

31 August 2018

Richmond West Development Company Ltd
C/- Mark Lile
Landmark Lile Limited
PO Box 343
Nelson 7040

Dear Richmond West Development Company Ltd

Decision on Non-Notified Resource Consent Application SH180003 – 75 lot subdivision of Lots 1 and 7 DP 520567 including 71 residential development allotments, recreation and infrastructure reserves and roads to vest

Your application for resource consent has been granted under section 36 of Housing Accords and Special Housing Areas Act 2013 (HASHAA). A copy of the Council's decision is attached. Please carefully read the conditions that have been attached to the consent and feel free to contact me if you have any questions about your consent or its conditions. My contact details are listed at the top of this letter.

Here are some matters that I need to highlight for you.

Section 357A of the Resource Management Act 1991 ("the Act") provides you with the right to lodge an objection with the Council against this decision including any of the conditions. Objections must be made in writing setting out the reasons for the objection together with a deposit fee of \$300.00 (GST inclusive), and must be lodged here within 15 working days of receiving this letter.

The final cost of processing your application has not been calculated yet. If the final cost exceeds the deposit already paid, then as we previously advised, you will be invoiced separately for the additional cost. If the final cost is less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly about the final costs of processing your application.

Yours sincerely



Angela Jones
Consultant Planner

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RESOURCE CONSENT DECISION

Resource consent number: SH180003

Pursuant to Section 36 of the Housing Accords and Special Housing Areas Act (HASHAA) the Tasman District Council ("the Council") hereby grants resource consent to:

Richmond West Development Company Ltd

(hereinafter referred to as "the Consent Holder")

Activity authorised: 75 lot subdivision of Lots 1 and 7 DP 520567 including 71 residential development allotments, recreation and infrastructure reserves and roads to vest

This consent is bundled with SH180005 NES for subdivision and change of use.

Location details:

Address of property: Lower Queen Street
Legal description: Lot 1, 7 DP 520567 and Section 9, 12-13 Survey Office Plan 455144 and Lots 4, 6 DP 520567
Certificate of title: 821356 and 844283
Valuation number: 1957015508

Pursuant to Section 37 of HASHAA, this consent is issued subject to the following conditions:

CONDITIONS

General

1. The subdivision shall be carried out in accordance with the Scheme Plan prepared by Land Dimensions, titled '*The Fields SHA Queen Street- Proposed Scheme Layout Plan, dated 05/04/2018, Job No. 10892*' and attached to this consent as Plan A, B, C, D, E, F and G. If there is any apparent conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.

Section 223 Application

2. This application shall not be granted a Section 223 certificate until legal and practical access is provided over Berryfield Drive and Poutama Stream fronting the sites.

Staging

3. The subdivision shall be completed in the following stages:

Stage 1:

Lots 102-114 (13 residential lots); Lot 101 to vest as Recreation Reserve; and Lot 202 and 203 to vest as road.

Stage 2:

Lots 115-172 (58 residential lots); Lot 200 to vest as utility reserve; and Lot 201 to vest as road.

Lapsing of Consent

4. Under Section 51 of HASHAA, consent shall lapse 1 year after the date of this resource consent.

Easements

5. Easements are to be created over any services located outside the boundary of the allotment that they serve and for any rights of way. Reference to easements is to be included in the Council resolution on the Section 223 certificate and shown in a Memorandum of Easements on the survey plan required by Section 223 of the Act.
6. Easements in gross, in favour of Tasman District Council, are to be created over the location of the individual pump stations on Lots 102 to 172.
7. All existing easements over any land to vest in, or transfer to Council ownership, shall be cancelled.
8. The survey plan that is submitted for the purposes of Section 223 of the Act shall include reference to all easements.
9. Any easements required to protect access to services shall be duly granted or reserved.

Advice Note:

Please refer to Condition 56 with regard to Section 223 requirements for service easements.

Street Names and Numbering

10. Road 1 and 2 will be required to be named as part of this application.
11. At least three different street names shall be submitted for Council consideration and approval (with reasons and backgrounds) for Roads 1 and 2 prior to the issue of a Section 223 certificate.
12. The street numbers will be allocated on the submission of engineering plans and prior to the issue of a Section 223 certificate.
13. The cost of a nameplate/blade for any new street/pavement markings or private way sign shall be met by the Consent Holder on application to Tasman District Council. These shall be installed prior to any request for a Section 224(c) certificate.

Right of Way

14. Right of way 1 as shown on the scheme plan, shall be formed, and permanently surfaced to a minimum of 4.75m width with kerb, channel and sumps and a maximum gradient of 1-in-5. The legal width of Right of way 1 shall be 5m.
15. Rights of way 2-6 as shown on the scheme plan, shall be formed, and permanently surfaced to a minimum 3.25m width with kerb, channel and sumps and a maximum gradient of 1-in-5. The legal width of Rights of way 2-6 shall be 3.5m.

