**TASMAN DISTRICT COUNCIL
CONSENT NOTICE**

**PURSUANT TO SECTION 221 RESOURCE MANAGEMENT ACT 1991 (Application
Number RM 010250)**

TUCKER HOMESTEAD LIMITED

In the matter of

a Subdivision, Landuse Consent
pursuant to Sections 104, 105,
108, 220 and 221 of the
Resource Management Act 1991

1.0 Consent Notice

- 1.1 Pursuant to Section 108(2), 220(1)(c) and Section 220(1)(d) the Tasman District Council gives notice that the subdivision consent in respect of Plan Number 324764 being a subdivision of Lot 52, DP 351 and Part Lot 3 DP 2172 was granted subject to the following conditions to be complied with on a continuing basis.

2.0 Building Platforms

- 2.1 That Lots 1 to 9 and 11 be subject to a requirement that the level building platforms and contoured batters required to be constructed in respect of residential dwellings be subject of an investigation, evaluation and report by a registered engineer.
- 2.2 Any conditions in the report shall be complied with by registered proprietors of the lots on a continuing basis.

3.0 On site Effluent Disposal

- 3.1 That the effluent disposal system in respect of Lots 1 to 9 and 11 be subject to an investigation, evaluation and report by a registered engineer to ensure the sites are suitable for on site effluent disposal.

- 3.2 Any conditions in the report shall be complied with by registered proprietors of the lots on a continuing basis.
- 4.0 Number of Residential Units per Lot – No residential Unit on Lot 13
- 4.1 The number of residential units permitted to be erected on each lot shall be limited to one on each allotment.
- 4.2 No residential unit shall be erected on Lot 13 except for the existing residential unit as at the 1st June 2002.
- 4.3 In the event that the current dwelling on Lot 13 is damaged or destroyed, the owners of the dwelling for the time being may replace or replace in a similar manner.
- 5.0 No further subdivision
- 5.1 The registered proprietor or proprietors for the time being of any of the said Lot shall not at any time hereafter subdivide any Lot.
- 5.2 For the purposes of this clause, subdivide shall have the meaning given to the expression "subdivision of land" set out in Section 218 of the Resource Management Act 1991.
- 5.3 Nothing herein shall prevent minor boundary adjustments in respect of Lot 12 and 13 to facilitate better access to Lot 12 provided the adjustment does not result in the creation of a new certificate of title that is capable of use for residential purposes.
- 6.0 Transfer by Registered Proprietors Restricted in Respect of Lot 13
- 6.1 Lot 13 shall be held as to 11 undivided 1/11th shares by the registered proprietors of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 as tenants in

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- 6.2 The transfer by a registered proprietor of any of the Lots 1 to 11 shall require the sale of the estate or interest of the registered proprietor in Lot 13.
- 6.3 The registered proprietor of an estate or interest in Lot 13 shall not transfer that estate or interest unless in conjunction with the sale of any other lot owned by the registered proprietor.
- 7.0 Use Restricted (Section 108(2)(d))
- 7.1 The registered proprietor of Lots 1 to 11 and 13 will not at any time hereafter:
 - (a) Use or permit to be used upon the Lot any caravan, motor caravan or home, house truck, boat, tent or any other similar means of providing accommodation with a temporary, supplementary or otherwise except for a period or periods in total of not more than one month in any one year.
 - (b) Use any form of relocatable accommodation for either temporary or permanent accommodation.
- 8.0 Design Guide controlling building development and landscaping (pursuant to Section 108(2)(d) Resource Management Act 1991)
- 8.1 The registered proprietors of Lots 1 to 9, and 11 (inclusive) shall, when erecting a new residential building and associated buildings carry out and undertake the works and matters and things set out in the attached Design Guide dated the 18th day of March 2002 ("the Design Guide").
- 8.2 Any new dwelling or associated outbuilding on Lots 1 to 9 and 11 (inclusive) shall be designed, constructed and landscaped in accordance

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with the standards specified in the Design Guide reflecting in particular, the following obligations:

