

12 September 2022

PO Box 645 Nelson 7040
Phone: 03 546 0200
Fax: 03 546 0239

Solitaire Investments Limited
C/- WSP
3 King George Place
Timaru 7910

Resource Consent Number: RM215206,
215207, 215208, 215209
Contact: Chris Miles
DD: (03) 545 8843
Email: chris.miles@ncc.govt.nz
www.nelson.govt.nz

Tēnā koe Kylie

Resource consent granted

Please find attached your resource consents, granted pursuant to Section 113(4) of the Resource Management Act 1991 ("the Act").

Please ensure you read the conditions of your consents carefully before you commence your activity. Some conditions may require you to carry out specific actions before you start. You may also need to obtain other permits or building consents before commencing your activity.

If you have any questions regarding any aspect of your consents or their conditions please don't hesitate to contact me.

Ngā mihi nui



Chris Miles
Principal Development Advisor

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 1 of 63

RESOURCE CONSENT

Resource Consent number RM215206:

Solitaire Investments Limited

The activity:

Subdivision into 40 residential allotments, 2 reserve lots and a balance lot, in stages.

(This consent shall be read in conjunction with associated bundled consents RM215207 – Earthworks; RM215208 – Land Use; RM215209 – Discharge Permit).

Location details:

Address of property: 12 Tussock Place, Nelson

Legal description: Lot's 502, 504 and 1001 DP 534671

Record of title: RT 894225

Lapse date:

Your consent will lapse on 12 September 2027 (five years) unless you have given effect to Stage 3 before then. If Stage 3 is given effect to by 12 September 2027 (five years), Stage 4 (A & B) will lapse on 12 September 2030 (eight years) unless you have given effect to Stage 4 (A & B) before then. For subdivisions the consent is given effect to when you have submitted a survey plan to the Council for the subdivision under Section 223 of the Act. Once the survey plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

CONDITIONS

General

1. The activity shall be carried out in general accordance with the application lodged with Council on 9 July 2021, the further information received on 22/12/2021, 14/03/2022, 20/04/2022 & 6/09/2022, and the following conditions of consent. The development shall proceed in general accordance with the approved plans A - AAF.

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

Note: *The activity is required to be undertaken in 'general accordance' with the approved plans, which acknowledges that some changes to the plans will be required, e.g. as part of the detailed engineering design, in response to conditions of consent, as*

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 2 of 63

part of the s223 and s224 subdivision processes, to show Lot 623 on all relevant plans. The scope of such changes will be considered at the relevant time.

Staging

2. The subdivision shall be staged as set out in the application as follows:

Stage:	Lots:	Lapse Date:
3	401 – 409 & 440, 620 (road to vest)	12/09/2027 (Five years)
4A	410 – 426, 621 & 622 (roads to vest), 623 (reserve to vest)	12/09/2030 (Eight years - where Stage 3 is given effect to prior)
4B	427 – 439, Lot 513 (reserve to vest)	12/09/2030 (Eight years - where Stage 3 is given effect to prior)
Note: Lot 514 is the balance lot for each stage (to remain amalgamated with Lot 1001).		

Stage 3 shall be undertaken first and Stages 4A and 4B can be undertaken together. Before a Section 224(c) Certificate is issued for any stage, all conditions relevant to that stage shall be complied with.

STAGE 3

Prior to approval of the Survey Plan pursuant to Section 223 of the Act

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. All documentation for the registration of the easements shall be prepared at the Consent Holder's expense.

Certification

4. Prior to the approval of the Survey Plan under Section 223 the Consent Holder shall either:
 - a) Submit as-built engineering plans for the approval of the Council's Group Manager Infrastructure; or
 - b) Provide written certification from a Registered Professional Surveyor that the services have been installed and completed in accordance with the approved design engineering drawings and are located centrally within the respective easement area shown on the Title Plan.

Notes: - Approval of the LT plan or scheme plan is facilitated by the provision of a LT plan or scheme plan with as built details overlaid on the plan to show services. Alternatively, provide a copy of the As Built Plan with easement boundaries overlaid on the plan.

Where there are services easements through private lots and right of ways please show the stormwater pipe in green and the wastewater in red line colour and show all pipe laterals. Please show the water pipe as blue.