Advice Note:

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

16. The seal formation shall extend to meet the back of either the footpath/edge or road seal/kerb crossing.

Roading

17. Road 1, as shown on Plan B shall have a minimum legal width of 20m with a sealed formation width of 6m minimum or to the satisfaction of Council's Engineering Manager. Off-carriageway car parks outside Lots 132 to 141 and 117 and 102 shall be installed in accordance with Chapter 16 of the Tasman Resource Management Plan, including parking bays on both sides of the road. The design shall incorporate measures to stop vehicles parking over the footpath. Five car parks shall be installed outside Lot 142.
18. A turning area shall be formed outside Lots 140, 141 and 154 designed to be integral with the entrances to these allotments.
19. A formed sealed area on the corner of Road 1 and 2 (at the Lot 142 frontages) shall be formed to cater for at least four rubbish bins and recycling bins from Lots 139, 140, 141, and 154.
20. Road 2 shall have a varied legal width of between 12.25m and 14m with a sealed width of 7.5m minimum or to the satisfaction of Council's Engineering Manager. Carriageway road widening shall be required on the curve of Road 2 (western end) fronting Lot 131 and fronting Lots 122 to 125. The Road 2 carriageway lane width may be reduced to 6 metres to accommodate a grass berm between the footpath and kerb adjacent to Lots 170 to 172.
21. Roads 1 and 2 may include threshold treatments and kerb buildouts and shall be shown on the engineering plans following agreement with the Engineering Department.
22. The intersection of Road 2 with Berryfield Drive shall have a carriageway surface texture different to either chip seal or asphaltic concrete to denote that users are entering a slow speed environment.
23. A 1.4m concrete footpath shall be constructed on the north-east side of Road 1 and on the north and west side of Road 2 and separated from the kerb and channel with a grass berm. A 1.4m footpath and access crossings together with kerb and channel and seal extensions will be required along the Berryfield Drive frontage of the subdivision to the Borck Creek boundary line (if not constructed previously).

24. Road 1 shall extend to the boundary of Lot 2 DP 520567.
25. Kerb, channels and sumps shall be installed in accordance with the Tasman District Council Engineering Standards 2013. The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat with asphaltic concrete required for the turning area and intersections/high stress areas.
26. Secondary flow paths from Road 1 and 2 shall continue through the subdivision and discharge via the Utility Reserve in Lot 200 to an erosion-protected swale/path and discharge area to be constructed at the applicant's expense at Poutama Stream. The secondary flow path concept cross section is generally accepted and will require specific design on the submission of engineering plans.

Access

27. Practical access shall be constructed to each lot at a maximum grade of 1 in 6 and complying with the Tasman District Resource Management Plan and the Tasman District Council Engineering Standards 2013.
28. A kerb crossing shall be formed for each lot in the subdivision with pram crossings at the street intersections where required.

Vesting of Public Assets

29. Lots 201, 202 and 203 of the subdivision shall vest in Council as road. The Consent Holder shall meet all costs associated with the vesting of these roads.
30. Lot 101 of the subdivision shall vest in Council as Recreation Reserve. The Consent Holder shall meet all costs associated with the vesting of this reserve.
31. Lot 200 of the subdivision shall vest in Council as a Utility Reserve. The Consent Holder shall meet all costs associated with the vesting of this reserve.

Construction of Borck Creek Shared Pathway

32. A 3m wide concrete shared path shall be constructed within Lots 4 and 6 DP 520567 or an infrastructure bond entered into as per Condition 53.

Water Supply

33. A water connection shall be provided for Lots 101-172 in accordance with the Council's Engineering Standards 2013.
34. 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 Lots 101-172 in accordance with the Tasman District Council Engineering Standards 2013. It is noted that water supply to this subdivision will be from the water treatment plant and not from the Lower Queen Street system. These two systems (treatment plant and Lower Queen Street System) shall be connected with isolation valves installed at the cost to the developer.
35. The location and details of each meter shall be recorded on the Tasman District Council's standard Water Meter Location form and submitted to the Tasman District Council for approval.

Sewer

36. A sewer connection shall be provided for Lots 102-172 in accordance with Council's Engineering Standards 2013.
37. Full sewer reticulation discharging to Council's reticulated pressure main located in the reserve fronting Borck Creek (being Lot 4 DP 520567) and discharging to the recently installed manhole at the intersection of Lower Queen Street and Headingly Lane, shall be installed complete with any necessary manholes/inspections/valves. This may include work outside the subdivision to connect to or upgrade existing systems.
38. The subdivision is to be serviced by a low-pressure reticulation system with individual pump stations on each lot (note: only one make and model shall serve this subdivision). The pump station location on private property shall be secured via an easement in gross in favour of Council with the landowner responsible for power costs. The controllers are to be held by the Consent Holder and passed on to the builder for installation and to be attached to the future houses in close proximity and with easy unrestricted access from the road for Council's contractor.

Advice Note:

Only one make and model of individual pump stations shall be installed on Lots 102-172.

39. Any existing septic tanks/redundant pipes/waste products within the lots shall be removed.

Stormwater

40. A stormwater connection shall be provided for Lots 102-172 in accordance with Council's Engineering Standards 2013.
41. A full stormwater reticulation discharging to the stormwater system located adjacent to and discharging into Poutama Stream, shall be installed complete with all necessary manholes, sumps, and inlets.
42. The secondary flow path between Berryfield Drive and Lot 101 shall be formed to incorporate a concrete path from the Berryfield Drive path to the access berm area along Poutama Stream.

Advice Note:

Secondary flow paths for the subdivision are provided via the roads and Lot 200 (Utility Reserve).