- (a) Architects – Each house shall be designed and the contract shall be administered by architects who are members of the New Zealand Institute of Architects.
- (b) Site boundaries will be defined by survey pegs and no other visible site defining structures or planting to define boundaries shall be permitted.
- (c) Other than excavation required for building foundations or in-ground structures, or minor landscaping works, further earthworks shall not be permitted except where implementation of a house design requires minor reshaping of the site. Houses and landscape development shall be designed to existing site contours.
- (d) Each house shall have a minimum of two stories and shall not have any basement area that disassociates the living area from ground level.
- (e) Each house shall have a minimum gross occupied floor area of 200m² (200m²) exclusive of garage accessory buildings.
- (f) The erection of temporary buildings, other than those required for construction purposes is not permitted. The contractors construction shed must be removed from project sites as soon as the houses reach practical completion. For the purposes of this clause practical completion of a house, dwelling or accessory building shall be the date certified by the architect appointed under 8.2(a) above.
- (g) Where buildings are additional to and separate from the principal house, the quality of design, construction and materials should be of no lesser standard of that of the houses and the design shall be the same as or similar to the characteristics of the house.
- (h) Roofs shall be pitched and terracotta or concrete tiled. Colours and profiles of tiles and accessory items shall be within the following colour range or similar, excluding slate or shingle profile:

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Wonderlich Terracotta:

Colour Range	Florentina, Pienza
Tile Range	Marseille, Tuscan or similar profile"

Monier Concrete:

Colour Range	Coral, Mushroom, Sand, Single colour or mixed
Tile Range	Centurion or Elebana profile

The foregoing applies to predominant roofs and does not preclude the use of flat, low pitch or gently curving roofs to less dominant areas.

- (i) The exterior coatings, colour schemes shall be undertaken and completed as follows:

The general texture of coatings required should be similar to that produced by wood trowelling or coarse brushing.

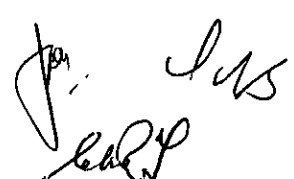
Paint materials for exterior walls shall be Resene Plasticoat, Aquashield, Sandtex, Porter's Limewash, or Kiem, except that alternative coatings which have similar characteristics will be considered for approval by the Project Managers. Colours for exterior surfaces shall be selected from Resene charts as follows, except that other ranges, if similar, will be considered.

Whites and neutrals chart:

- Black Haze	8B305
- Joanna	7.5G009
- Blanc	8B025
- Double spar white	5Y025

Aquashield Chart:

- Double Spanish White
- Pearl Bush
- Travertine

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Colours for windows, woodwork or other elements may be selected from a wider colour range, but should be restrained in intensity. Where timber stain finishes are required they shall be selected from the Resene Woodsman penetrating oil chart, or equal approved.

SIGNED by
Tucker Homestead Ltd
In the presence of:

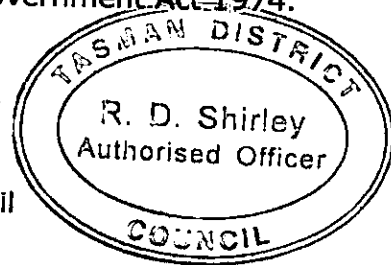
) *Bob Tucker*

Charles Stuart Redell Tucker
Director

Authenticated pursuant to section 252 of the Local Government Act 1974.

R. D. Shirley
- 4.9.03

~~Principal Administrative Officer~~ Tasman District Council



Correct for the purpose of the Land Transfer Act 1952

Solicitor for the registered proprietor

*for Mrs
Shirley*

18 March 2002

TUSCANY DOWNS PROJECT DESIGN GUIDE

1. INTRODUCTION

This Design Guide applies to the design of all buildings to be erected on house sites 1 to 9 inclusive, and 11, and to any new building projects relating to sites 11 and 12 of the Tuscany Downs project. The Project Managers intend that continuity of architectural style and quality will apply to all building projects. The Project Managers have selected as the project design model, the architectural style of the traditional houses and buildings of rural Tuscany, as a response to the similarities between Tuscan and Tasman landscapes, and the fact that the olive growing component of the project comprises tree species of Tuscan origin.

