

File Ref: RM050607

Mark Morris

Writer's Direct Dial No. (03) 543-8420

Email: markm@tdc.govt.nz

6 December 2005

Everbright Realty Ltd  
C/- Verrall & Partners Ltd  
PO Box 152  
NELSON

Dear Sir/Madam

**RE: RESOURCE CONSENT APPLICATION NO. RM050607.**

Pursuant to Section 114 of the Resource Management Act 1991, please find enclosed a copy of the Council's decision on the abovementioned application for resource consent.

It is very important that you understand and comply with the requirements set out in the conditions of your consent. If you have any questions or concerns regarding any aspect of your consent or its conditions, please do not hesitate to contact the undersigned.

Section 357 of the Resource Management Act 1991 provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Any such objection must be made in writing setting out the reasons for the objection and must be lodged with the Council within 15 working days of receiving this letter.

Please note that under Section 125 of the Resource Management Act 1991, your consent will lapse in five years unless you give effect to it before then.

Please feel free to contact me on (03) 543-8420 if you have any questions or concerns.

Yours faithfully



MD Morris  
Senior Consent Planner,  
Subdivision

**Main Office**

189 Queen Street  
Private Bag 4  
Richmond 7031  
New Zealand  
Tel (03) 543-8400  
Fax (03) 543-9524

**Murchison  
Service Centre**

92 Fairfax Street  
Murchison 7191  
Tel (03) 523-1013  
Fax (03) 523-1012

**Motueka  
Service Centre**

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

**Golden Bay  
Service Centre**

78 Commercial Street  
P.O. Box 74  
Takaka 7172  
Tel (03) 525-0020  
Fax (03) 525-9972

In the matter of the Resource Management  
Act 1991

and

In the matter of the application lodged by  
Everbright Realty Nelson Ltd

for a Resource Consent under the  
provisions of Sections 104 of the aforesaid  
Act

## **PROPOSAL**

### **RM040399**

To subdivide Pt Sections 155-156 Motueka District (CT NL 2D/142) into 57 residential sections of between 446 square metres and 9655 square metres, with roads (lot 60) drainage reserve (lot 11) and recreation reserve (lot 59) to vest.

## **TASMAN RESOURCE MANAGEMENT PLAN AFFECTED RULES**

Rule 16.3.3(Subdivisions)

## **DECISION**

Acting under authority delegated by the Council, I can advise that the above resource consent RM050607 pursuant to Section 104 of the Resource Management Act 1991 was approved on 6 December 2005. This consent is subject to the following conditions:

## **SUBDIVISION CONSENT**

### **1. STAGING**

The following staging is approved:

#### **Stage 1:**

Lots 1-11 & 36 -38 & 61 (total 12 new lots plus Lot 1 & Lot 11) plus balance area.

Levies payable on 13 Lots.



---

Upgrading of the Fearon Street road frontage as set down in Condition 3(i) to be completed.

**Stage 2:**

Lots 12-18 & 23-31 & road to vest (Pt Lot 60) & Balance Area.

Levies payable on 16 Lots.

Upgrading of Thorp Street frontage to be completed as set down in Condition 3(i).

**Stage 3:**

Lots 19-22, 32-35, 39-41, Lot 59 (reserve to vest), Lot 60 road to vest and balance area.

Levies payable on 11 lots, subject to a credit of \$77,000 on the reserves levy in lieu of the vesting of the Lot 59 reserve.

**Stage 4:**

Lots 42-58 & road to vest..

Levies payable on 16 Lots with a one lot credit for the base title.

**2. FINANCIAL CONTRIBUTION LEVIES**

The following Financial Contribution levy payments are to be made:

**Calculation of Financial Contribution Levy Payment (all GST inclusive)**

**Reserves and Community Services**

A reserves and community services levy equivalent to 5.5% of the assessed market value of each of the fifty six (56) lots shall be payable. The valuation shall be by way of a special valuation undertaken by a registered valuer at the applicant's request and cost. The applicant is requested to forward a copy of the consent plan to the registered valuer when the valuation is requested. This valuation is to be forwarded to the Tasman District Council for calculation of the reserve fund contribution.

A total of \$71,000 (GST inclusive) shall be credited against the reserves levy in lieu of the vesting of Lot 59 (1434m<sup>2</sup>) as a recreation reserve. The credit can only be used at the stage the reserve is vested.