Filling of Lots

43. Each lot shall be filled if required to ensure that:
 - (a) all finished ground levels are at least 50mm above the top of kerb level of the road that the lot is draining to, or to the satisfaction of Council's Engineering Manager; No filling shall spill over into Council's future reserves;
 - (b) there is continuous fall towards the road or right of way that the lot drains to, where appropriate;
 - (c) stormwater flows from a 1 in 100-year flood event do not cross the lot; and

- (d) secondary flow paths are created within public owned areas or protected by suitable easements.
- 44. If filling obstructs the natural run-off from an adjoining property, then provision shall be made for the drainage of that property.

Cabling

- 45. Underground power and telecommunication cables or duct infrastructure shall be provided (at the Consent Holder's expense) to the boundary of all lots (Lot 101 requires only electricity) to the standard required by the supply authority and in accordance with the Tasman District Council Engineering Standards 2013. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that power and telephone cabling or duct infrastructure has been installed to the boundary of all lots. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Advice Note:

This may require some undergrounding of adjacent properties as their support poles may be compromised. Certification provided to Council does not guarantee a future connection and additional cabling will be required where ducts have been installed prior to connection.

Electricity

- 46. 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 and indented in to the property in accordance with the Tasman District Council Engineering Standards 2013.

Street Lighting

- 47. The Consent Holder shall provide LED street lighting in accordance with the Tasman District Council Engineering Standards 2013. This work will include installation of cabling, poles, outreach arms and lanterns.

Advice Note:

Low level lighting is recommended so as to not unnecessarily light the night sky.

Engineering Plans

- 48. Engineering plans showing the details of all works required shall be submitted to Council's Engineering Manager for acceptance, prior to any works being carried out. The plans will be accepted by the Engineering Manager if the works are designed to comply with the conditions of consent, and they are otherwise in accordance with the Tasman District Council Engineering Standards 2013 or, where the latter is not complied with, they are to the satisfaction of Council's Engineering Manager (but do not derogate from the conditions of this consent).

Engineering Works

- 49. All engineering works shall be designed and constructed to comply with the conditions of consent, the accepted engineering plans and the Tasman District Council Engineering Standards, or where the Tasman District Council Engineering Standards

are not complied with, to the Council's Engineering Manager's satisfaction (but do not derogate from the conditions of this consent).

Engineering Certification

50. At the completion of works the Developer's Professional Adviser (DPA), being a suitably experienced chartered professional engineer, shall provide the Council's Engineering Manager with written certification that all works have been constructed in accordance with the conditions of this consent, the accepted engineering plans and the Tasman District Council Engineering Standards 2013, or where the Tasman District Council Engineering Standards 2013 are not complied with, to the Council's Engineering Manager's satisfaction.

Fill Certification

51. Prior to any approval under Section 224 of the Resource Management Act 1991, Council requires a statement confirming that those lots which have had earth fill placed on them and any retaining, are suitable for residential development. The statement shall be made in terms of NZS 4431:1989, Appendix 2. The statement shall include any retaining structures and be accompanied by compaction test results for the area of fill and be certified by a suitably qualified chartered professional engineer acceptable to Council.

Site Certification

52. Certification that a site has been identified on each new allotment suitable for the construction of a residential building shall be submitted from a geo-professional for the subdivision. This certificate shall define the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2010 Schedule 2A. Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 required by Condition 59 below, prior to the issue of the Section 224(c) certificate for each stage.

Advice Note:

This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

Infrastructure Bond

53. If the construction of the shared pathway required under Condition 32 above is unable to be constructed due to the timing of the adjoining Arvida development works, the Consent Holder must enter into an infrastructure bond(s), prepared by the Council for the future construction on the pathway within Lots 4 and 6 DP 520567. The bond(s) shall be to the value of 125% of the total construction value of these works. Any costs incurred by the Council in preparing, checking and assessing and release of these bond(s) must be met by the Consent Holder.

Advice Note:

- (a) To determine the construction value of these infrastructure assets the Consent Holder must submit to the Council, for their approval, an estimate of construction costs prepared by a suitably qualified and experienced Quantity Surveyor.
- (b) The bond(s) will not be released until the Consent Holder provides evidence to the satisfaction of the Council's Engineering Manager that the assets vested in

Council, as required by this consent, have been constructed in accordance with engineering plan approvals.

Maintenance Performance Bond

54. The Consent Holder shall provide Council with a bond to cover Tasman District Council Engineering Standards. The amount of the bond per stage shall be \$1,500 per lot to a maximum of \$30,000 plus a non-refundable bond administration fee of \$150 for each bond, or a figure agreed by Council's Engineering Manager and shall run for a period of 2 years from the date of issue of 224(c) certification for each stage of the subdivision.

Advice Note:

The developer is responsible to convey to the future owners the need to protect road frontages berms/footpaths from indiscriminate use/damage, etc.

As-Built Engineering Plans

55. "As-built" plans of services, roading and finished ground levels will be required at the completion of the works and accepted by the Engineering Manager prior to the issue of a Section 224(c) Certificate.
56. The Section 223 title plan shall not be submitted until the "as-built" engineering plans have been received by the Tasman District Council's Engineering Manager, so that easement areas can be accurately determined, or if registered surveyor has confirmed that services are located within proposed easements.

Hours of Construction

57. Hours of operation for construction shall be between 7.00 am – 6.00 pm Monday to Saturday. There shall be no work on Sundays or public holidays.

Financial Contributions for Reserves

58. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with the following:
- (a) the amount of the contribution shall be 5.62 per cent of the total market value (at the time of subdivision consent is granted) of 70 residential allotments;
 - (b) the Consent Holder shall request in writing to the Council's Consent Administration Officer that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;
 - (c) if payment of the financial contribution is not made within 2 years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.62 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within 2 years of any new valuation.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder. The assessment of the financial contribution will credit the value of Lot 101 (Reserve to Vest).