Where there are roads to vest please show the kerb lines and footpath as magenta colour.

Vesting

5. Lot 620 shall vest in the Nelson City Council as Legal Road.

Prior to the issuing of a Section 224(c) Certificate for the subdivision

Access

6. Separate vehicle access shall be constructed to the boundary of Lots 401 – 409 and 440 in accordance with the relevant specifications outlined in the Nelson Tasman Land Development Manual 2020.

Note: The location of each vehicle crossing is to be determined at detailed engineering design stage, to the satisfaction of the Council's Group Manager Infrastructure.

Roads

7. The road within Lot 620 shall be formed and constructed in general accordance with the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.
8. The Consent Holder shall install all road markings, street signs, street trees and street lighting for the new road, to the satisfaction of the Council's Group Manager Infrastructure.

Water

9. Water supply services shall be provided to the boundary of each lot in general accordance with the water supply servicing details shown on the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.

Note: The final water supply servicing details are to be determined at detailed engineering design stage.

10. A Council approved water meter shall be installed for each lot and 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.

Storm Water

11. Stormwater services shall be provided in general accordance with the stormwater servicing details shown on the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.

Note: *The final stormwater servicing details are to be determined at detailed engineering design stage. Lot 402 requires on-site stormwater disposal via dissipation device to be determined at building consent stage for development of the lot. See consent notice requirements for the dissipation device for Lot 402 and stormwater detention for all lots.*

Wastewater

12. Wastewater services shall be provided to the boundary of each lot in general accordance with the wastewater servicing details shown on the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.

Note: *The final wastewater servicing details are to be determined at detailed engineering design stage. See consent notice requirements for a private pump station for Lot 402.*

Cabling

13. Telecommunications and electric power connections shall be provided to the boundary of each lot. All cabling shall be underground. Cabling shall be installed in accordance with Section 9 of the Nelson Tasman Land Development Manual 2020.
14. Confirmation of the above from the supply authority and a copy of the service provider's Certificate of Compliance shall be provided to the Council prior to the issue of a Section 224(c) Certificate. Certification shall be in accordance with Section 9 of the Nelson Tasman Land Development Manual 2020.

Engineering Design and Construction

15. All of the works in Conditions 6 - 12 shall be shown on "Design" engineering drawings to the requirements of the Nelson Tasman Land Development Manual 2020, except as required by any specific condition of consent.
16. 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.
17. All works in Conditions 6 - 12 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

18. All of the works in Conditions 6 - 12 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.

Engineering Certification

19. Prior to the issue of a Section 224(c) Certificate a suitably qualified chartered professional engineer or registered professional surveyor shall provide the Council's Manager Resource Consents with written certification that all works have been completed in accordance with the requirements of the conditions of this consent and the Nelson Tasman Land Development Manual 2020.

This written certification shall be on the prescribed form 'Certificate upon completion of Subdivision Work' contained in Appendix D of Section 2 of the Nelson Tasman Land Development Manual 2020.

Note: *If the works required in Conditions 6 - 12 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 19 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 19 of this consent.*

Building Site/Geotechnical Certification

20. Certification that proposed Lots 401 – 409 and Lot 440 contains an accessible site suitable for the erection of a residential building 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 401 – 409 and Lot 440 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 registered 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 requiring ongoing monitoring and/or maintenance shall be subject to a **consent notice** on the title of proposed Lots 401 – 409 and Lot 440.
- c) A Section 224(c) Certificate will not be granted if a suitable building site is not defined.
- d) Any lots upon which a certified building site has not been identified shall be amalgamated with an adjacent lot containing a certified building site.

Performance Bond

21. The Consent Holder shall provide the Council with a performance bond in accordance with Section 1.4 of Appendix 1 of the Nelson Tasman Land Development Manual 2020. The bond for defects will be for the sum of \$1,500 per lot or residential site from a minimum of \$5,000 to a maximum of \$30,000 per stage, plus a bond administration fee of \$150. For significant infrastructure items that are to vest with Council, an additional bond amount will be required. This amount will be set by Council's Engineering Manager.

The term of the performance bond for defects liability will be for a minimum period of twenty-four (24) months from the satisfactory completion of the works (for contracts), or the issue of a 224 certificate as required under the RMA.