***Advice Note:***

*Council will not issue the Section 224(c) certificate in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.*

*The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are the amount to be paid and will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.*

*This consent will attract a development contribution on fifty six (56) allotments in respect of roading, water, wastewater and stormwater.*

### 3. ROADING

a) Street names approved by Council's Environment & Planning Manager for this subdivision are:

i) Walnut Drive from main road linking Fearon and Thorp Streets.

ii) Hazelnut Place for the western cul-de-sac.

iii) Almond Close for the north-eastern cul-de-sac.

The names are in keeping with existing trees in the area and maintain a theme for this location.

a) The street numbers allocated are:

Lot 1	Existing Fearon Street	Lot 21	16a Walnut Drive	Lot 41	2 Hazelnut Place
Lot 2	2 Walnut Drive	Lot 22	16 Walnut Drive	Lot 42	4 Hazelnut Place
Lot 3	3 Walnut Drive	Lot 23	25 Walnut Drive	Lot 43	6 Hazelnut Place
Lot 4	55 Fearon Street	Lot 24	23 Walnut Drive	Lot 44	8 Hazelnut Place
Lot 5	57 Fearon Street	Lot 25	4 Almond Close	Lot 45	10 Hazelnut Place
Lot 6	59 Fearon Street	Lot 26	6 Almond Close	Lot 46	10a Hazelnut Place
Lot 7	61 Fearon Street	Lot 27	8 Almond Close	Lot 47	12b Hazelnut Place
Lot 8	63 Fearon Street	Lot 28	7 Almond Close	Lot 48	12a Hazelnut Place
Lot 9	65 Fearon Street	Lot 29	5 Almond Close	Lot 49	12 Hazelnut Place



Lot 10	67 Fearon Street	Lot 30	3 Almond Close	Lot 50	15 Hazelnut Place
Lot 11	69 Fearon Street	Lot 31	19 Walnut Drive	Lot 51	11a Hazelnut Place
Lot 12	32 Walnut Drive	Lot 32	17 Walnut Drive	Lot 52	11 Hazelnut Place
Lot 13	52 Thorp Street	Lot 33	15 Walnut Drive	Lot 53	9 Hazelnut Place
Lot 14	30 Walnut Drive	Lot 34	9 Walnut Drive	Lot 54	7 Hazelnut Place
Lot 15	28 Walnut Drive	Lot 35	7 Walnut Drive	Lot 55	5 Hazelnut Place
Lot 16	26 Walnut Drive	Lot 36	5 Walnut Drive	Lot 56	3 Hazelnut Place
Lot 17	24 Walnut Drive	Lot 37	4 Walnut Drive	Lot 57	1a Hazelnut Place
Lot 18	22 Walnut Drive	Lot 38	6 Walnut Drive	Lot 58	1 Hazelnut Place
Lot 19	20 Walnut Drive	Lot 39	8 Walnut Drive		
Lot 20	18 Walnut Drive	Lot 40	10 Walnut Drive		

- b) The concept plan/scheme plan shows some detail of design and this consent does not infer approval or otherwise until full engineering design has been approved by Councils Engineer.
- c) The street numbers shall be shown on the engineering plans.
- d) The cost of a name plate for any new street or private way sign shall be met by the consent holder on application to Tasman District Council, together with pavement markings.
- e) The road to vest and out to the sealed formation, shall have a minimum legal width and sealed carriageway as set out below.

Road Description	Seal Width	Minimum Legal Width
Walnut Drive	8.0 m	16.8 m
Hazelnut Place	7.0 m	11.4 m
Almond Close	7.0 m	11.4 m

- f) A 1.4 metre footpath shall be constructed on both sides of Walnut Drive and one side of each of the cul-de-sacs.

- 
- g) Kerb, channels and sumps shall be installed in accordance with Tasman District Council's Engineering Standards and amendments. All verges shall be grassed down in accordance with Tasman District Engineering Standards and to the satisfaction of the Council's Engineering Manager. Any street landscaping shall be subject to approval of the Council's Engineering Manager at the Engineering Plan stage. A separate landscaping shall be provided with the engineering plans.
  - h) A 5.0 m x 5.0 m corner snipe shall vest as road (lot 61) at no cost to Council on the corner of Thorp and Fearon Streets.
  - i) The consent holders at their cost shall construct kerb and channel plus a 1.4m footpath along the Thorp and Fearon Streets frontage of the subdivision and include the cemetery frontage on Thorp Street and Lot 1 through to Tarrant Place kerb and channel.  
The Fearon Road upgrade shall be completed as part of Stage 1 and the Thorp Street upgrade shall be completed as part of Stage 2.