Consent Notices

59. The following consent notice shall be registered on the Computer Freehold Register for Lots 102-172 contained within the subdivision pursuant to Section 221 of the Act. The consent notice shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notice shall be paid by the Consent Holder.
- (a) Future development of Lots 102-172 must be undertaken in accordance with Resource Consent SH180006. Non-compliance with this resource consent will require an additional resource consent.
 - (b) The construction of any future buildings on Lots 102-172 must not exceed four storeys and 12m in height. This condition is to ensure compliance with the qualifying development criteria of the Richmond West (The Meadows) Special Housing Area.
 - (c) Any limitations listed within the site certification required by Condition 52 above.
 - (d) Lots 102-172 will be serviced by a low-pressure sewer system where the pump station will be owned by Council and an easement will allow access to the site. Owners will install a power board unit on the side of the dwelling and will allow unrestricted access to the board for Council's contractors. Power for the pump station is to be supplied and paid for by the home owner.
 - (e) Fencing and planting along the north-east boundary of Lots 132-141, the northern boundary of Lot 137, the southern boundary Lot 138 and the western boundary of Lots 166-172 must be maintained at a maximum height of 1.2m above ground level to maintain passive surveillance over these adjoining reserve/recreation spaces.
 - (f) On the nominated day of collection, the registered owner(s) of Lots 139, 140, 141, and 154, shall bring their rubbish and recycling to the collection area at the frontage of Lot 142 (on the corner of Road 1 and 2).
 - (g) That all residential dwelling/units (on Lots 102-172) have a system in place ensuring that such dwelling/unit houses are capable of internal ventilation at night, such that ventilation may take place without opening windows.
 - (h) That all residential dwelling/units be orientated, screened sited or acoustically insulated, to minimise internal noise levels and meet a night-time (9.00pm-7.00am) noise level of 30dBA LA_{eq} (15min) and 45dBLAF_{max} with the ventilation system required in condition (g) above operating.
 - (i) Prior to, or at the time an application is made for building consent, the owner must provide a report to the Team Leader, Compliance Monitoring, from a suitably qualified acoustic expert that demonstrates the building consent design will meet the requirements of Conditions (g) and (h) above.

- (j) Prior to the occupation of any dwelling/unit, a report prepared by a suitably qualified acoustic expert must be provided to the Team Leader, Compliance Monitoring, confirming the construction of all residential dwellings/units has been undertaken in accordance with the report provided in conjunction with Condition (i) above.

No Complaints Covenant (Volunteered)

- 60. A no complaints covenant in favour of Nelson Pine Industries shall be registered on the Computer Freehold Registers of Lots 102-172. All costs associated with the covenant shall be paid by the Consent Holder.

ADVICE NOTES

Council Regulations

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

Other Tasman Resource Management Plan Provisions

- 2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - (b) be allowed by the Resource Management Act; or
 - (c) be authorised by a separate resource consent.

Consent Holder

- 3. This consent is granted to the above-mentioned Consent Holder but Section 134 of the Act states that such subdivision consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Cultural Heritage

- 4. Council draws your attention to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. In the event of discovering an archaeological find during the earthworks (eg, shell, midden, hangi or ovens, garden soils pit depressions, occupation evidence, burials, taonga, etc) you are required under the Heritage New Zealand Pouhere Taonga Act 2014 to cease the works immediately until, or unless, authority is obtained from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014.

Street Numbering

- 5. Please contact Council’s Engineering Manager for the allocation of street numbers.

Development Contributions

6. 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.

REASONS FOR THE DECISION

Proposed Activity

A full and accurate description of the proposal is contained within Section 2.3 of the application and that should be read in conjunction with this report.

This applicant seeks to subdivide the subject site to create 71 residential allotments which will each accommodate one residential unit.

The applicant has requested the ability to develop the subdivision in two stages: Stage 1 being 14 allotments fronting Berryfield Drive; and Stage 2 being the remainder of the allotments.

The application has included a number of proposed buildings designs for Lots 132-171, which are referred to as: Borck Creek townhouses; Poutama Stream townhouses; and villas.

The infrastructure works will include the establishment of reticulated water, wastewater, and stormwater (including secondary flows) services, as well as power and telecommunications.

Access to the site will be via a new roundabout (constructed as part of a separate development) at the crossroad intersection to the east of the site. Road 1 will connect to this roundabout and will provide access through to the proposed Arvida Lifestyle Retirement Village to the north. A second road will then come off Road 1 which will provide access to most of the allotments and connect back up to Berryfield Drive. A number of rights of way will also be established to serve rear allotments. Each allotment will be provided with two on-site car parking spaces, and there will be a number of on-street parking spaces.

SH180005 for the subdivision and change of use of the land under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) is bundled with this application.

Earthworks are also required as part of the development to contour the proposed allotments to meet the minimum ground level requirements and to form the road carriageways. Consent is also required for the non-consumptive taking of water associated with the dewatering of trenches. Those activities have been unbundled and resource consents for them have been granted (per SH180004 and SH180008). The land use consent for the residential activities and buildings under SH180006 has also been unbundled from this consent.

The application also includes landscaping plans, which illustrate the layout and form of both the built and natural environment, and how the two are to interact and reflect the context of the surrounding environment, whilst serving the anticipated future users.