22. The bond shall provide that fair wear and tear and damage by third parties will be excepted. Provision shall be made for resolution of disputes which is satisfactory to both parties.

Note: *The Council and the Developer will be required to enter into a Maintenance Contract, as acknowledged by the applicant.*

Planting Plan

23. The approved Final Planting Plan and maintenance programme (EMPP), as set out in Conditions 59 – 61 of associated earthworks consent RM215207 shall be implemented for Earthworks Stages (Phases) 1 and 2, as relative to Subdivision Stage 3, with the EMPP applying for a 3-year period from the plantings being undertaken.

Note: *As Subdivision Stage 3 is dissected by Earthworks Phases 1 and 2, plantings for Earthworks Phases 1 and 2 are required relative to Subdivision Stage 3.*

Requirement for Bond – section 222

24. Under section 222 of the RMA, and before the issue of the section 224(c) certificate, the Consent Holder must provide a bond of 1.5 times the value (incl. GST) of any incomplete planting works, including maintenance, for Earthworks Phases 1 and 2, to the Council. The bond is to ensure the performance of Condition 23, in particular the preparation, planting and maintenance of the plantings for Earthworks Phases 1 and 2, as relative to Subdivision Stage 3, over the 3-year maintenance period.

25. The following requirements must be met in order to satisfy this condition:

- a) The Consent Holder shall submit details of the value of the incomplete works, as prepared by a suitably qualified landscape professional, to the satisfaction of the Council's Manager Consents and Compliance.
- b) The bond required must be paid to the Council as a cash deposit or a bank guaranteed bond (and being a NZ registered bank).
- c) The Council's solicitor will prepare and execute the bond document. All costs incurred by the Council in the preparation execution, variation, administration or release of the bond must be paid by the Consent Holder. The bond document will

state that the bond sum will be released once the conditions it safeguards the performance of have been satisfied and the Consent Holder has paid all the Council's costs in relation to the bond's administration.

Note: *The Council may use the bond during (and following) the implementation of the planting works if any remedial works (to be undertaken by a suitably qualified person(s) engaged by the Council) are required to address any failure to provide and/or maintain and/or replace plantings during the maintenance period.*

Consent Notices/Ongoing Conditions

26. 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.

Stormwater (Lots 401, 403 – 409 and 440)

- a) For development on Lots 401, 403 – 409 and 440 post development stormwater run-off from the site from all impervious surfaces shall be mitigated in general accordance with the requirements of the Nelson Tasman Land Development Manual 2020, and the approved plans, including:
 - i. A below ground attenuation tank or tanks (minimum volume of 15,000 litres) to attenuate peak flows from the site up to the 1% AEP rainfall event shall be designed and installed at or prior to house construction at the landowner's cost; and
 - ii. Attenuation systems shall be installed to limit peak outflow from the site to no more than the predevelopment flows for the 10% AEP and 1% AEP rainfall events; and
 - iii. The Design and installation shall be supervised and certified by a professional CP engineer with suitable experience in stormwater detention system design.
 - iv. The attenuation minimum size outlined in 26.a) i. is based on a roof area of no more than 250m² and 75m² of additional impervious area including driveways and other paved areas. Some driveway areas will drain directly to the road and this is unavoidable, however a channel drain shall be installed across the driveway as low as possible to minimise the area draining directly to the road. If landowners exceed these sizes, then required attenuation will need to be reassessed and installed at house building permit stage to the satisfaction of the Council.

Full details of the design including a PS1, inspection schedule and operation and maintenance requirements shall be submitted to Nelson City Council for Engineering Certification in accordance with the requirements of the Nelson Tasman Land Development Manual at the time of application for building consent, prior to installation.

- b) The owners of Lots 401, 403 – 409 and 440 shall be responsible for all ongoing operation and maintenance requirements of the detention system on their site to ensure it is kept in good working order at all times.

