

13 July 2021

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JSL Partnership
C/-Mark Lile
Landmark Lile Ltd
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Resource Consent Number: SH195016
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Dear Mark

SH195016: DECISION ON NON-NOTIFIED CONSENT

Pursuant to Section 36 of the Housing Accords and Special Housing Areas Act ("HASHAA") 2013 and the Resource Management Act ("the Act"), please find enclosed a copy of the Council's decision on your application for resource consent.

You may commence your activity immediately unless you lodge an objection or appeal to this decision. However, it is important that you check the conditions of your consent carefully as some of them may require you to carry out specific actions before you may commence your activity. In some cases you may also require other permits or building consents for your activity and these must be obtained before you can commence your activity.

Please note that under Section 51 of the HASHAA, your consent will lapse in **five years** unless you have given effect to it before then.

In the case of subdivisions, the consent is given effect to when you have submitted a survey plan to the Council for the subdivision under Section 45 of HASHAA and 223 of the Act. Once the survey plan has been approved by the Council under Sections 45 & 223 above, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 46 of HASHAA and 224 of the Act.

Please feel free to contact me if you have any questions regarding any aspect of your consent or its conditions. My contact details are listed at the top of this letter.

Yours faithfully



Vince Matschke
Senior Planner

SH195016

Notice of Decision

Page 1 of 30

RESOURCE CONSENT DECISION

Resource Consent number: SH195016

Pursuant to section 36 of the Housing Accords Special Housing Areas Act 2013 (HASHAA) the Nelson City Council ("the Council") hereby **grants** resource consent to:

JSL Partnership

The activity to which this decision relates:

Application for a Qualifying Development under the Housing Accords and Special Housing Areas Act 2013 (HASHAA).

Location details:

Name of Special Housing Area in which qualifying development is located:

Address of property: 24 Ngāti Rārua Street (3A Hill Street), Nelson

Legal description: Lot 4 DP 8212

Certificate of title: NL3C/1249

CONDITIONS

Under sections 37 and 38 of HASHAA, this consent is granted subject to the following conditions:

1. The activity shall be carried out in general accordance with the application lodged with Council on 11 September 2019, the further information received on 02 April 2020, 11 December 2020, 25 March 2021, 20 April 2021, the attached plans labelled SH195016 A to H listed in Appendix A and the following conditions of consent.

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

Note: *This consent stages will be deemed to have been given effect to at the date of approval of the title plan pursuant to section 45 of the HASHAA (section 223 of the RMA). This consent will be deemed to have been completed at the date of issuing of a certificate pursuant to section 46 of the HASHAA (section 224(c) of the RMA).*

Staging

2. The subdivision shall occur in three stages, Stages 2 and 3 can be undertaken simultaneously.

Stage 1 shall be a two-lot subdivision (Lots 202 & 205) as shown on approved Plan A

Stage 2 shall be the Lots 1 to 8, 11 to 21, Access Lot 100, Lots 200, 201, 202 and 206 as shown on approved Plan B

Stage 3 shall be Lots 9 and 10.

Before a Section 224(c) Certificate is issued for any stage, all conditions relevant to that stage shall be complied with.

Prior to approval of the Survey Plan pursuant to Section 223 of the Act (in accordance with Section 45 HASHAA)

Easements

3. All necessary easements as required for right of way, right to drain water and sewage and right to convey water, telecommunications, computer media and electricity shall be shown under a Memorandum of Easements on the Survey Plan submitted for the purposes of section 223 of the Act for each stage. All documentation for the registration of the easements shall be prepared at the Consent Holder's expense.

Note: *The easements located within Stage 1 identified as G will be required to be extinguished with services removed.*

4. For the Council's reticulated water, wastewater, stormwater services and for the public pedestrian and cycling access through Access Lot 100, these shall be easements in gross in favour of Nelson City Council. All documentation for the registration of the easements shall be prepared at the Consent Holder's expense.

Certification

5. Prior to the approval of the Survey Plan under Section 223 for each stage, the Consent Holder shall provide written certification from a Registered Professional Surveyor that the stormwater, wastewater and water services are located within the respective easement areas shown on the Title Plan.

Note: Stage 1 does not contain any conditions for the installation of three water services. Council accepts that temporary easements (notated in a Schedule of Easements on the title plan) may be created by the consent holder to protect the rights of the property holders. It is consent holders responsibility to manage that process and the process to extinguish those easements prior to the Legal Road (Lot 200) being Vested in Council.

Stormwater Detention Pond Design

6. Prior to Section 223 for Stages 2 and 3, the Consent Holder shall provide detailed engineering plans of the increased stormwater detention pond in Lot 201 including channel designs to mitigate post development stormwater flows that will connect to the existing stormwater detention pond area in SH195007V1 for the approval of Group Manager Infrastructure. In the event the channel capacity is not able to convey a 2100 1% AEP flood event. Minimum floor levels shall be determined for any lots that flood waters flow over and placed as a Consent Notice condition.

The design of the additional stormwater detention area shall take into account the extra widths required by Section 5.5.16 of the NTLDM, or as approved by Council's Group Manager Infrastructure.

Amalgamation

7. Prior to Section 223 for Stage 2, Lot 100 hereon (legal access) shall be held as three undivided one third shares by the owners of Lots 7, 8 and 11 as tenants in common and that individual Record of Titles be issued in accordance therewith.

Road Vesting

8. Lot 200 shall vest in the Nelson City Council as Road in Stage 2.

Reserve Vesting

9. Lot 201 shall vest in the Nelson City Council as utility reserve upon the completion of stage 2 of the subdivision.
10. Lot 206 shall vest in the Nelson City Council as local purpose reserve upon the completion of stage 2 of the subdivision.

Prior to the Issuing of a Section 224 Certificate (Section 46 of the HASHAA)

11. Prior to Section 224 certification, Stages 2 & 3 shall have direct legal and physical access to legal road.

Engineering Design and Construction

12. All of the works in Conditions 16 to 28 and 31 to 34 shall be shown on "Design" engineering drawings to the requirements of the NTLDM 2020, except as required by any specific condition of consent.
13. The "Design" engineering drawings shall be submitted to the Council's Group Manager Infrastructure for approval. No works shall commence until the "Design" engineering drawings have been approved.
14. All works in Conditions 16 to 28 and 31 to 34 shall be completed by the Consent Holder in accordance with the approved design drawings to the satisfaction of the Council's Group Manager Infrastructure prior to the issue of a Section 224(c) Certificate.

As-built plans

15. All of the works in Conditions 16 to 28 and 31 to 34 shall be shown on "As-built" engineering drawings to the requirements of the Nelson Tasman Land Development Manual 2020, and to the satisfaction of the Council's Group Manager Infrastructure.

Roading

16. Prior to Section 224 for Stage 1, the private access within the easement area G of Stage 1 to balance Lot 202 shall be formed with the minimum widths provided in the NTLDM and be permanently surfaced for a length of 5m from the sealed carriageway of Ngāti Rārua Street.
17. Prior to Section 224 for Stage 2, the road shown as Lot 200 on approved plan B shall be constructed and formed in general accordance with the approved plans and to the satisfaction of the Group Manager Infrastructure.
18. Lot 200 shall connect to the cul de sacs in Ngāti Rārua Street and Ara o Te Atiawa to form the continuous Road 1 in which both cul de sacs shall be Council road. All Costs associated with these works shall be met by the Consent Holder.

Note: *It is the responsibility of the Consent Holder to ensure that connections to the Council road and reconstruction of the cul de sacs are to the widths and standards of the NTLDM.*

19. Prior to Section 224 for Stage 2, the right of ways shown as Access Lot 100 and Right of Way A/B shall be formed and constructed in accordance with the approved plans and to the satisfaction of the Group Manager Infrastructure.

20. Prior to Section 224 for Stages 2 & 3, the Consent Holder shall install all road marking, street signs, street lighting and planting for the new roads and rights of way in the subdivision in accordance with the NTLDM and at the Consent Holders cost.
21. Prior to Section 224 for Stages 2 & 3, vehicle crossings shall be constructed in the locations shown on approved plan unless otherwise approved by the Council's Group Manager Infrastructure. The vehicle crossing for Lots 9 and 10 shall be formed and constructed to the requirements of the NTLDM.
22. Prior to Section 224 certification for Stage 2, a permanent sealed turning head shall be constructed at the terminating end of Road 2. The turning shall be constructed in accordance with the NTLDM.
23. Prior to Section 224 certification for Stage 2, the Consent Holder shall construct a vehicle crossing from the cul de sac at the end of Road 2 and a private access which shall be formed with the minimum widths provided in the NTLDM and be permanently surfaced for a length of 5m from the sealed carriageway from Road 2.