Section 51(a)(iii) of HASHAA states that the default lapse period of resource consents is 1 year. The applicant has not requested any extension to this lapse period beyond 1 year.

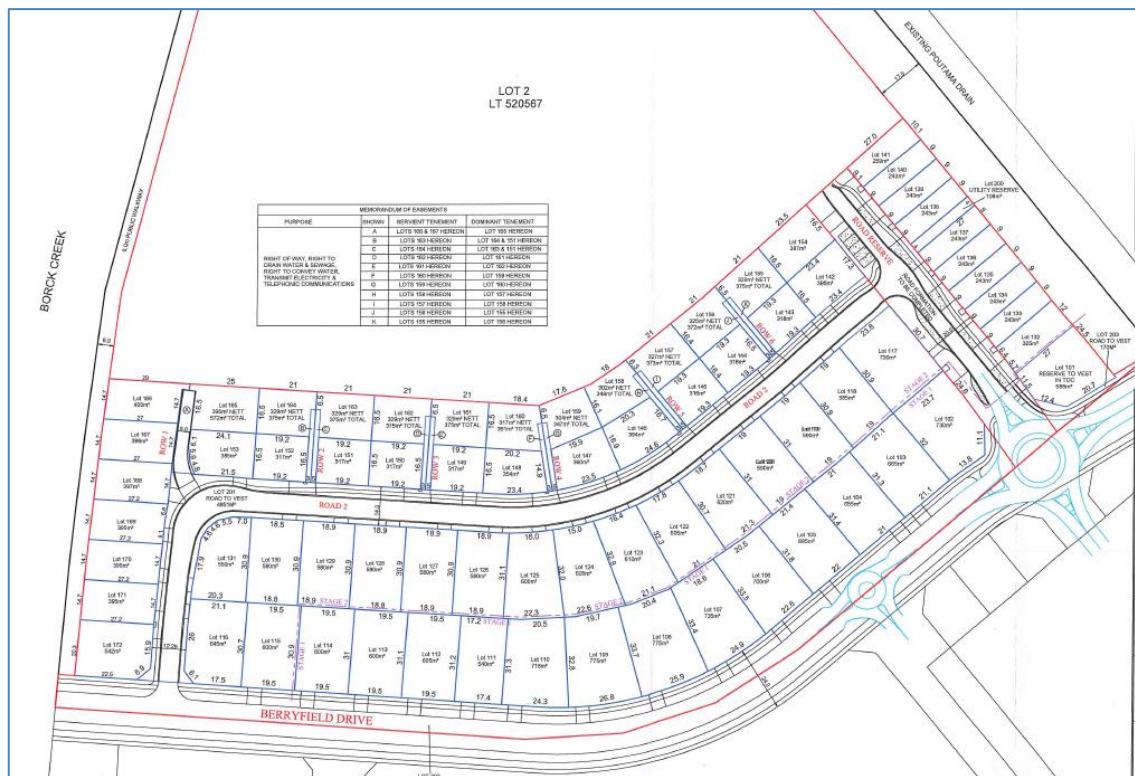


Figure 1: Subdivision Scheme Plan

Following lodgement of the application, the applicant has amended the proposal to include Lots 4, 6 and 8 of the subdivision approved under SH170001. The reason for this was to transfer the obligations for the construction of the road and shared pedestrian and cycle paths within these allotments to this subdivision consent instead of the previous subdivision consent approved SH170001. The applicant has offered conditions of consent regarding the construction of this infrastructure.

Tasman Resource Management Plan ("TRMP") Zoning, Area, and Rules Affected

According to the TRMP the following apply to the subject property:

Zoning: Rural 1 Deferred Mixed Business
Areas: Land Disturbance Area 1

The activity authorised by this resource consent does not comply with the following Permitted Activity Rules:

The proposed subdivision is unable to comply with the following standards of Section 16.3.5 and 16.3.2, and therefore requires consent as a Discretionary Activity pursuant to Rule 16.3.5.4.

- Minimum site area – allotment area is below 12ha minimum – 16.3.5.1(a)
- Frontage – allotment frontage is below 100m minimum – 16.3.5.1(d)
- Building location area – not every allotment shows a building location area which is set back from internal boundaries – 16.3.5.1 (dd)
- Transport – the subdivision does not comply with all of the transport conditions in Rule 16.3.2.5 and meets Figure 18.8F with respect to road construction in the Richmond West Development and indicative road is not provided for.

Relevant Statutory Provisions

Sections 34 and 35 of HASHAA provide the statutory framework for consideration of any application for resource consent for a qualifying development within a SHA. Section 34(1) details the matters the Council must have regard to when considering applications for resource consent under HASHAA and requires weighting to be given to those matters (greater to lesser) in the order listed below:

- (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 other relevant enactment;*
- (f) *The key qualities set out in the Ministry for the Environment's "Urban Design Protocol" 2005 and any subsequent editions of that document.*

Independent to those matters identified in section 34(1) of the HASHAA there is a bar to granting a consent (under section 36 of the HASHAA) that is dependent on the Council being satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development (section 34(2) HASHAA). In being satisfied of this the Council must take into account section 34(3) of the HASHAA.

For the purposes of this decision, the above matters are addressed in turn below with the weighting exercise of the relevant findings being undertaken in accordance with the weighting hierarchy required under HASHAA.