It is recognised that the Tuscan model selected comprises buildings which have evolved from agricultural use, construction and materials, and other influences of a different culture in an earlier era. In addition, it is realised that the appearance of the Tuscan buildings materials results from weathering effects over long time periods.

While it is intended that building design solutions in this project will reflect the influences of the design model and the requirements of the guide, it is intended that architects will have sufficient freedom to create design solutions

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which will reflect contemporary New Zealand lifestyle, building practices and materials.

While design freedom within the envelop of the model and the guide is encouraged, continuity of architectural style over all buildings is an inherent goal of the project.

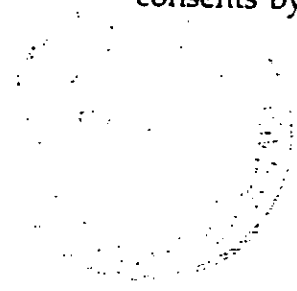
2. INTENTION OF THE GUIDE

The guide delineates the parameters of the design model, with the intention of generating reasonable certainty and continuity of design outcome. The guide further intends to allow creative and original design within the scope of the Tuscan model, without encouraging replication.

This project promotes a rural environment lifestyle closely related to enjoyment of the surrounding olive grove environment, and the conditions of the guide are intended to enhance this objective.

3. STATUS OF THE GUIDE

This guide is covenanted to each of the titles to the residential sites numbers 1-9 and 11 inclusive, and full compliance with it is a prerequisite requirement for the transfer of site titles to the new owners, and for the issue of building consents by the Tasman District Council. Compliance with the requirements


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of the Tasman District Plan together with those of this Guide, is required for building consent.

4. IMPLEMENTATION OF THE GUIDE

House designs for the designated sites shall be submitted to the Project Managers for approval in terms of compliance with the guide. The managers will employ an independent registered architect to assess the compliance of each house design, and advise them accordingly. The managers will be the final arbiters of design compliance and their approval is required to be obtained before an application for building consent is lodged.

Consultation at early stages with the advisory architect and/or the managers is offered and encouraged, to clarify any interpretations or resolve contentious issues and facilitate final approval.

The spirit and intentions of the guide must be satisfied and it is intended that the implementation process be consultative and collaborative, so that consent to proceed may be obtained with minimum effort or delay.

5. OTHER BUILDINGS

This item refers to improvements to existing buildings on site 12, and any future buildings on lot 11.

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The Project Managers will ensure that the design of such structures will comply with the spirit and intentions of this guide.

6. THE DESIGN GUIDE

The guide comprises the following rules and conditions, each followed by bracketed explanations to assist with interpretation.

6.1 ARCHITECTS

The design contract documentation and contract administration of the houses shall be executed by registered architects who are members of the New Zealand Institute of Architects, and are selected and employed by the house site purchasers.

[This requirement is considered by the Project Managers to be essential to the establishment of an acceptable level of design quality throughout, together with the achievement of originality of design within the guide parameters, and avoidance of replication.]

6.2 SITE DEFINITION

The boundaries of the house sites will be defined solely by survey pegs, and no other visible site defining structures or planting is permitted.

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[That the olive grove landscape will be visually continuous over the whole, and that house sites will be integrated with it, are essential objectives of this project. Fences, hedges, or other site boundary defining structures would generate disruptive visual effects, contrary to the objectives of the project.]

6.3 HOUSE SITES

Any house site contouring will be completed by the Project Managers. Other than excavation required for building foundations or in-ground structures, or minor landscaping works, further earthworks are not permitted except that where implementation of a house design requires minor re-shaping of the site the latter will be fairly considered. Houses and landscape development shall be designed to existing site contours. Surplus spoil from permitted excavations shall be deposited at a site designated by the project managers.

[Site contouring by the Project Managers relates to those sites where it is considered desirable to create building platforms, and it is intended that earthmoving activity after sites are offered for sale should be minimised.

It should not be assumed that existing soil bearing capability is adequate for house superimposed loads, and if additional

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foundation excavation is found to be necessary, the agreement of the Project Managers with regard to disposal of surplus materials should be sought.]

6.4 MULTI-STOREYED DESIGN

The houses shall be designed with a minimum of two storeys, and substantial basements which disassociate principle living accommodation from ground are discouraged and will require specific approval.