Walkway (Lot 206)

24. Prior to Section 224 for Stage 2, the walkway area to vest to Council as shown in Stage 2 (Lot 206) shall have a minimum 6m width and shall be left in a well-groomed vegetated state (grassed).

Shared Path (Access Lot 100, Bridge and path)

25. Prior to Section 224 for Stage 2, the shared pedestrian path within Access Lot 100, the bridge over the reserve and pathway within Lot 201 shall be constructed in general accordance with the approved plans and to the satisfaction of the Group Manager Infrastructure.

Note: *The pathway from the bridge within Lot 201 should be reviewed at detailed design stage to ensure suitable linkage to the shared path in the neighbouring development of SH195007V1. Council also acknowledges that the width and general design of the bridge is to be in accordance with the bridge elevation sketch shown the attached plans labelled approved Plan D.*

Reserve Access

26. Prior to Section 224 for Stage 2, the Consent Holder shall provide space for an access track to the reserve in Lot 201 as described in Section 5.5.16 of the NTLDM. The surface of the access shall be constructed to the satisfaction of the Group Manager Infrastructure.

Note: *To allow for better landscaped appearance options other than a metalled track may be used, for example well-groomed vegetated state (grassed).*

Water

27. For Stage 2 the consent holder shall connect to the Council water mains within:

- Ngāti Rārua Street
- Ara o Te Atiawa

if required to by Council's Group Manager Infrastructure in the approved engineering plans subject to condition 10 and a lateral connection shall be provided to the boundary of each lot within that stage.

28. For Stage 3, the Consent Holder shall connect to the consented Council water mains within Ara o Ngā Hekenga.
29. A Council approved water meter shall be installed for each new residential lot in Stages 2 and 3 in accordance with the requirements of the NTLDM.
30. The location and details of the meters shall be recorded on Council's Water Meter Location Form which shall be submitted to Council for approval prior to the issue of a Section 224(c) Certificate for Stages 2 and 3.

Wastewater

31. A wastewater drain lateral, which drains directly to the Council's reticulated wastewater system in:

- Ara o Te Atiawa for Stage 2; and
- Ara o Ngā Hekenga for Stage 3

shall be provided to the boundary of each residential lot in each stage in general accordance with approved plan B or as approved by Council's Group Manager Infrastructure.

Stormwater

32. Prior to Section 224 certification for Stage 2, the Consent Holder shall construct the additional stormwater detention pond area in accordance with the approved plans subject to condition 6.
33. Prior to Section 224 certification for Stages 2 & 3, the Consent Holder shall identify all secondary flood routes and construct any necessary mitigations required by Council's Group Manager Infrastructure. Any secondary flood routes that cross any residential lots shall be identified and their ongoing maintenance shall be placed as a Consent Notice condition on their respective titles.

Note: For the purpose of this condition, Maintenance is defined as ensuring that the secondary flood paths are kept free of obstructions and are not altered in any way.

34. Prior to Section 224 certification for Stages 2 & 3, a stormwater drain lateral, which drains directly either to the stormwater detention pond in Lot 201 or to Council's reticulated stormwater network shall be provided to the boundary of all residential lots.

Engineering Certification

35. Prior to the issue of a Section 224(c) Certificate for any stage, a suitably qualified chartered professional engineer or registered professional surveyor shall provide the Council's Manager Consents and Compliance with written certification that all works have been completed in accordance with the requirements of the conditions of this consent and the NTLDM.

This written certification shall be on the prescribed form "Certificate Upon Completion of Subdivisional Work" contained in Appendix D of Chapter 2 of the NTLDM.

Note: If the works required in Conditions 16 to 28 and 31 to 34 are carried out and signed off at Building Consent stage before Section 224(c) Certification is applied for, the Consent Holder must still ensure that the Certification required under Condition 35 is provided in the prescribed form at the time Section 224(c) Certification is applied for. Sign off under a Building Consent does not fulfil Condition 35 of this consent.

Building Site/Geotechnical Certification

36. Certification that the proposed residential lots contain an accessible site suitable for the erection of a residential building except for lots in stage one shall be submitted to Council by a chartered professional engineer practising in geotechnical engineering or from an experienced engineering geologist.

- (a) The certification shall define the area within proposed Lots 1 to 21 or the lots within each stage that is suitable for building on and shall list development conditions pertaining to the site and the lot generally.

Note: *The building site shall be defined with respect to boundary pegs and/or survey co-ordinates, the latter to be provided by a licensed cadastral surveyor.*

- (b) Should any mitigation measures be required as part of the building site certification then these shall be designed and constructed under the supervision of the certifier of the building site. Any mitigation measures that require either ongoing monitoring or maintenance shall be subject to a **consent notice** on the title of the relevant Lots.

- (c) A Section 224(c) Certificate will not be granted if a suitable building site is not defined.

37. Prior to Section 224 (S46 HASAA) certificate being issued for stages 2 and 3 of the subdivision, the Consent Holder shall lodge with Council a geotechnical statement of suitability for residential development complete with specific development recommendations for each of the proposed building sites and an accompanying subdivision geotechnical completion report. The geotechnical statements and reporting shall comply with the requirements of NZS4404: 2010 and are to clearly state that the subdivision building sites have a low risk of being affected by a natural hazard as defined under Section 106 of the RMA.

38. Prior to Section 224 (S46 HASAA) certificate being issued for Stages 2 & 3 of the subdivision, the developer shall lodge with Council certification from the chartered professional engineer practicing in geotechnical engineering for any retaining structures constructed as part of subdivision development stating that the retaining structures comply with the Building Code.

Landscaping

39. A Landscape Master Plan (LMP) shall be prepared by a suitably qualified landscape professional in general accordance with the Stephen Richards Landscape Plans appended as approved plans E, F and G. The LMP shall be provided to the Council's Principal Parks and Facilities Activity Planner for approval within 2 months of the completion of the earthworks required for site development (RM205105). The LMP shall, as a minimum, address the implementation of the planting in relation to the stages of the subdivision, the density, species and any ongoing maintenance requirements. All landscape planting shall thereafter be carried out in accordance with the approved LMP within the first planting season (being 1 May – 30 September) following the substantial completion of each earthworks stage of RM205105.

Maintenance Performance Bond

40. Prior to Section 224 for Stages 2 & 3, the Consent Holder shall provide the Council with a performance bond in accordance with Section 1.4 of the Council's NTLDM. The amount of the bond shall be \$1,500 per residential lot (to a maximum of \$30,000, plus a \$150 bond administration fee) for each stage and shall run for a period of two years

from the date of issue of a Section 224(c) Certificate in accordance with Section 46 of HASHAA for the last stage of the subdivision

41. The bond shall provide that fair wear and tear and damage by third parties will be accepted. Provision shall be made for resolution of disputes which is satisfactory to both parties.
42. The Council and the Developer shall enter into a Maintenance Contract to give effect to condition 40.

Consent Notices/Ongoing Conditions

43. The following conditions shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to Section 221 of the Act. The Consent Notice(s) documentation shall be prepared by the Consent Holder's Solicitor and all costs associated with the approval and registration of the Consent Notice(s) shall be met by the Consent Holder.
 - a) Lots 1-21 shall be subject to the residential rules provided in the operative district plan at the time of applying for building consent. If at the time of applying for building consent the site is rezoned as residential or there is a non-compliance with the permitted rules and standards of the residential zone, the non-compliance shall be subject to a resource consent for attaining approval by Council.
 - b) Fences on Lots 1, 8 to 11, 14 and 21 that border a reserve shall be no higher than 1.2m in height with any rails located within their respective lots.

ADVICE NOTE(S)

1. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
2. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
3. This consent is granted to the Consent Holder, but Section 134 of the Act states that such land use consent "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 any 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. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Advice Notes for Subdivisions

Development Contributions

5. The Consent Holder shall pay a Development Contribution for Lots 1 to 20 in accordance with the Council's Policy on Development Contributions Policy 2018 which can be viewed on Council's website.
 - (a) The Development Contribution shall be paid prior to the issuing of a Section 224(c) Certificate for the subdivision.
 - (b) Under Section 208(a) (i) of the Local Government Act 2002, the Council may withhold the issuing of the Section 224(c) Certificate if the Development Contribution is not paid.
 - (c) Should a Building Consent be issued for any dwelling on Lots 1 to 20 before a Section 224(c) Certificate is issued, any Development Contributions paid under the Building Consent will be deducted from the required amounts.
 - (d) The Development Contribution for community infrastructure and reserves shall be calculated in accordance with Section 7.4 of the Council's Development Contributions Policy 2018, and Section 203 (1) of the Local Government Act 2002. Where the Neighbourhood Reserve Land cash contribution is required, a valuation based on local land values is to be provided by a suitably qualified professional at the time of application for 224(c).
 - (e) Section 7.4 of the Council's Development Contributions Policy 2018 states "*The Neighbourhood Reserve Land contribution may be paid as cash or by provision of land.*" The Consent Holder has vested Lots 203 and 204 to be vested to Council as Neighbourhood Reserve towards the 40m²/HUD reserves contribution. This has been accepted by Council's Principal Parks and Facilities Activity Planner.