Stormwater (Lot 402)

- c) The on-site stormwater disposal system on Lot 402 shall be entirely located within the lot. This includes the 'zone of influence' immediately downslope of the outlet structure.
- d) The on-site stormwater disposal system on Lot 402 shall dispose of stormwater in general accordance with the requirements of the Nelson Tasman Land Development Manual 2020, and the approved plans, including (but not limited to):
- i. An above ground attenuation tank or tanks that matches pre-development flows in the 10% AEP and 1% AEP rainfall events and disperses flows back to the ground surface using a level spreader or contour swale, shall be designed and installed at the house building permit stage to work in conjunction with the house and landscape designs of the landowner, at their cost.
 - ii. The Design and installation shall be supervised and certified by a professional CP engineer with suitable experience in stormwater detention system design.

Full details of the design including a PS1, inspection schedule and operation and maintenance requirements shall be submitted to Nelson City Council for Engineering Certification in accordance with the requirements of the Nelson Tasman Land Development Manual at the time of application for building consent, prior to installation.

- e) The stormwater attenuation and disposal area shall avoid the shear key area(s), as shown in the T&T Geotechnical Feasibility Assessment dated June 2021 and further information response for Quail Rise Subdivision dated 21 December 2021 (Job No: 870412.5008), except where any subsequent geotechnical report prepared by a suitably qualified geo-professional and submitted to Council refines the extent of the shear key area(s) based on geotechnical investigation, in which case the revised shear key area(s) shall be avoided for stormwater attenuation and disposal.
- f) The owners of Lots 402 shall be responsible for all ongoing operation and maintenance requirements of the stormwater disposal system on their site to ensure it is kept in good working order at all times.

Wastewater (Lot 402)

- g) For development on Lot 402, a private wastewater pump station shall be provided in general accordance with the approved plans and to the requirements of the Nelson Tasman Land Development Manual 2020. The private wastewater pump station shall be designed by, and installation supervised by a chartered professional engineer with suitable experience in wastewater system design.

Full details of the design including a PS1, inspection schedule and operation and maintenance requirements shall be submitted to Nelson City Council for Engineering Certification in accordance with the requirements of the Nelson Tasman Land Development Manual at the time of application for building consent, prior to installation.

- h) The owner(s) of Lot 402 shall be responsible for all ongoing operation and maintenance requirements of the wastewater system on their site to ensure it is kept in good working order and operated and maintained in accordance with the manufacturers specifications at all times.

Reserve Fencing (Lot 440)

- i) Any fence on Lot 440 located within 1.5m of the boundary with the proposed reserve at Lot 513 shall:
 - i. Not exceed 1.2m in height, or
 - ii. Not exceed 1.8m in height and is visually permeable for its entire length and height, and
 - iii. In all cases, where board or paling fences are constructed, the structural posts and railings shall not face the reserve or walkway.

Zoning (Lots 407, 408, 409)

- j) If at the time of applying for building consent for development of the lot (and any associated resource consent if applicable), the lot as a whole does not have a residential zoning, the Residential (Standard) Zone provisions of the operative Nelson Resource Management Plan 2004 (NRMP) shall apply to the portion of the site that is not residentially zoned. Where the NRMP 2004 has been the subject of a subsequent plan change altering the zoning of the lot to residential in its entirety, the provisions of the plan change shall be applied.

Notes: *The purpose of this requirement is that residential zone rules are applied at the time of development to reflect the future residential use of the lot, which is an anticipated result of this subdivision, including where this does not conform in whole or in part to an underlying rural zoning.*

Under the operative NRMP 2004, Lots 407 and 408 will have split residential zoning (part standard, part low density) that will require assessment at the time of building consent and / or resource consent as applicable. The Residential (standard) zone provisions will apply to Lot 409 under the NRMP 2004, and all other residential lots within Subdivision Stage 3.

Any further resource consent(s) that may be required for development of the residential lots created by this subdivision will be reviewed based on the applicable residential provisions at the time.

Design Controls (Lots 401 – 409 and 440)

- k) Design controls have been volunteered as part of the application to mitigate the visual and landscape effects associated with development of the lot. Whilst similar and / or additional controls may apply under separate private land covenants, the matters that must be addressed to the satisfaction of Nelson City Council at the time of building consent and / or resource consent as applicable are:
- i. All cladding and trim colours shall be selected from the grey, green and brown colour hues and shall have light reflectance values (LRVs) of no greater than 40%;
 - ii. All roof and guttering colours shall be selected from the grey, green and brown colour hues and shall have LRVs of no greater than 12%;
 - iii. Any dwelling or outbuilding shall have a roof pitch of no greater than 40° above horizontal;
 - iv. Maximum building height: 5.7 metres above ground level, at the time of subdivision completion (i.e. following completion of bulk earthworks and service installation, and prior to any development of the lot).