#### **4 Right of Way**

The right of way shall be formed, and permanently surfaced to a minimum 4.5 metre width with kerb, channel and sumps.

**Note:** The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.

The seal formation shall extend to the back of the kerb crossing.

#### **5 Access**

Practical access shall be constructed to each lot at a minimum grade of 1 in 6 and complying with the Tasman District Resource Management Plan.

A kerb crossing shall be formed for each lot in the subdivision (and pram crossings at the street intersections where required).

#### **6 Water Supply**

Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed and a water meter and approved housing box shall be provided for each lot. Connection to the principal mains in Thorp and Fearon Streets is required.



---

## 7 Sewer

Full sewer reticulation discharging to Council's approved system shall be installed complete with any necessary manholes and a connection to each lot. This may include work outside the subdivision to connect to or upgrade existing systems.

As agreed on the preliminary concept plans, Pethybridge pump station shall be abandoned and a new pump station installed on lot 11 complying with the TDC standards. Work will be required outside the subdivision all at the cost of the developer. All effected areas of construction shall be reinstated to councils requirements.

## 8 Stormwater

- i) A full stormwater reticulation discharging to Council's piped reticulation system shall be installed complete with all necessary manholes, sumps, inlets and a connection to each lot. This may include work outside the subdivision.

The detention dam area lot 11 shall vest as a drainage reserve at no cost to Council. It shall be designed for a Q50 event with a 500 mm freeboard and designed to maintain drainage flows from the pre-developed state of the land. The final reserve area shall be designed as a dry basin with vegetation cover approved by the Council's Asset Manager (Stormwater) to ensure that maintenance can be kept to a minimum. .

- ii) A stormwater drain connection which drains to an approved system shall be provided to each lot/dwelling.
- ii) The site shall be filled to ensure that:
- All finished ground levels are at least 50 mm above the top of kerb level of the street that the site is draining to or the crown level of the road where there is no kerb.
  - That there is continuous fall towards the street that the site drains to.
  - Minimum ground level is not less than 3.30 m Tasman District Council datum.
- iv) If filling obstructs the natural runoff from an adjoining property then provision shall be made for the drainage of that property.

---

Secondary flowpaths shall be shown on engineering plans and protected by easements and be discouraged through residential properties. Stormwater pipelines shall be relocated out of potential building sites.

- v) The Lot 11 stormwater drainage reserve shall fully completed and vegetated to the satisfaction of the Council's Stormwater Asset Manager.
- vi) The existing open drain along the Thorp Street frontage shall be piped

## **9 Cabling**

- i) Live telephone and electric power connections shall be provided to each lot and all wiring shall be underground to the standard required by the supply authority.
- ii) Confirmation of the above from the supply authority and a copy of the supplier's Certificate of Compliance shall be provided to the Council.

## **10 Electricity**

Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "**Road to Vest**" on the survey plan if adjacent to a road or road to vest.

## **11 Street Lighting**

The consent holder shall provide street lighting in accordance with the Tasman District Council's Engineering Standards and amendments. This work will include installation of cabling, poles, outreach arms and lanterns.

## **12 Engineering Certification**

- i) At the completion of works, a suitably experienced chartered professional engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required.
- ii) Certification that a site has been identified on each new lot suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on each lot the area suitable for the erection of residential buildings.



- 
- ii) Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

### **13 Easements**

Easements/easements in gross shall be shown on the survey plan if required by Council.

### **14 Maintenance Performance Bond**

The consent holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,000 per lot or a figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of 224C certification for the subdivision.

### **15 Lot 59 Reserve**

The reserve on lot 59 shall be formed and grassed in accordance with Section 12 of the Tasman Engineering Standards and to the satisfaction of the Council's Community Services Manager and a 1.4m wide concrete footpath constructed to link up to the Pethybridge/Moffat Street footpath link.

### **16 Engineering Plans**

All engineering works as outlined above shall be shown on engineering plans and to the requirements as set out in the Tasman District Council engineering standards and amendments. A 223 certificate cannot be issued until the Engineering plans have been received and approved by Council.

As-built plans detailing roading, water, sewerage and stormwater including exact locations of pipes, laterals, connections etc. complete with depths of sewer and stormwater connections and finished ground levels, shall be provided.

A sediment management plan shall be provided together with the earthworks plans detailing management of earthworks during the construction phase and management of run-off as required in Condition 18 of this consent.