Street Naming

6. Roads to Vest in Council – under the Council's Road Naming Procedure, the Developer is asked to submit three names for each road to vest. The names will be considered by the Council's Hearings Panel. The full road naming policy and guidelines are available on request from Council officers. The Developer is encouraged to liaise with iwi regarding appropriate names. Iwi contact details are available from the Administrator, Consents and Compliance.
7. Any application for street naming should be submitted at the time the 223 application is submitted, or at any time before that. If more than one street is to be named, the application should include all the roads to be named (including names for roads to vest at later stages), so that the Hearings Panel can consider the names as a group.

Naming of Private Ways

8. Land Information New Zealand (LINZ) requires that in the case of any right of way or jointly owned access lot that serves more than more than 5 lots, the properties on the Right of Way must receive whole numbers, or alternatively the Right of Way may be named as a private way.

Easements over Reserve Land

9. If any easement is to be registered over reserve land that is to vest in Council, full Council approval is required, as set out in the Minister's delegations of the Reserves Act 1977. This requires Council Officers to present a paper to the relevant Committee and then to a meeting of full Council. Depending on timing and the Committee schedule this

may take one to three months. Please take this into consideration when providing Nelson City Council with easement documentation for signing over reserve land.

SITE DESCRIPTION & PROPOSAL

The proposal is located at 24 Ngāti Rārua Street Richmond (formerly known as 3A Hill Street) Special Housing Area (SHA), as shown in Schedule 7AAA of the Housing Accords and Special Housing Areas (Nelson) Order 2019. The 3A Hill Street¹ SHA is located within the Rural Zone High Density Small Holdings Area. The 3A Hill Street SHA also lies within the Services Overlay of the Nelson Resource Management Plan's Planning Maps.

The site is surrounded by rural land to the northeast all the way to the south in a clockwise manner. To the north and the southwest is the Higher Density Small Holdings Areas. To the west is of the 3A Hill Street SHA is a mix of Higher Density Small Holdings Area and the Residential Zone.



The application site legally described as Lot 4 DP 8212 consists of relatively flat land located within the area of the 3A Hill Street with a slight slope facing to the northeast. The southern portion of Lot 4 DP 8212 contains an existing dwelling located on elevated knoll. Two drainage gullies merge and bisect the Lot 4 DP 8212. This feature also bisects the 3A Hill Street SHA.

The 3A Hill Street SHA is a part of three Special Housing Areas located on Hill Street that were or are under consideration by Council. All three were subject to conditions of coordination under the Urban Design Panel process. To the north and northeast is the Ngāti

¹ The address 3A Hill Street no longer exists. It has been provided a new address 24 Ngāti Rārua Street.

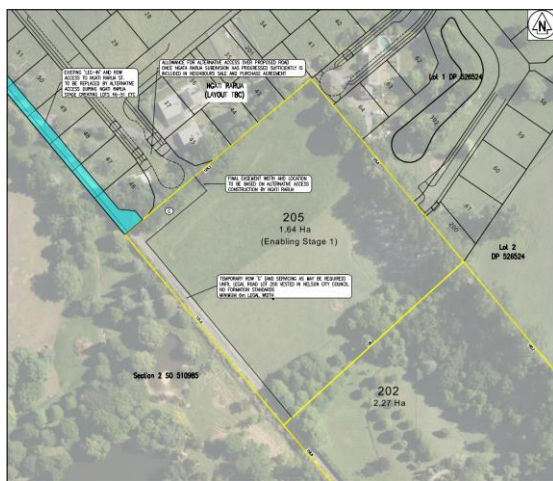
Rārua SHA, a proposal for 65 residential lots (SH195007V1) which has been granted by Council. The 3A Hill Street SHA is completely reliant on the connections provided in the Ngāti Rārua SHA for legal and physical access.

The Ngāti Rārua SHA bounds the 3A Hill Street SHA on two boundaries, being the northwestern and northeastern boundaries.

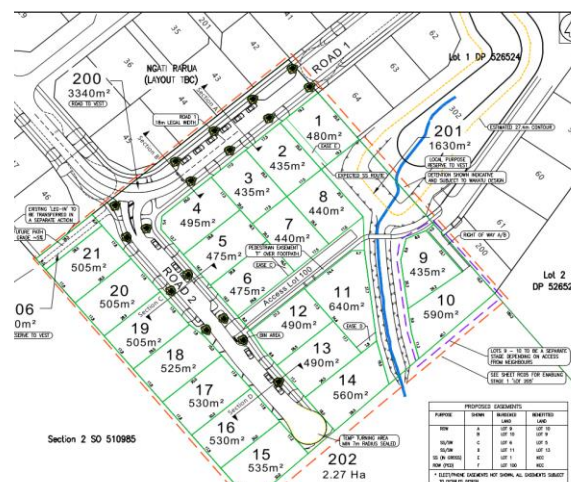
The 3D Hill Street SHA (SH195015) which is the third of the Hill Street SHA's is located to the north of the Ngāti Rārua SHA and does not bound or provide any necessary connections for the 3A Hill Street SHA subject to this application. All of the Hill Street SHA's were reliant on the Nelson City Council Saxton Creek upgrade works, Stage 3A consented under RM175439 involving a bridge² for public access. Since the time of application, this bridge has been constructed and has the status of legal road.

The applicant is proposing to undertake a 21-lot residential subdivision over three stages.

- a) Stage 1 will separate the land containing the SHA from the balance land of Lot 4 DP 8212 and right of ways for legal and physical access for the SHA land and balance lot.
- b) Stage 2 will create residential Lots 1 to 8 and 11 to 21;
 - Lot 100 will be an access lot that will provide a pedestrian/cycle connection over a bridge to the east and private access to Lots 7, 8 and 11;
 - Lot 200 (comprising Road 1 and Road 2) will vest as legal road;
 - Lot 201 which will vest as Local Purpose Utility Reserve;
 - Lot 206 Local Purpose Reserve that will allow a future walkway cycleway connection to the west for Section 2 SO 510985 (205 Champion Road).
 - Lot 202 is the balance land
- c) Stage 3 will result in Lots 9 & 10. Stages 2 & 3 may be undertaken simultaneously.



Stage 1



Stages 2 & 3

QUALIFYING DEVELOPMENT

A qualifying development in the SHA is a development that will be predominately residential, that contains no fewer than 20 dwellings to be built and that does not involve the construction of buildings that will be higher than 2 storeys and 7.5 metres.

² The Ngati Rarua Bridge.

The proposal is a qualifying development under section 14 of the HASHAA because it:

- (a) is entirely a residential development.
- (b) involves the creation of 21 residential lots will be developed as 'standard' residential sections. One lot will vest as road whilst the other will vest as Utility Reserve. The proposed 21 lots exceeds the minimum 20 required for a qualifying development.
- (c) There are no proposed buildings and all future development will be no higher than 7.5 metres in height (they will be 2 storeys and 7.5 metres above ground level).

JURISDICTION

Sections 34 and 35 of HASHAA provide the statutory framework for consideration of any application for a qualifying development within a Special Housing Area.

Section 34(1) details the matters the council must have regard to when considering applications for resource consent applications.

In summary the key considerations are:

- (a) The purpose of HASHAA;
- (b) Part 2 of the RMA;
- (c) Any relevant proposed plan;
- (d) Any relevant consideration arising under sections 104 to 104F RMA (were the application being considered under that Act);
- (e) Any relevant provision or any relevant other Act;
- (f) The key qualities set out in the Ministry for the Environment's "Urban Design Protocol".
- (g) In addition to and notwithstanding the above, the section prohibits the decision maker from granting consent to any application unless it is satisfied that sufficient and appropriate infrastructure "will be" provided to support the Qualifying Development.

Assessment

For the purposes of this decision the above matters are addressed individually below – with the weighting exercise of the relevant findings, following the weighting hierarchy required under HASHAA.