Landscaping (Lots 401 – 409 and 440)

- l) A Landscape Design Plan shall be submitted for the lot at the time of building consent and / or resource consent as applicable, to the satisfaction of Nelson City Council's Manager Consents and Compliance. The Landscape Design Plan shall:
- i. Be designed taking into account the structure plan requirements for Schedule U and / or Schedule V of the Nelson Resource Management Plan (NRMP) as applicable, utilising planting to assist with the integration of the proposed built form with the surrounds and compatible with other plantings within the subdivision, including as may have been undertaken on the lot as part of the Planting Plan approved for this consent;
 - ii. Incorporate vegetation native to the Nelson/Marlborough Ecological District where practicable, and as suitable for the site conditions;
- Note:** *Plants shall be eco-sourced where possible and selected with reference to the site environment, 'Living Heritage – Growing Native Plants in Nelson'.*
- iii. Be installed within 12 months of completion of the dwelling on the lot, and thereafter maintained in general accordance with the approved Landscape Design Plan, along with any plantings on the lot planted as part of the approved Planting Plan under this consent;
 - iv. Any changes to the approved Landscape Design Plan shall be to the satisfaction of Nelson City Council's Manager Consents and Compliance.

STAGE 4A

Prior to approval of the Survey Plan pursuant to Section 223 of the Act

Easements

27. 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. All documentation for the registration of the easements shall be prepared at the Consent Holder's expense.

Certification

28. Prior to the approval of the Survey Plan under Section 223 the Consent Holder shall either:
- a) Submit as-built engineering plans for the approval of the Council's Group Manager Infrastructure; or
 - b) Provide written certification from a Registered Professional Surveyor that the services have been installed and completed in accordance with the approved design engineering drawings and are located centrally within the respective easement area shown on the Title Plan.

Note: - Approval of the LT plan or scheme plan is facilitated by the provision of a LT plan or scheme plan with as built details overlaid on the plan to show services. Alternatively, provide a copy of the As Built Plan with easement boundaries overlaid on the plan.

Where there are services easements through private lots and right of ways please show the stormwater pipe in green and the wastewater in red line colour and show all pipe laterals. Please show the water pipe as blue.

Where there are roads to vest please show the kerb lines and footpath as magenta colour.

Vesting

29. Lot's 621 and 622 shall vest in the Nelson City Council as Legal Road.
30. Lot's 623 shall vest in the Nelson City Council as Local Purpose Reserve (walkway).

Notes: This vesting may also be undertaken in conjunction with an earlier Stage. If Stage 4A is not given effect to and Lot 623 is not vested, the creation of the reserve will require reassessment at the time of any further subdivision application involving the balance lot. An indicative future walkway alignment from Lot 623 is shown on the Planting Plan as a possible public link to the Marsden Cemetery. The alignment and status (e.g. easement or other) of this indicative continuation of the walkway route does not form part of this application and is subject to separate future discussions.

Prior to the issuing of a Section 224(c) Certificate for the subdivision

Access

31. Separate vehicle access shall be constructed to the boundary of Lots 410 – 426 in accordance with the relevant specifications outlined in the Nelson Tasman Land Development Manual 2020.

Note: *The location of each vehicle crossing is to be determined at detailed engineering design stage, to the satisfaction of the Council's Group Manager Infrastructure.*

Roads

32. The road within Lot's 621 and 622 shall be formed and constructed in general accordance with the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.
33. The Consent Holder shall install all road markings, street signs and street lighting for the new roads, to the satisfaction of the Council's Group Manager Infrastructure.

Water

34. Water supply services shall be provided to the boundary of each lot in general accordance with the water supply servicing details shown on the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.

Note: *The final water supply servicing details are to be determined at detailed engineering design stage.*

35. A Council approved water meter shall be installed for each lot and 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.

Storm Water

36. Stormwater services shall be provided in general accordance with the stormwater servicing details shown on the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.