The Section 223 title plan shall not be submitted until the engineering plans have been approved by the Engineering Manager, so that easement areas can be accurately determined.



---

## **17. COMMENCEMENT OF WORKS AND INSPECTION**

The Engineering Department shall be contacted two working days prior to the commencement of any engineering works. In addition, two working days notice shall be given to the Engineering Department Inspectors when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

No works shall commence on-site until the engineering plans as required under Condition 16 of this consent have been approved by the Tasman District Council Engineering Manager. The only exception to this requirement would be for preliminary earthworks and subsoil drainage, which can proceed if the earthworks and drainage plans together with the sediment management plans have been approved by the Tasman District Council Engineering Manager.

## **CONSTRUCTION EARTHWORKS**

### **18. CONSTRUCTION EARTHWORKS**

#### **(a) Placement of Spoil**

No spoil shall be placed in any watercourse, or where it may move or wash into a watercourse or onto adjoining land.

#### **(b) Discharge of Sediments and Dust During or as a Result of Construction Works**

- (i) All construction areas shall have adequate sedimentation mitigation or control measures to ensure that no stormwater discharge has a suspended solid level exceeding 100 grams per cubic metre of water and in compliance with the discharge standards under Section 36.2.4 of the Proposed Tasman Management Plan. A sediment management plan shall be provided at the engineering earthworks plan stage. The plan shall be to the satisfaction of the Tasman District Council Engineering Manager.
- (ii) All sedimentation mitigation or control measures shall be maintained by the consent holder for as long as there is a potential for sediment movement (resulting from earthworks) to affect off-site areas or natural water.
- (iii) The applicant should consult with the Council's Engineering Department on the most appropriate mitigation measures prior to the submission of the engineering plans for earthworks. A copy of the approved earthworks plans shall be provided by the applicant to



---

allow for monitoring of the earthworks. All monitoring costs shall be borne by the applicant.

- (iv) The site shall be watered as necessary to prevent dust from being blown across public roads and/or adjoining property.

(c) **Supervision**

All earthworks (including stormwater control) shall be planned and supervised under the direction of a Chartered Professional Engineer experienced in large scale earthworks and soils engineering.

(d) **Monitoring**

The applicant shall advise in writing to the Council's Engineering Department and provide a copy of the approved engineering plans (earthworks) prior to the commencement of any earthworks on the site. All costs of monitoring and any subsequent remedial works shall be paid for by the applicant.

(e) **Archaeological Report**

If any items of archaeological or historical significance are disturbed during construction or earthworks then works shall stop immediately and an archaeological survey shall be carried out by a suitably competent person. The local tangata whenua and the New Zealand Historic Places Trust shall be consulted. Any recommended remedial/restoration works shall be complied with. All costs shall be borne by the applicant.

19. The existing fuel tanks on lot 42 and various sheds shall be removed and any contamination remediated to the satisfaction of the Council's Environment & Planning Manager. This shall be completed prior to the signing of the Section 223 certificate for Stage 4.

**REASONS:**

1. The subdivision is a complying controlled activity of 57 residential allotments at the corner of Fearon Street and Thorp street.
2. The site is zoned residential and the subdivision complies with the controlled activity requirements of the Proposed Tasman resource Management Plan under Section 16.3.3.

3. The application has included reticulation plans which show that all the residential allotments will be fully serviced for water, sewage and stormwater.
4. The proposal is fully in accordance with what is anticipated under the residential zoning of the property.
5. The site currently drains in to road side drains on Fearon Street and Thorp Street and then through a culvert under Thorp Street.
6. This existing Council drainage network will still be retained except that there will be piping of the road side drains. Because of the faster runoff characteristics with a built-up area and a greater hard surface area, the applicant has volunteered a drainage reserve (being lot 11) which will detain the immediate stormwater runoff and release in it in a control manner through the existing 450mm culvert. This will enable the site to be serviced for stormwater without adversely affecting any properties downstream.
7. In light of the volunteered stormwater mitigation measures it is considered that the servicing meets the requirement of the permitted activity stand for stormwater runoff under Section 36.4.2 of the Proposed Tasman resource Management Plan. It is considered that there are no parties adversely affected by this proposed subdivision.