The Purpose of HASHAA

The purpose of HASHAA is to enhance and facilitate an increase in land and housing supply - in this case within the Nelson region. This criterion has the greatest weight in any consideration of an application under HASHAA.

This proposal is to increase land supply to facilitate an increase in the supply of housing by the addition of 21 residential allotments. I concur with the applicant that the proposal meets the purpose of the HASHAA.

Part 2 of the RMA

Section 5 sets out the purpose of the RMA, and requires a broad judgement as to whether a proposal promotes the sustainable management of natural and physical resources. This exercise of this judgement is informed by the principles in sections 6 to 8, and considered in light of the particular circumstances of each application.

The proposal occurs on rurally zoned land immediately adjacent the consented development the Ngāti Rārua SHA (SH195007V1). The assessment of effects on the amenity and character of the rural zone assessed in respect to the Ngāti Rārua SHA can also be applied to this proposal. I have adopted them for the purpose of this assessment below;

The proposal will result in adverse effects to the character and amenity of the rural zone under the NRMP 2004. However, the National Policy Statement for Urban Development Capacity (NPSUDC) which recognises matters of national significance requires local authorities with high or medium growth urban areas to carry out evidence and monitoring of urban capacity which will inform planning decisions. In addition, the NPSUDC requires local authorities as mentioned above, to undertake a Future Development Strategy (FDS). The Saxton Area as a whole has been identified in the Nelson Tasman FDS ('the NTFDS') as an area of urban expansion in the medium term or Decade 2 (2029-2038). The NPSUDC requires the NTFDS to be informed by the relevant Long Term Plan (LTP). The proposed subdivision development of the [sic] 3D Hill Street SHA has been identified in Nelson City Council's (NCC) Long Term Plan 2018 for residential development.

The NPSUDC under Policy PA4 requires that decision makers when considering the effects of urban development shall take into consideration the "benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and the benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects." The shortage of affordable housing within the Nelson and Tasman regions is well known and results in adverse social and economic effects to the residents of Nelson.

This proposal will use flat rural land that has historically only been used for pastoral grazing recognised as the rural greenbelt around Nelson city for the purpose of urban expansion. It is considered that the adverse effects as a result of this proposal are anticipated through the publicly known processes of the LTP, the gazettal under HASHAA, the NTFDS. The supply of land will result in a benefit of providing more housing for Nelson city at a time of high demand that have led to adverse social and economic effects upon the residents. Therefore on balance, the adverse effects under the NRMP can be considered acceptable when considered against the purpose of HASHAA and the RMA.

Part 2 also provides under Section 6 matters of national importance in which all persons exercising functions and powers under it are required to recognise and provide for. These matters are considered within the application in context of arriving at an overall decision. Specifically the relevant matter to this application is;

- *the management of significant risks from natural hazards.*

Proposed Plan Change 27

At the time of the application, the Nelson Resource Management Plan (NRMP) was in the midst of a Plan Change (#27). This plan change was to accommodate the adoption of the Nelson Tasman Land Development Manual (NTLDM) 2019 engineering and development standards to supersede the former standards referred to in the Land Development Manual 2010. Plan Change 27 was notified on 15 July 2019 with four submissions received unrelated to the reasons for the plan change. These submissions were withdrawn 9 September 2019 and the Plan Change was treated as operative from this date. This application was lodged and formally received after this date. Therefore, there is no proposed plan change to consider.

On a side note, the applicant was aware of the new engineering standards and has designed the proposed subdivision to meet the new standards as much as practicable.

Other Matters that Arise for Consideration under Sections 104 to 104F of the RMA

The matters of section 104 to 104F relevant to this application are:

- The Regional Policy Statement 1997;
- The NPSFM & the NPSUD;
- NRMP 2004.

The proposed bulk earthworks are not considered extensive with a total area of 1.7ha and will be less than 0.5ha in area at any given time as an agreed condition of consent. The proposed development also lies on relatively level topography with a low erosion risk.

The applicant will provide a detailed erosion and sedimentation control plan and undertake the earthworks in stages within the drier summer months to reduce for potential for rain events that will exceed the anticipated sedimentation control measures. Given these proposed mitigations, the proposal will not adversely affect freshwater environments or impact on the objectives and policies of the NPSFM 2020.

The application is considered consistent with the NPSUD 2020 as it falls within land designated for future urban growth in the Nelson City Council's Future Development Strategy required by the NPSUD.

The proposed activity is considered consistent with objectives and policies of the Nelson Regional Policy Statement 1997 as it:

- does not impact on the values or sites of significance to tangata whenua TW1.5.1.
- is not inconsistent with Objective DH1.2 *To avoid, remedy or mitigate any adverse effects of urban expansion on the sustainable management of natural and physical resources including rural land uses* as the urban expansion was considered to have a greater net benefit given the current needs for affordable housing. The proposal is consistent with the other residential urban expansion developments in which it has been coordinated with.
- It is consistent with DH2 Natural Hazards.

In terms of consistency with higher planning documents, the application is consistent with their objective and policies. As for the objective and policies of the NRMP, the proposal is largely consistent. However, it is considered contrary to the objectives and policies of the Rural Zone.

Actual and Potential Effects on the Environment

Section 104(1)(a) of the RMA requires the Council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

In respect to the reasons in which consent is sought, the key issues are:

Effects on Rural Character and Amenity

Effects on the loss of potential range of rural uses and productive values

Effects in respect to Flood Hazards

Potential Effects to the residential development from Geological Natural Hazards

Potential Effects in respect to Services

Effects on the Safety, Efficiency and Function of Council's Transport system

Potential Effects on the Natural Environment including Erosion and Sedimentation Effects & Effects on Freshwater Resources of Saxton Creek

Effects from construction

Cultural Effects

I have considered the adverse effects at the subject site in the assessment that follows. In doing so I have been informed by the AEE and the following material/inputs:

- Newton & Associates Ltd., *20 Lot Subdivision in a SHA – 3A Hill Street North – Tony and Margaret Richards Report on Concept Servicing*, 3 September 2019 and subsequent further information provided to Council;
- Flow Environments Ltd., *Stormwater Affects and Management Assessment 3A Hill Street*, 5 September 2019 and subsequent further information provided to Council;
- Traffic Concepts Ltd. *3A Hill Street SHA Residential Development – Hill Street – Nelson City SHA Transportation Impact Report*, 23 August 2019 and subsequent further information provided to Council;
- Terra Firma Engineering Ltd., *Geotechnical Assessment Report 3A Hill Street, Stoke*, 11 December 2019;
- Nelson City Council Urban Design Panel Report, *3A Hill Street North SHA*, 21 August 2019.

As stated previously, this SHA lies to the southeast of the Ngāti Rārua SHA residential subdivision. I was the reporting officer of the Ngāti Rārua SHA and I consider that both applications and their effects on rural uses, productive values, character and amenity are identical with this site being considerably less in area³. Given this, I have provided the same assessments below under a summary as that as SH195007, the Ngāti Rārua SHA.

³ Ngati Rarua SHA 5.66 ha.
SH195016

For the sake of brevity, I have summarised the conclusions on the effects of the proposal as detailed in the notification report held on Council files.

Effects on Rural Character and Amenity & Effects on the loss of potential range of rural uses and productive values

As noted above, the proposal will result in adverse effects that are more than minor in respect to rural character and amenity and a permanent loss of potential rural uses for this land. However, the land has not historically been used for food production, the intensification of this land is well known due to the Council's Future Development Strategy and the linking coordinated developments that make up the Hill Street SHA's.

Effects in respect to Flood Hazards

The risk to the proposed residential development from a flood risk is from the 12ha. rural catchment which drains through the proposed residential development.

The proposed residential lots are not considered to be subject to any risk of a flood hazard as the proposed recontouring of the drainage gully that runs within the development and the stormwater detention area serving the development will be increased in dimension to accommodate a 2100 1% AEP flood event with a more detailed flood level assessment to be provided at the detailed design stage due to difficulties in attaining final contour levels of the Ngāti Rārua SHA.

Council's Senior Engineering Officer has reviewed the assessment, and preliminary channel and stormwater detention pond extension designs and concurs with the applicant's consultant stormwater engineer given that if there is any slight flood risk, it would only be for Lots 9 & 10 from the gully overflow. If at detailed design stage the flows cannot be fully mitigated minimum finished floor levels will be determined and placed on the title as a Consent Notice condition. I have taken the expert advice provided to me and agree that the effects from flooding on the proposed lots will be less than minor based on the provisions above which are conditions placed on this consent.