[The purpose of this multi-storeyed design requirement is to reduce the area of "footprints" or site coverage which would otherwise result. It is expected that houses may have substantial areas of accommodation together with significant areas of garaging, storage, studios, or other accessory occupation. It is considered that buildings of two or more floors, where the ground levels are partially obscured by olive trees, will respond favourably to the scale of this landscape.

The discouragement of conventional basements relates to the deliberate raising of whole living accommodation to obtain views or other reason, and the resultant loss of living connections with the ground.]

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6.5 FLOOR AREA OF HOUSES

Each house is required to have a minimum gross occupied floor area of 200m² (two hundred square metres) exclusive of garaging and accessory buildings.

[In the context of this project it is considered that houses of lesser floor areas would not reflect the style and scale of the overall development.]

6.6 TEMPORARY BUILDINGS

The erection of temporary buildings other than those required for construction purposes is not permitted. Contractors' construction sheds must be removed from the project sites as soon as the houses reach practical completion.

["Practical Completion" refers to house and accessory building completion dates as established by the site architect's certificate, except that an extension of time could be agreed by the managers to include landscaping works such as a swimming pool, if necessary.]

6.7 ACCESSORY BUILDINGS

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Where buildings are additional to and separate from the principle house, the guide requirements apply equally. The quality of design, construction and materials shall not be of a lesser standard than that of the houses, and the designs shall continue the characteristics of the houses. Accessory buildings shall be erected within the agreed time frame, as set out in clause "Construction Period".

["Accessory buildings" refers to separate structures such as garages, studios or similar, either linked to the house or separate. The creation of a "complex" of closely related buildings on a site is seen as appropriate to the Tuscan model and visually enhancing.]

6.8 WATER TANKS

Where house owners wish to store water, either rain or main supply, the tanks shall be concealed within structures, integral or accessory, and of equal design and quality to the houses. Similarly pumping or treatment equipment shall be enclosed and concealed. Below ground water storage shall be either landscaped over, or concealed under buildings.

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[Storage of water for general purposes is encouraged by Tasman District Council for conservation reasons, and owners may wish to store fresh water for consumption purposes.]

6.9 TREES

Removal of existing trees, olives or other, from the sites is not permitted unless by prior agreement with the Project Managers.

[It is an objective of the project to create the landscape effect of houses seated within, and integral to, the olive grove. To enhance this goal, productive olive trees will encroach on to the sites. Existing trees of other species will remain to provide visual diversity, and further enhance the whole landscape, or be replaced over time as necessary for aesthetic and or life span reasons. Where it can be shown that existing trees will unduly inhibit development of buildings or site, the Project Managers will consider removal of nominated trees by agreement.]

6.10 EXTERIOR BUILDING DESIGN AND MATERIALS

The architecture shall reflect the predominant characteristics of the traditional Tuscan rural houses and these characteristics will include the following:

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6.10.1 Form

Simple geometrical shapes and dominant massing of main elements are relevant to the Tuscan model, and should be reflected in the houses of this project.

6.10.2 Roofs

Roofs shall be pitched and terracotta or concrete tiled. Colours and profiles of tiles and accessory items shall be within the following range, or similar approved, excluding slate or shingle profiles.

Wonderlich Terracotta:

Colour Range	Florentina, Pienza
Tile Range	Marseille, Tuscan or similar profile

Monier Concrete:

Colour Range	Coral, Mushroom, sand, single colour or mixed
Tile Range	Centurion or Elebana profile

The foregoing applies to predominant roofs and does not preclude the use of flat, low pitch or gently curving roofs to less dominant areas.

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[The rural Tuscan roofs are generally old and muted in colour, and the Guide aims to reflect the characteristics of the Tuscan model within the scope of the contemporary tiles available.]

6.10.3 Exterior Wall Design

To achieve the Tuscan model influence a significant proportion of exterior walls should be solid rather than glass. It is recognised that to accommodate contemporary New Zealand living style, areas of window will normally be larger than in the traditional Tuscan houses, but large areas of glass should not dominate the design. Distances between windows should be sufficient to project the solid wall image.