Dated at Richmond this 6<sup>th</sup> day of December 2005



M D Morris

**Senior Planner (Subdivisions)**

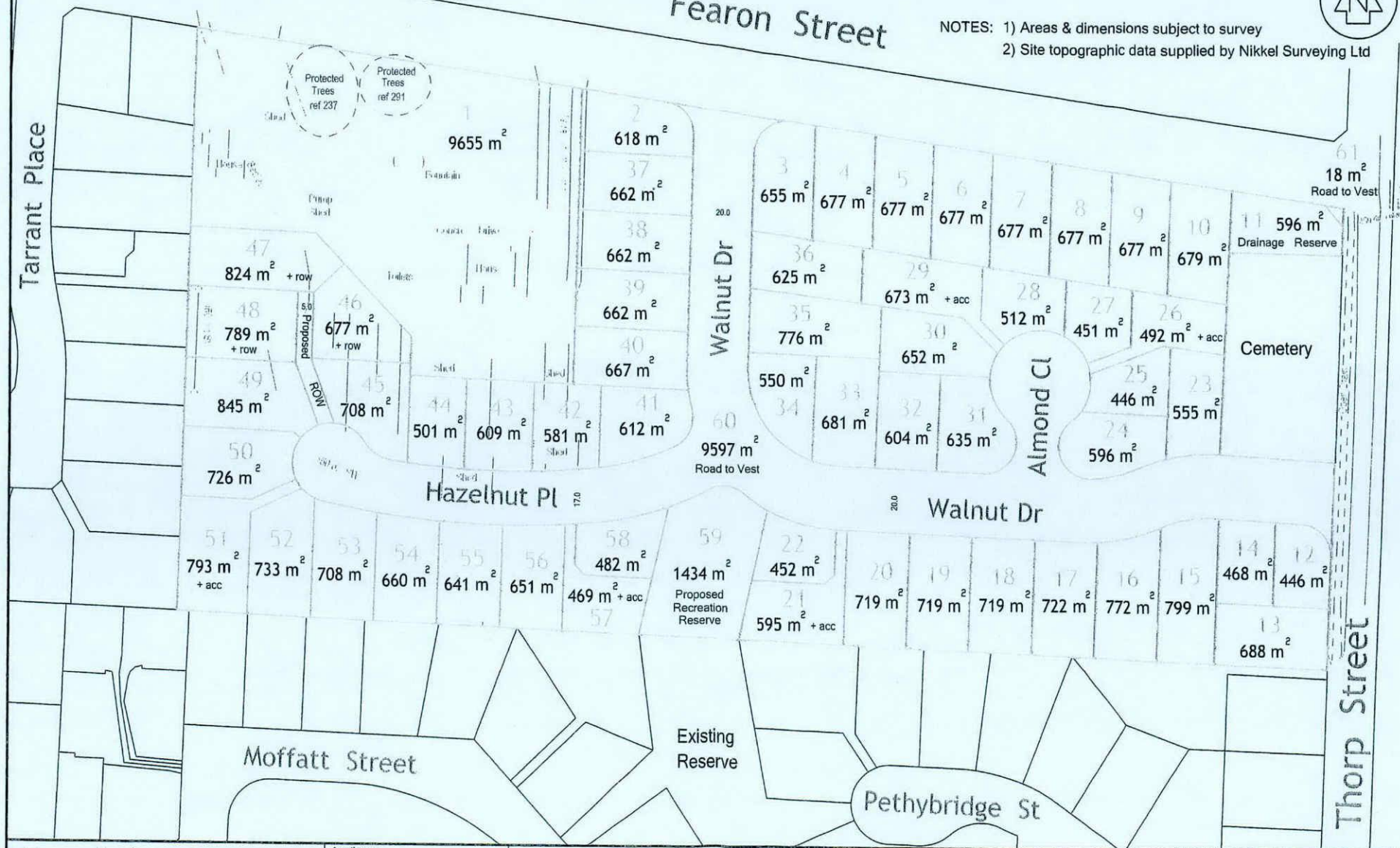


GRAPHICAL SCALE 1:800 @ A2



Fearon Street

- NOTES: 1) Areas & dimensions subject to survey  
2) Site topographic data supplied by Nikkel Surveying Ltd



Verrall & Partners Ltd  
Surveying, Resource Management  
& Land Development

60 Vickerman Street  
PO Box 152, Nelson  
Ph 03 548 3358  
Fax 03 548 3308

Applicant:  
Everbright Realty

Date:  
October 2005

Proposed Subdivision  
Fearon Gardens, Motueka

Scale:  
1:800 @A2

Job No:  
050305-2