Potential Effects on the residential development from Geological Natural Hazards

The application has provided sufficient information on the risk of geological natural hazards that may affect the proposed residential development. The key matters assessed were;

- Fault rupture
- Liquefaction and lateral spreading
- Potential slope and land stability

In all cases the geotechnical risk posed on the proposed development is considered low. This information was reviewed by Council's Geotechnical Advisor to ensure the information was sufficient. It is agreed that the geotechnical risk to the proposed building sites is low and conditions for building site certification will be placed on the consent.

Based on the above, I consider the potential adverse effects on the proposed residential development from geotechnical hazards will be less than minor.

Potential Effects on Council Services

The application proposes to connect to future Council reticulated water and wastewater services that will be located within the Ngāti Rārua SHA roads to vest. Council's Senior Engineering Officer has confirmed there is sufficient capacity within the Ngāti Rārua and downstream water and wastewater networks to accommodate this development. Therefore, the potential adverse effects on Council's water and wastewater services will be less than minor.

the proposed development will direct stormwater runoff towards the Ngāti Rārua detention pond. This proposal will extend the detention areas under the proposed earthworks, to ensure sufficient detention capacity is achieved to mitigate post development stormwater flows. Council's Senior Engineering Officer has reviewed the application and considers that the proposed connections and services are suitable and have mitigated potential adverse post development flow effects. I concur with the assessment provided by Council's Senior Engineering Officer and consider downstream stormwater capacity effects to be less than minor.

Effects on the Safety, Efficiency and Function of Council's Transport system

The key transport issues with this application are:

- Suitability of the existing road network to accommodate increase in traffic movements.
- The use of a T-intersection from the Ngāti Rārua Road SHA Road 1 rather than a roundabout and improving connections.
- Suitability of the proposed roads, right of ways and shared cycle and pedestrian path including bridge in respect to function, safety and efficiency.

The consultant Traffic Engineer acting on behalf of the applicant has concluded that the number of vehicle trips associated with the proposed development will result in an additional 160 trips per day during peak hours and that potential adverse effects on the existing transportation network will be less than minor. Council's Traffic Engineer has concurred with the assessment, that the increase in vehicle movements from the proposed 21 lots will be largely unnoticeable and absorbed into the existing traffic that connect to the residential development.

At the time of the Urban Design Panel approval, the applicant was supposed to provide a roundabout connection for the land to the west (205 Champion Road). However, the landowner at 205 Champion Road did not want a road connection but was agreeable to a shared path connection usable for bicycles and pedestrians. The applicant preferred this option as well as it allowed an increase in lots sizes.

Council's Traffic Engineer considered the imperativeness of the connection link to the land at 205 Champion Road and agreed that the roundabout would not be essential and that a suitable connection was being provided for through a shared path. The shared path 'Lot 206' is not to be formed as a walkway under the requirements of the NTLDM as there is no development it will connect to yet. Rather, it will be left in a well-groomed vegetated state and vested as local purpose reserve to Nelson City Council.

The use of the T-intersection from the Road 1 extension from the Ngāti Rārua SHA to Road 2 of this proposal was reviewed by Council's Traffic Engineer and was considered sufficient in function, safety and efficiency due to the provision of the median island which:

- reduce entry speeds; and
- increase sightlines for vehicles turning onto Road 2

Given the expert advice provided to me by both the consultant Traffic Engineer acting on behalf of the applicant and Council's Traffic Engineer I concur that the potential adverse effects on the safety, function and efficiency of Council's Transport system will be less than minor.

Potential Effects on the Natural Environment including Erosion and Sedimentation Effects & Effects on Freshwater Resources of Saxton Creek

The proposed bulk earthworks (RM205105) are being processed under the Resource Management Act as the application was submitted to Council after the September 16, 2019 deadline for applications made under HASHAA.

The proposed activities of this application must be read in conjunction with that of RM205105 due to the intrinsic related nature of the two applications. The conclusion of that assessment is that the earthworks will be undertaken in stages of no more than 0.5ha at a time to reduce erosion potential of the surface soils and that a detailed erosion and sedimentation control plan will be provided to manage the effects of erosion and sedimentation on the wider environment.

Given the flat topography, and reduced working areas, the risk of sedimentation is considered low if works are undertaken in the summer drier months in which flow in the gully that crosses the site will less likely contain water. If water flows do occur, it will be imperative to divert flows around work areas which is entirely capable of being completed without any additional consents as it does not meet the definition of a river.

I concur that with a well-considered ESCP, the potential for adverse effects to occur to Saxton Creek will be less than minor.

Effects from construction

The applicant has identified temporary adverse effects from construction such as

- Noise

- Construction vehicle traffic

The proposed development is situated the furthest away from existing residentially zoned properties. The Ngati Rurua SHA has received titles for the initial stages of its development and will likely receive the final stage titles prior to the bulk earthworks for this application taking place. However, the earthworks will coincide with the construction of dwellings within this area and it is not anticipated that there will be persons living within the development within a close proximity.

The applicant has agreed that a Construction Environmental Management Plan (CEMP) provided to council as conditions of consent to manage these effects. This includes an adherence with volunteered working hours of 7am to 6pm on weekdays and 8am to 5pm on Saturdays, with no work on Sundays or public holidays. The CEMP will also detail how the applicant will comply with the construction noise standard NZS6803:1999 '*Acoustics - Construction Noise*' a nationally recognised standard for controlling the effects of construction noise.

The effects of construction are well known and will be temporary, the brief duration for earthworks will reduce the significance of any adverse effects of construction noise on the surrounding area in which the adverse effects are considered to be less than minor.

Cultural Effects

The application site is not within a Statutory Acknowledgement Area or near any recorded archaeological sites. The applicant has volunteered an accidental discovery protocol condition just to ensure any objects of cultural value are discovered are managed appropriately.

The proposal will not adversely affect freshwater resources in which high cultural values are placed. In light of the above, any potential for adverse cultural effects to occur is assessed as unlikely and therefore less than minor.

Other matters:

In my opinion, there are no relevant 'other matters' under section 104(1)(c) of the RMA pertinent to notification that need to be taken into account.

Urban Design Protocol

The approval of the Urban Design Panel provided approval to the proposal 21 August 2019 based on outstanding matters to be addressed at the resource consent stage. The key matters in their opinion that required incorporation into the design of the development on the majority have been addressed being:

- Linkages to the southwest and southeast
- Stormwater detention to align with the Ngāti Rārua SHA to ensure consistent contours
- Avoidance of flooding hazards

- The inclusion of a 3m wide pedestrian/cycleway bridge to cross over the utility reserve providing further connections to the east
- Appropriate fencing provisions for lots adjoining the reserve area
- Coordination with the Ngāti Rārua SHA
- Footpaths fronting Lots 1 to 4 to ensure cohesion with the streetscape of the Ngāti Rārua SHA
- Street landscaping to enhance the amenity of the streetscape

Three matters that were not incorporated were:

- A turning area provided at the end of Access Lot 100
- Provision of sufficient width to add a second footpath if the area to the southeast is to be developed with intensive residential development.
- The 3m wide pedestrian/cycleway bridge to cross over the utility reserve.

The matters were discussed with Council's Traffic Engineer in which it was agreed that given constraints of aligning the pedestrian/cycleway bridge connection and the limited residential lots that this not be required and that onsite manoeuvring for each of these lots will be required. I agree with the assessment of Council's Traffic Engineer. Due to the overlying zoning be rural, conditions will be placed on the consent to ensure the residential onsite manoeuvring requirements are met.

The applicant's final design of Road 2 which will connect to the land to the southeast reduces in width midway which limits the type and intensity of development that can occur from the end of the road connection. The balance land to the southeast is owned by the applicant with Road 2 connecting directly to a new private driveway to be formed. This limitation to potential further development was clearly indicated to the applicant. From a wider development vantage point, the land to the southeast is rural zoned land and begins to ascend swiftly into the foothills of the Barnicoat Ranges. Although this reduction in width does limit future intensified residential development, it is not considered that this land is well suited for this type of development. Other connections to the land to the south also exist from Champion Road. Given, this the adverse effects will be largely limited to the applicant.

The applicant has not provided the 3m wide bridge requested of the Urban Design Panel. The reasons for this were due to the types of materials needed to construct this bridge being difficult to attain and that a 1.8m bridge was easily capable of being sourced. Council's Traffic Engineer considered the effects of the lack of space being unfortunate due to the nature of the users of the bridge and the ability to pass. Given that the 1.8m width is also the width of a footpath in the NTLDM it was considered passing was still achievable but the bridge could be no less than 1.8m wide.