Section 34(1)(a) 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 Tasman region. This criterion has the greatest weight in any consideration of an application under HASHAA.

The development is for a subdivision to enable residential development comprising 71 residential dwellings in total. The development will therefore increase the housing supply in the Tasman region meeting the purpose of HASHAA.

Section 34(1)(b) Part 2 of the RMA

The purpose of the RMA under section 5(2), Part 2, is to promote the sustainable management of natural and physical resources. Sustainable management involves managing the use, development and protection of these resources in order to enable people and communities to provide for their social, economic and cultural well-being and for their health and safety, while –

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

In achieving the purpose of the RMA, section 6 specifies the matters of national importance that shall be recognised and provided for in respect of any proposal, and in terms of this proposal the relevant matters are:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, site, waahi tapu, and other taonga.*

In terms of section 7 of the RMA, the following matters are relevant:

- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values; and*
- (f) *maintenance and enhancement of the quality of the environment.*

The proposal provides for the social and economic well-being of persons by delivering a variety of housing types while maintaining and enhancing the amenity values of the surrounding area. The proposal therefore represents the future efficient use of an otherwise largely vacant piece of land. The site is also well located in terms of its proximity to the Richmond town centre.

The proposal maintains the quality of the environment and represents an efficient use of a land and sustaining the potential of physical resources to meet the reasonably foreseeable needs of future generations which are particularly relevant to sections 7(b) and (f) and 5(2)(a) within Part 2 of the RMA.

With a holistic consideration of the proposal, I consider the development to be consistent with sections 5, 6 and 7 of Part 2 of the RMA. The proposal will not conflict with any of the protection and preservation requirements of national importance as detailed in section 6 of Part 2 of the RMA and the proposal is not considered inconsistent with the principles of the Treaty of Waitangi.

Section 34(1)(c) Any relevant proposed plan

There are no relevant proposed plans.

Section 34(1)(d) Other matters that arise for consideration under Sections 104 to 104F of the RMA

Section 104(1)(a) of the RMA – Actual and potential effects of the activity

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.

A full assessment of the actual and potential effects has been undertaken in the Officer's report under s29 HASHAA. The relevant effects considered were:

- Transportation effects;
- Landscape effects;
- Servicing infrastructure effects;

- Construction effects;
- Cultural heritage and archaeology effects;
- Rural productive values;
- Loss of mixed business land;
- Cross-boundary effects;
- Effects on the adjoining reserve;
- Land contamination; and
- Reverse sensitivity effects;

Some of these matters relate to the land use and NES aspects of the proposal (ie, SH180006 and SH180005) and are not relevant to SH180003, such as transport, landscape, construction, cultural/archaeology, rural productive values, loss of mixed business land, cross-boundary effects, effects on adjoining reserve and reverse sensitivity effects.

For the reasons outlined in both the s29 report, and those additional matters raised above, the actual and potential adverse effects of the proposal are acceptable.

Section 104(1)(b) of the RMA – Relevant planning provisions

I have had regard to the relevant provisions of the following planning documents:

- National Environmental Standards
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Tasman Resource Management Plan

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) is relevant to this proposal as the site has previously been associated with the following activities on the Hazardous Activities and Industries List (HAIL). The consent under the NES is bundled with this proposal however has been assessed under a separate consent, ie, SH180005. The application has been assessed by the Council's Resource Scientist (Contaminants), who has raised no concerns with respect to the change of use of the land to accommodate residential activities. Any necessary conditions with respect to soil disturbance are dealt with through the consent SH180004.

There are no National Policy Statements relevant to this application nor is the New Zealand Coastal Policy Statement relevant.

The TRMP is relevant to this proposal and I concur with the assessment contained in the AEE. The associated degree of consistency / inconsistency with the objectives and policies is considered to be acceptable particularly as the development gives effect to the purpose of HASHAA which must be given greater weighting than its degree of consistency with the statutory planning provisions.

Section 104(1)(c) – Other Matters

There are no other matters that the Council needs to consider when assessing the application.

Section 34(1)(e) – The key urban design qualities expressed in the New Zealand Urban Design Protocol (2005)

The New Zealand Urban Design Protocol (2005) (Urban Design Protocol) identifies seven essential design qualities that together create quality urban design, being:

- *Context – Seeing buildings, places, and spaces as part of whole towns and cities*
- *Character – Reflecting and enhancing the distinctive character, heritage and identity of our urban environment*
- *Choice – Ensuring diversity and choice for people*
- *Connections – Enhancing how different networks link together for people*
- *Creativity – Encouraging innovative and imaginative solutions*
- *Custodianship – Ensuring design is environmentally sustainable, safe and healthy*
- *Collaboration – Communications and sharing knowledge across sectors, professions and with communities*

The development will enhance the character of the local environment and by enabling future residential development of varied housing types in a location that is in close proximity to the Richmond town centre.

Section 34(2) – Provision of sufficient and appropriate infrastructure

Resource consent for the proposal cannot be granted under HASHAA unless the Council is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.

In assessing this matter, the Council is required to consider:

- (a) Compatibility of infrastructure proposed as part of the qualifying development with existing infrastructure; and*
- (b) Compliance of the proposed infrastructure with relevant standards for infrastructure published by relevant local authorities and infrastructure companies; and*
- (c) The capacity for the infrastructure proposed as part of the qualifying development and any existing infrastructure to support the development.*

The applicant has demonstrated that the development will be adequately serviced and provided confirmation from infrastructure providers that electricity, telephone and data is available.

