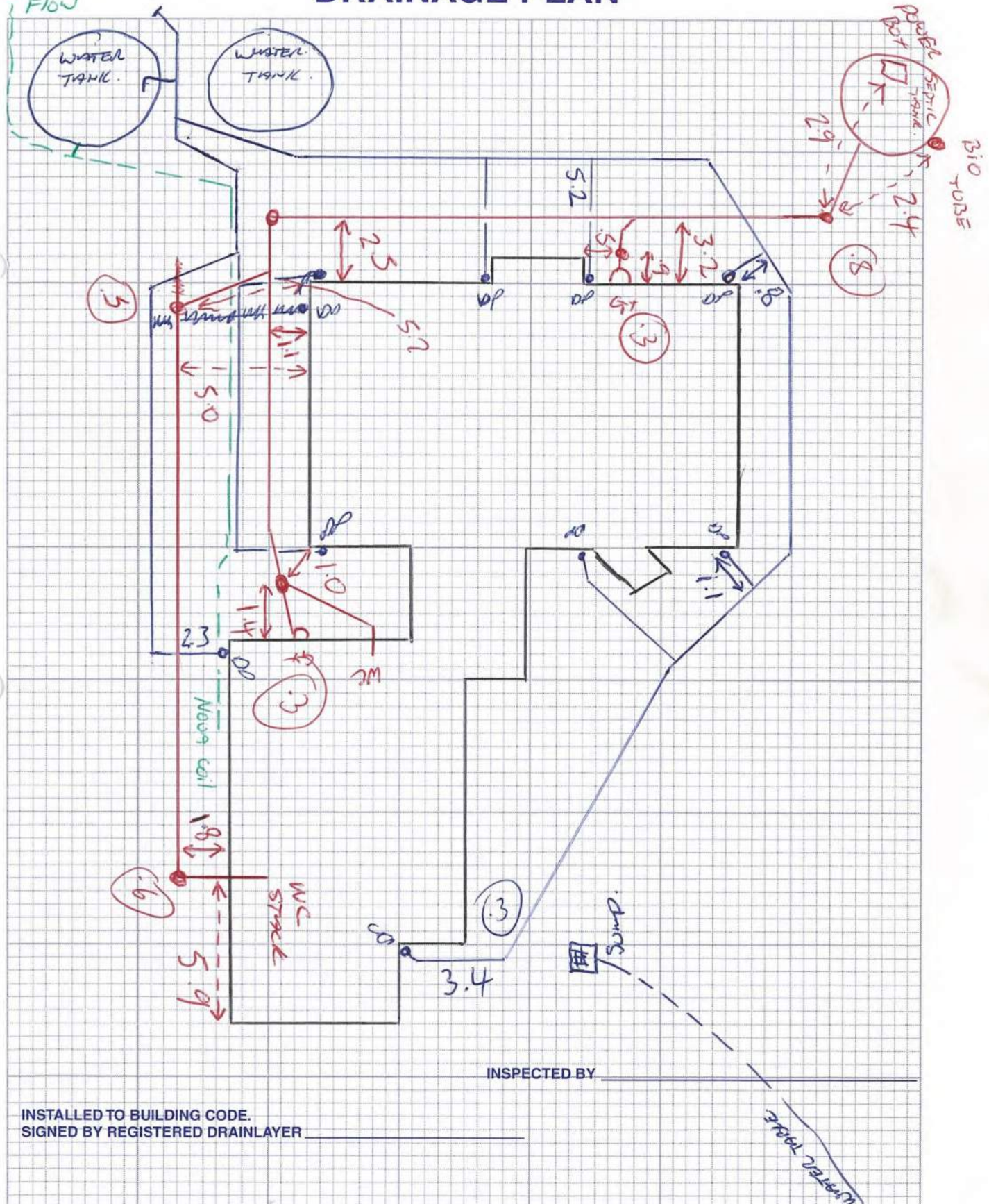
PROJECT No: 03-14

BUILDING CONSENT No. _____

LOCATION/STREET _____

TOWNSHIP MOTUEKA

OVER
FLOW



T Janky
239 Motueka Valley Highway
RD 1
Motueka 7196

Tax Invoice/ Credit Note

GST Reg No: 51076806
Invoice Date: 19/09/22
ACCOUNT NUMBER: 35206
Tax Invoice Number: 150755
Order Number:

QTY	Description	Rate	Amount
	L220552 : Tamas Janky : Motueka 1928021067 : 9 Wharua Tiro Place, Motueka Valley		
	Land Information Memorandum		300.00 *
		(* Incl GST \$39.13) Cash Received	300.00CR

Invoices are due 20th of month following invoice date.

Please help the environment.
Send your email address to debtors@tasman.govt.nz to receive your invoices by email.

INVOICE TOTAL DUE	\$0.00
--------------------------	---------------

Tasman District Council

Email debtors@tasman.govt.nz

Website www.tasman.govt.nz

Richmond 189 Queen Street, Private Bag 4, Richmond, Nelson 7050 New Zealand
Murchison 92 Fairfax Street, Murchison 7007, New Zealand
Motueka 7 Hickmott Place, PO Box 123, Motueka 7143, New Zealand
Takaka 78 Commercial Street, PO Box 74, Takaka 7142, New Zealand

Phone 03 543 8400 **Fax** 03 543 9524
Phone 03 523 1013 **Fax** 03 523 1012
Phone 03 528 2022 **Fax** 03 528 9751
Phone 03 525 0020 **Fax** 03 525 9972

Account Name:	T Janky	Account Number:	35206
Tax Invoice:	150755	Total Due (Inc GST):	\$0.00
Invoice Date:	19/09/22	Amount Paid:	\$ _____

Telephone/Internet Banking payments can be made to bank account 12-3193-0002048-03.

Please quote 35206 as reference.