A full assessment of all the potential adverse effects of the application has been undertaken and it is concluded that the on the whole, these effects will be less than minor other than those that occur on the amenity, character and rural uses of the rural land.

In terms of positive effects, the proposal will provide for:

- connections for neighbouring land
- increase the supply of housing in a time of housing shortages

- will be sympathetic in design and align with the neighbouring residential development enhancing potential residential amenity of the existing residential area.

Other Relevant Statutory Instruments

National Policy Statement for Freshwater Management

The application was made to Council at the time of the National Policy Statement for Freshwater Management 2014 (as amended in 2017) was in effect. Time has since elapsed and at the time of this decision the National Policy Statement for Freshwater Management 2020 which came into effect 3 September 2020 needs to be considered as well.

It is considered that the low-level risk posed by the proposed bulk earthworks provides consistency with the NPSFM 2014 by recognising and considering the impact to freshwater and water quality. The NPSFM 2020 is largely a directive for Council's on managing freshwater environments in an integrated manner with the involvement of tangata whenua and setting environmental outcomes and baseline limits. These anticipated outcomes and limits have not been established yet.

Notwithstanding this, the low risk of adverse erosion and sedimentation effects to occur on freshwater environments from this proposal did not in my opinion warrant the need for the applicant to engage with tangata whenua and is not contrary to the NPSFM 2020.

National Policy Statement on Urban Development

The proposal is also a result of the Council's obligations under the National Policy Statement on Urban Development Capacity (NPSUDC) 2016 as an area signalled for urban development expansion under the Council's Future Development Strategy. Therefore, it is inevitable and considered well known that this land was to transform from its rural character.

On August 2020, the NPS-UDC was replaced by the National Policy Statement on Urban Development 2020. This policy statement is also a directive for Council's on developing strategies and district plans that will allow increases urban development in a sustainable manner and do not constrain growth. It is not considered that this development shows consistency with the policy statement but rather like stated above is a direct consequence of this framework.

REASONS FOR THE DECISION

Under section 39 of HASHAA the reasons for this decision are:

In accordance with the hierarchy of weighting under Section 34(1) of HASHAA I conclude:

- a) The proposal is consistent with the purpose of HASHAA which is given the highest weighting.
- b) In summary of all the matters considered the proposal is largely consistent with Part 2 of the RMA with the only matters affected being the rural character and amenity effects of Nelson. However, as these are district plan provisions very little weight is given to this matter.
- c) The proposal is not contrary to relevant higher statutory instruments.
- d) The potential for adverse effects on the wider environment will be less than minor other than those related to the rural environment.

- e) The proposal meets the objectives of the Urban Design Protocol.

Taking all these matters in the order of weighting, it is clear that although some adverse effects to the rural zone under the NRMP occur, the application is recommended for granting.

Adequate Infrastructure

Resource consent cannot be granted unless there is sufficient and appropriate infrastructure provided to support the qualifying development (s34(2)-(3)).

Analysis of infrastructure provision has been assessed by Council's Senior Engineering Officer and Council's Traffic Engineer in which it is concluded that sufficient and appropriate infrastructure has been supplied for the development.

Other Relevant Sections

Matters Relating to Subdivisions (s106 RMA)

The proposed subdivision will not be affected or at risk from any natural hazard and sufficient provision has been made for legal and physical access to each allotment created by the subdivision. Therefore, I consider that Council may grant the subdivision rather than decline it under Section 106.