Tasman District Council engineers have provided feedback into this application as part of the assessment and decision-making process and have raised no concerns with the development subject to engineering design.

I am therefore satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development and the requirements of section 34(2) are met.

Section 35 - Sections 105 to 107 of the RMA

Sections 105 and 107 of the RMA relate to discharge permits and coastal permits and are therefore not relevant to this proposal.

Regarding section 106 of the RMA, there is nothing to suggest that the land to be subdivided is subject to a significant risk from natural hazards.

Financial and Development Contributions

The subdivision will attract development and financial contributions. A Development Contributions Notice will be sent to the consent holder separate to this resource consent decision.

Lapse Period

Section 51 of HASHAA sets a default lapse period of 1 year. The applicant has not requested a change to this lapse period for the subdivision aspect to the overall proposal.

Conclusions and Recommendations

The approval for this consent is recommended for the reasons provided above and subject to the conditions in the resource consent to which this report is attached.



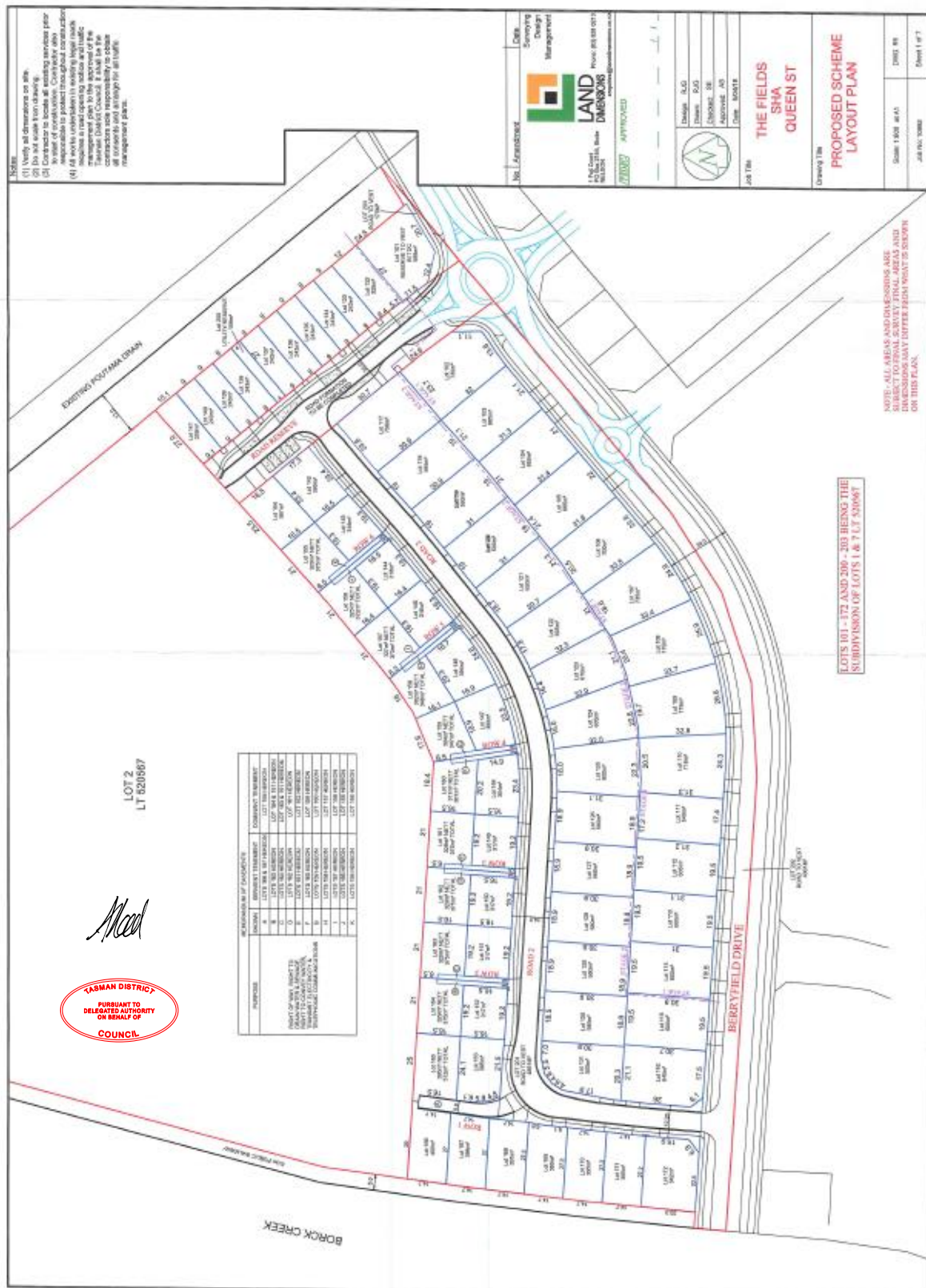
Angela Jones
Consultant Planner

This recommendation is accepted and the consent approved on 31 August 2018 under delegated authority from Tasman District Council by:



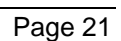
Annie Reed
Team Leader – Subdivision Consents