6.10.4 Exterior Wall Materials

Dominant exterior wall materials should provide an image of solid masonry construction, by the use of clay (natural or manufactured products) or concrete materials, plaster coatings, as veneers or as main structures. Overall wall thicknesses should be sufficient to accommodate deep window and door opening reveals. Where masonry products are used, they shall be rendered with cement plaster or similar materials subject to Project Manager approval. The use of other materials in less

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dominant proportions is not precluded, provided the overall image of solidity is maintained.

[While preference is given to the foregoing materials, the achievement of thick walls by the use of wide timber framing and plastered coatings will be considered.]

6.10.5 Climatic and Lifestyle Elements

Architectural responses to the Tasman climate and contemporary lifestyle in the form of deep verandahs, sun screening, pergolas, or similar items are accepted as appropriate and desirable, although not reminiscent of the Tuscan model.

6.10.6 Window Joinery

While the use of timber joinery is encouraged, aluminium and steel window materials are also accepted. Deep reveals, contrasting areas of solid wall, separation of areas of glass, simple geometric shapes, are characteristics of windows and doors which reflect the rural Tuscan building design image.

6.10.7 Exterior Coatings and Colours

Exterior colour schemes for all applied coatings shall be subject to Project Manager approval.

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The general texture of coatings required should be similar to that produced by wood trowelling or coarse brushing.

Paint materials for exterior walls shall be Resene Plasticoat, Aquashield, Sandtex, Porter's Limewash, or Kiem, except that alternative coatings which have similar characteristics will be considered for approval by the Project Managers. Colours for exterior surfaces shall be selected from Resene charts as follows, except that other ranges, if similar, will be considered.

Whites and neutrals chart:

- Black Haze	8B305
- Joanna	7.5G009
- Blanc	8B025
- Double spar white	5Y025

Aquashield Chart

- Double Spanish White
- Pearl Bush
- Travertine

Colours for windows, woodwork or other elements may be selected from a wider colour range, but should be restrained in

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intensity. Where timber stain finishes are required they shall be selected from the Resene Woodsman penetrating oil chart, or equal approved.

[Generally, colours in Tuscan rural buildings result from long periods of weathering to plaster and masonry materials. In many examples, plaster coatings have fallen away revealing old brick or stonework. The resulting colours are muted, generally off-whites with dull reds, roses or creams of masonry showing through. While replication of old and weathered examples is neither practical nor expected, it is nevertheless intended that colours in this project reflect the texture, intensity, colour range and general imagery of the Tuscan model.]

6.10.8 Landscaping

Site owners are required to submit a landscape architect's plan for their whole site for Project Manager approval, prior to commencing site development. The erection of fences, hedges or other site boundary defining structures is not permitted and landscape design should allow the sites to merge seamlessly with the olive grove. Landscape plans should accommodate the olive trees or any other existing trees which encroach upon the

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sites. Approval to remove selected trees will only be given where it can be shown that the effects will not be adverse, and that there is a valid reason for their removal.

[Refer also to Design Guide clause "Site Definition". The above reference to site definition relates to the surveyed site boundaries, and does not preclude the installation of sheltering or privacy defining elements related to outdoor living areas within the site.]

6.10.9 Construction Period

Houses shall be constructed to practical completion within 15 (fifteen) months of commencement, inclusive of any accessory buildings. Landscape developments shall be completed within 6 (six) months of house completion, including any structures such as pools or other, unless otherwise agreed.

[This requirement aims to minimise discomforts or inconvenience to other site occupiers generally.]

DESIGN GUIDE ENDS

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The Mortgagee, TEA Custodians (Equitable) Limited under and by virtue of mortgage number 5640531.2 hereby consents to the registration of the within Consent Notice *but without prejudice to its rights, powers and remedies contained in the mortgage.*

Signed by TEA Custodians (Equitable) Limited

The Common Seal of
TEA Custodians (Equitable) Limited was
hereunto affixed by the authority of:

[Signature]
..... John Alan Americh
..... Authorised Signatory
..... Mohammed Aktar
..... Designated Signatory



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in the presence of [Signature]

Lisa Beresford
Administrative Assistant
Auckland

Correct for the purposes of the Land
Transfer Act 1952

[Signature]
Solicitor for the registered proprietor

[Signature]