Reporting Officer: Vince Matschke

Position: Senior Planner

Signed



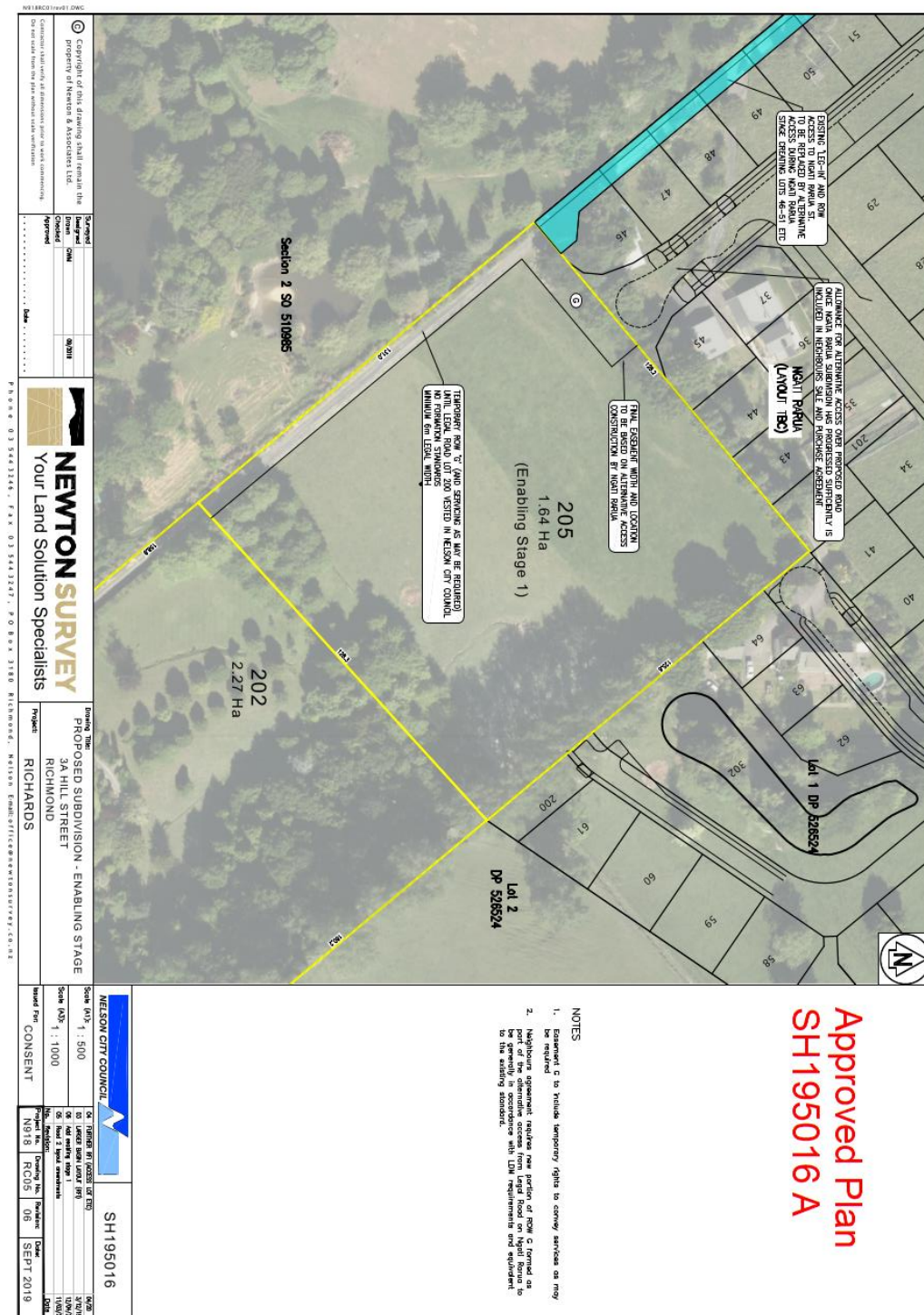
Date 13 July 2021

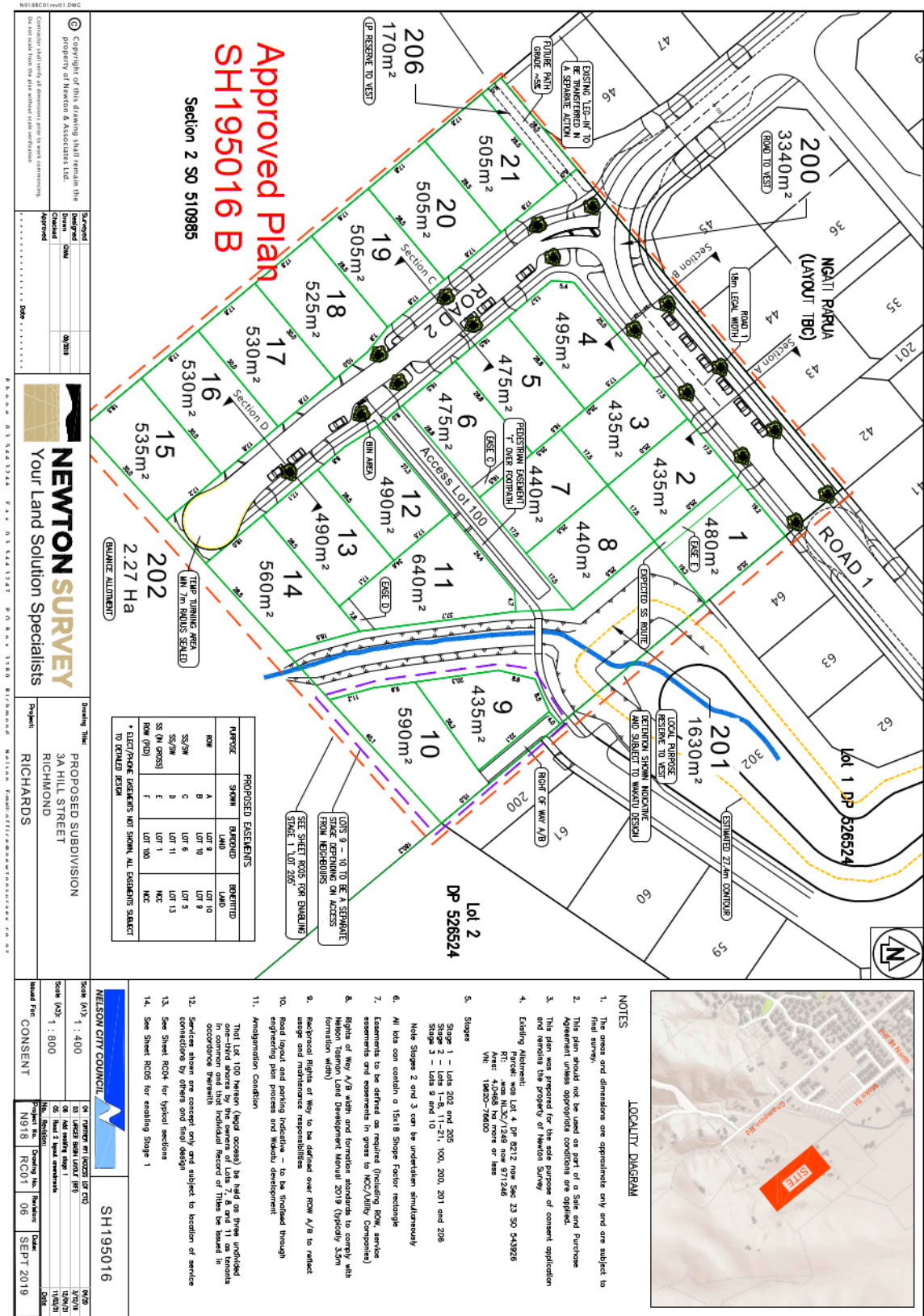
Therefore, taking the above matters into consideration it is decided that this application is **granted** on 13 July 2021 under delegated authority from Nelson City Council by:

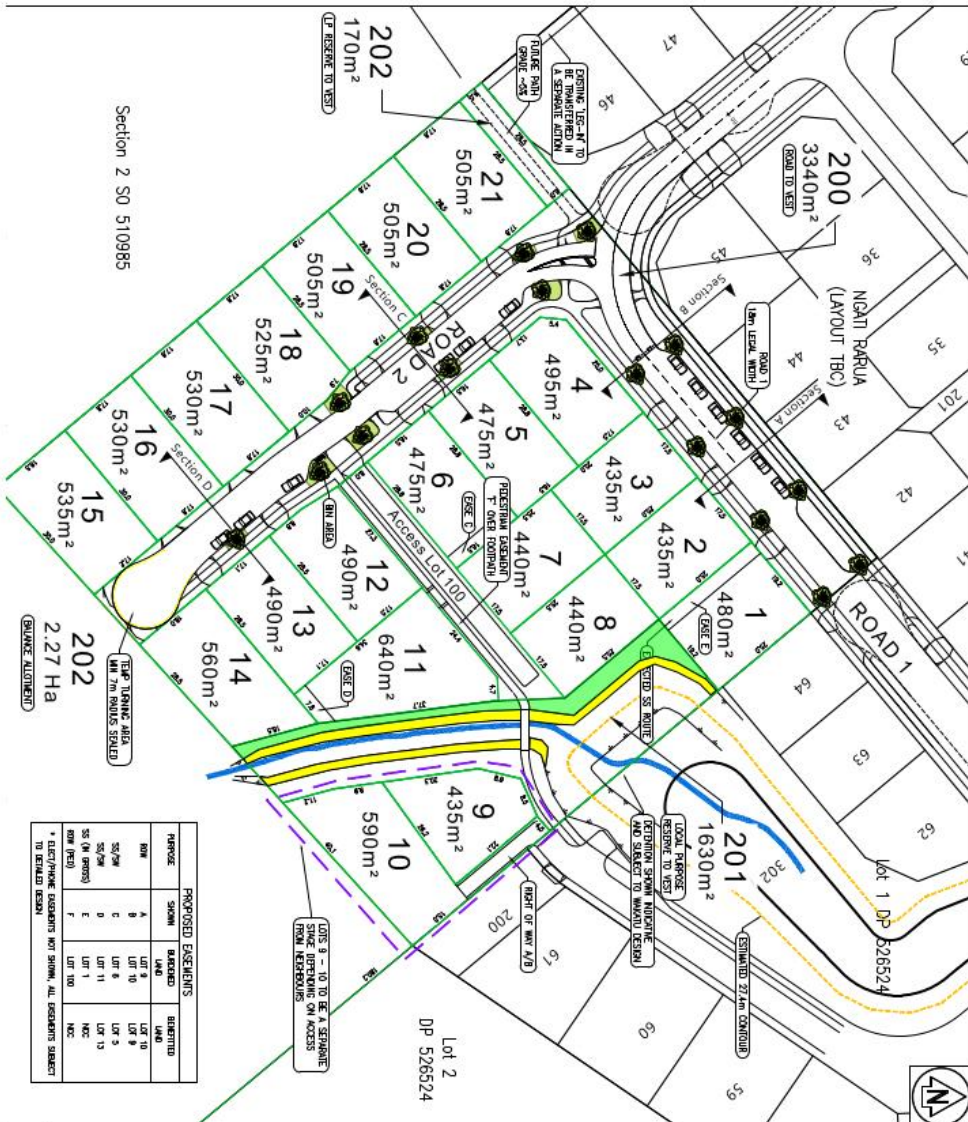


Mandy Bishop
Manager Consents and Compliance

Appendix A







Richards Subdivision

Stage 1 Landscape Development Documentation
For Resource Consent
25 March 2021

Contents

- Drawing
- 01 Master Plan
- 02 Street Planting Plan
- 03 Stormwater Detention Planting Plan
- 04 Establishment and Maintenance Plan