Date of receipt of Section 27 HASHAA: 22 May 2018

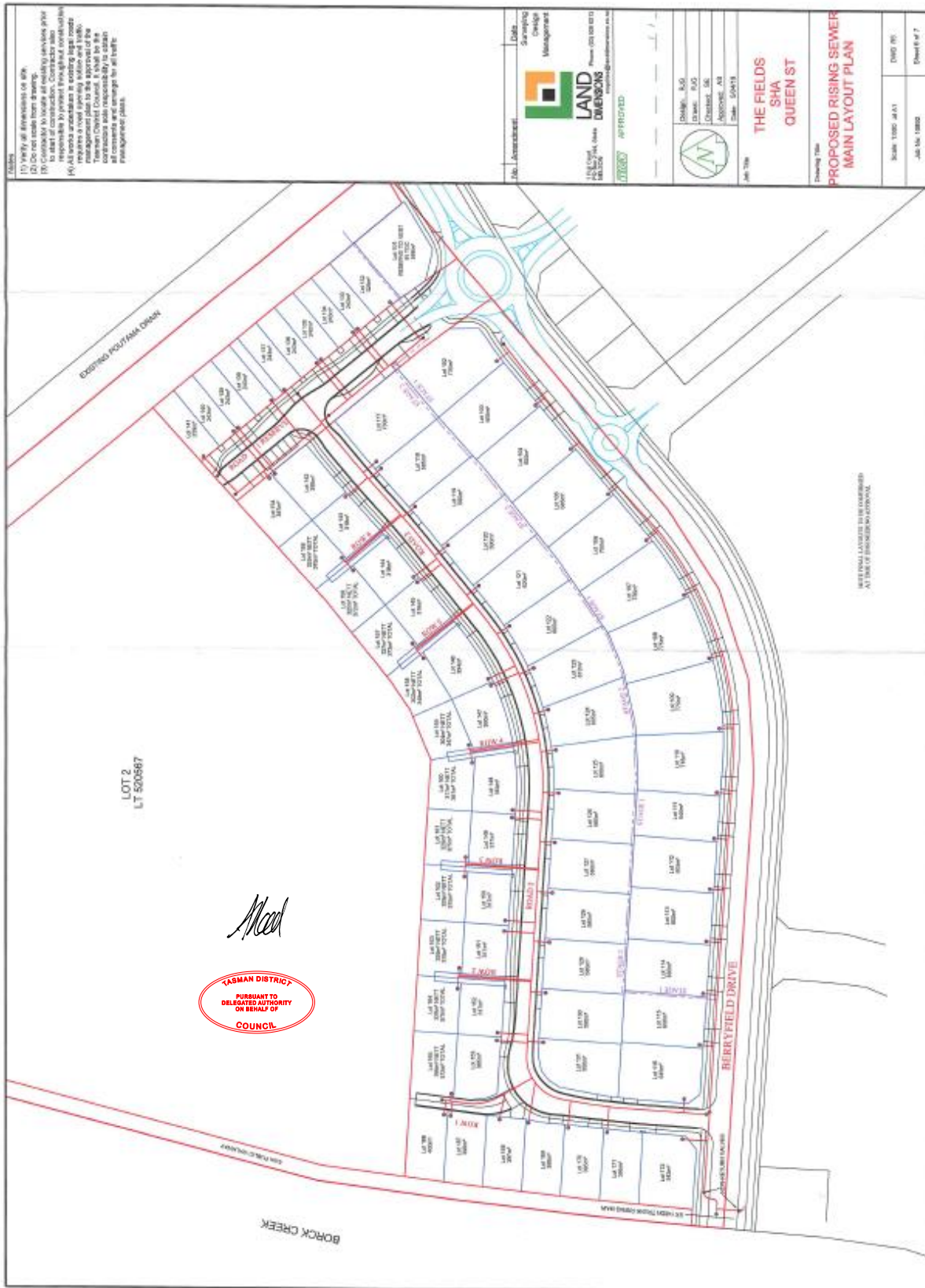


SH180003, Consent Granted 31 August 2018

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Plan E - SH180003



**LOT 2
LT 0200617**

TASMAN DISTRICT COUNCIL
PURSUANT TO DELEGATED AUTHORITY ON BEHALF OF

PROPOSED WATER LAYOUT PLAN

**THE FIELDS
SHA
QUEEN ST**

NOTES: HYDRAULIC CALCULATIONS FOR PROPOSED WATER LAYOUT PLAN HAVE BEEN COMPLETED BY THE CONSULTANT. THE PLAN SHOWS THE PROPOSED WATER LAYOUT PLAN, INCLUDING THE PROPOSED WATER MAIN, VALVES, AND PIPES. THE PLAN ALSO SHOWS THE PROPOSED EASEMENTS AND Easements.

Lot No.	Area (sqm)
Lot 1	10.00
Lot 2	10.00
Lot 3	10.00
Lot 4	10.00
Lot 5	10.00
Lot 6	10.00
Lot 7	10.00
Lot 8	10.00
Lot 9	10.00
Lot 10	10.00
Lot 11	10.00
Lot 12	10.00
Lot 13	10.00
Lot 14	10.00
Lot 15	10.00
Lot 16	10.00
Lot 17	10.00
Lot 18	10.00
Lot 19	10.00
Lot 20	10.00
Lot 21	10.00
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Lot 90	10.00
Lot 91	10.00
Lot 92	10.00
Lot 93	10.00
Lot 94	10.00
Lot 95	10.00
Lot 96	10.00
Lot 97	10.00
Lot 98	10.00
Lot 99	10.00
Lot 100	10.00

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