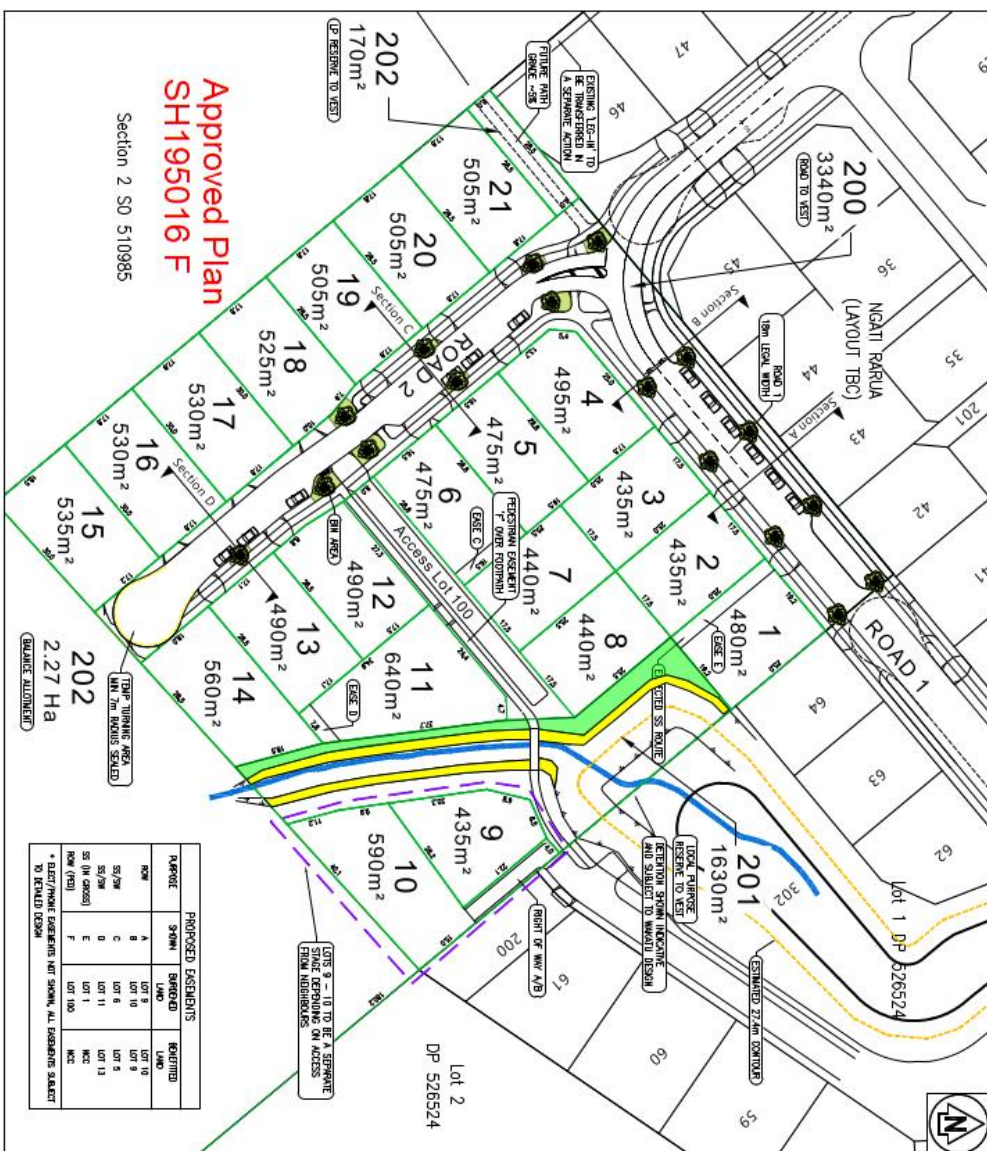
Revised dentention pond layout

Approved Plan
SH195016 E

Richards Subdivision
3a Hill Street Richmond
01 Master Plan



stephen richards
Landscape Design & Consultancy
 Tel/Fax 013 5423820
 cfoverruad45@outlook.com
 Sheet 1 of 4



- Street Trees**
1. Road 1 8 Alectryon excelsa - Titioki 45 l
 2. Road 2 9 Acer bergerianum - Trident Maple 45 l

- Street Berms**
1. Road 2 street trees underplanted at 1 m centres, Lomandra lime turf, Corokia cotoneaster, Corokia green/y green, Pittosporum pixie
 2. All other berm areas to be sown in grass as specified on sheet 4

Acer bergerianum



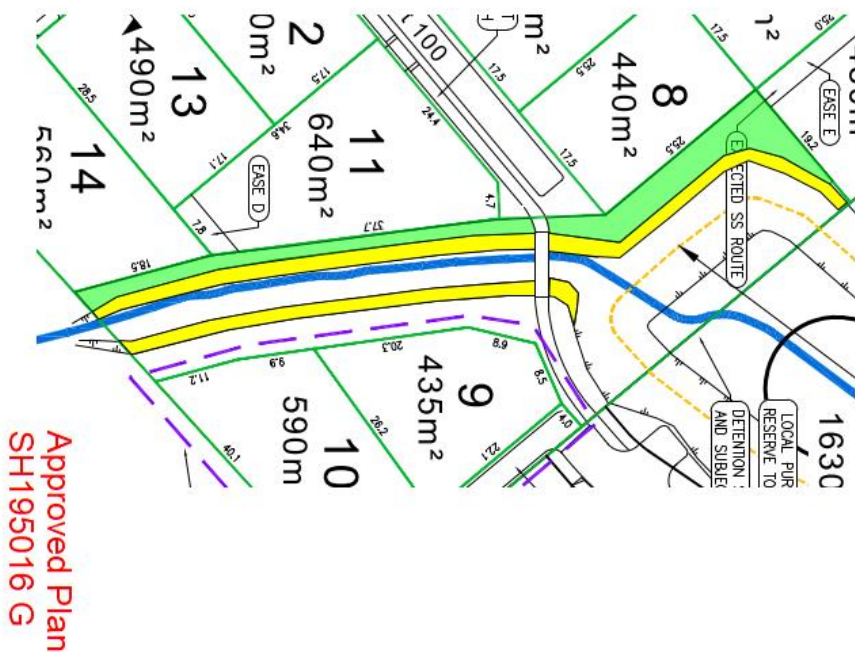
Alectryon excelsa



SH195016

Notice of Decision

Page 28 of 30



Approved Plan
SH195016 G

- General Notes**
1. Planting areas to be bark mulched to depth of 75 mm
 2. Planting mix A
Cordyline australis groups of 3 at 5 m spacing, Phormium cookianum - miniature at 2 m spacing, Hebe townsonii at 1 m spacing
 3. Plant mix B, Carex secta at 1m spacing, Apodasmia similis at 1 m spacing



Hebe townsonii



Cordyline australis



Carex secta



Phormium cookianum

- Legend**
- Planting mix A 460 m2
 - Planting mix B 302 m2

SH195016

Notice of Decision

Page 29 of 30

Planting and Maintenance Specification

Planting Establishment

Planting shall generally take place between 1 April and 30 September. Planting may occur outside this period with the approval of the Landscape Architect.

The Contractor shall carryout any necessary works to protect the existing subsoil and prevent any soil structure damage during the construction period.

All planting and grassing operations shall be suspended during periods of severe frosts, drought, water logging or drying winds.

Where plants are part of an environmental or riparian planting all plant material must be sourced from within the ecological district.

Plants must be of the species and grade specified on the drawings. Plants must be vigorous, well established, hardened off, of good form consistent with the species or varieties, free from pest and diseases, with large healthy root systems and no evidence of being restricted or damaged. The trees shall have a single leading stem.

All trees and shrubs to be planted at the spacings shown on the plan

All areas to be planted or grassed to be entirely free of vegetation beforehand. Any areas of compaction caused by earthworks during construction to be scarified to a depth of 300mm with Gypsum incorporated into the soil substrate.

Apply 3 x Agriform slow release tree fertiliser tablets per tree and 1 per shrub at time of planting.

The planting hole shall be twice the root ball width and depth and loosened at the base for at least 75mm.

Soil conditioner or compost to be incorporated with dug out soil and back filled into the planting hole at a ratio of 50:50 for all trees and shrubs.

Each plant shall be watered thoroughly after planting, ensuring moisture has soaked into the entire rootball.

All trees to have 2 50 x 50 mm h3 wooden stakes at 1.8 metres high. Trees to be ties at 1/3 to 1/2 the height of the tree. Tree ties to be hessian webbing or other such material that does not cause rubbing or restriction to the stem.

Forest floor grade bark mulch to be spread at 75mm consolidated thickness around all tree and shrub planting areas. Once consolidated the mulch shall be 75mm deep and the finished level shall be 25 mm below any surrounding hard surfaces. Mulch shall not touch the stem of plants.

Grass seeding berm areas to be Prebble Seeds Tennis Court mix sown at 30 grams per m2. The ground surface shall be free from hollows, stones and debris. There shall be no bare area greater than 30mm in diameter. The grass shall be of even sward with uniform healthy colour throughout.

Maintenance Period

All trees, shrubs, mulched and grassed areas shall be maintained for a period of 12 months after the issue of Z24.

General maintenance shall include watering during dry periods, weed control, pest and disease control, tree trimming, and any other best practice operations to ensure normal and healthy plant establishment and growth.

Any plants that fail due to natural or un natural causes are to be replaced before the completion of the maintenance period.

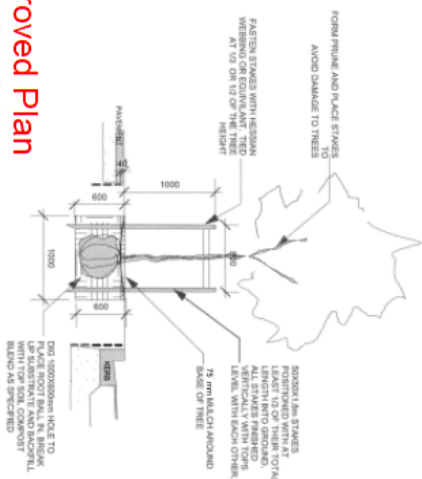
All bark mulch to be maintained at a depth of 75mm

Stakes and ties to be adjusted or replaced as required. Ensure all stakes and ties are installed correctly at all times.

All planted areas to be kept free of plant weeds and rubbish.

Grass areas to be maintained at a height of between 50mm and 150mm.

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SH195016 H



SH195016

Notice of Decision

Page 30 of 30