Note: *The final stormwater servicing details are to be determined at detailed engineering design stage. See consent notice requirements for stormwater detention for all lots.*

Wastewater

37. Wastewater services shall be provided to the boundary of each lot in general accordance with the wastewater servicing details shown on the approved plans and the

requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.

Note: *The final wastewater servicing details are to be determined at detailed engineering design stage.*

Cabling

38. Telecommunications and electric power connections shall be provided to the boundary of each lot. All cabling shall be underground. Cabling shall be installed in accordance with Section 9 of the Nelson Tasman Land Development Manual 2020.
39. Confirmation of the above from the supply authority and a copy of the service provider's Certificate of Compliance shall be provided to the Council prior to the issue of a Section 224(c) Certificate. Certification shall be in accordance with Section 9 of the Nelson Tasman Land Development Manual 2020.

Engineering Design and Construction

40. All of the works in Conditions 31 - 37 shall be shown on "Design" engineering drawings to the requirements of the Nelson Tasman Land Development Manual 2020, except as required by any specific condition of consent.
41. 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.
42. All works in Conditions 31 - 37 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

43. All of the works in Conditions 31 - 37 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.

Engineering Certification

44. Prior to the issue of a Section 224(c) Certificate a suitably qualified chartered professional engineer or registered professional surveyor shall provide the Council's Manager Resource Consents with written certification that all works have been completed in accordance with the requirements of the conditions of this consent and the Nelson Tasman Land Development Manual 2020.

This written certification shall be on the prescribed form 'Certificate upon completion of Subdivision Work' contained in Appendix D of Section 2 of the Nelson Tasman Land Development Manual 2020.

Note: *If the works required in Conditions 31 - 37 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 44 is provided*

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 14 of 63

in the prescribed form at the time Section 224(c) Certification is applied for. Sign off under a Building Consent does not fulfil Condition 44 of this consent.

Building Site/Geotechnical Certification

45. Certification that proposed Lots 410 – 426 contains an accessible site suitable for the erection of a residential building 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 410 – 426 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 registered 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 requiring ongoing monitoring and/or maintenance shall be subject to a **consent notice** on the title of proposed Lots 410 – 426.
- c) A Section 224(c) Certificate will not be granted if a suitable building site is not defined.
- d) Any lots upon which a certified building site has not been identified shall be amalgamated with an adjacent lot containing a certified building site.

Performance Bond

46. The Consent Holder shall provide the Council with a performance bond in accordance with Section 1.4 of Appendix 1 of the Nelson Tasman Land Development Manual 2020. The bond for defects will be for the sum of \$1,500 per lot or residential site from a minimum of \$5,000 to a maximum of \$30,000 per stage, plus a bond administration fee of \$150. For significant infrastructure items that are to vest with council, an additional bond amount will be required. This amount will be set by Council's Engineering Manager.

The term of the performance bond for defects liability will be for a minimum period of twenty-four (24) months from the satisfactory completion of the works (for contracts), or the issue of a 224 certificate as required under the RMA.

47. The bond shall provide that fair wear and tear and damage by third parties will be excepted. Provision shall be made for resolution of disputes which is satisfactory to both parties.

Note: *The Council and the Developer will be required to enter into a Maintenance Contract, as acknowledged by the applicant.*

Planting Plan

48. The approved Final Planting Plan and maintenance programme (EMPP), as set out in Conditions 59 – 61 of associated earthworks consent RM215207 shall be implemented for Earthworks Phases 3 and 4, as relative to Subdivision Stage 4A (and 4B), with the EMPP applying for a 3-year period from the plantings being undertaken.

Note: As Subdivision Stages 4A and 4B are dissected by Earthworks Phases 3 and 4 (and to a lesser extent by Earthworks Phase 2, which is to be planted for Subdivision Stage 3), plantings for Earthworks Phases 3 and 4 are required relative to Subdivision Stage 4A.

Requirement for Bond – section 222

49. Under section 222 of the RMA, and before the issue of the section 224(c) certificate, the Consent Holder must provide a bond of 1.5 times the value (incl. GST) of any incomplete planting works, including maintenance, for Earthworks Phases 1 and 2, to the Council. The bond is to ensure the performance of Condition 48, in particular the preparation, planting and maintenance of the plantings for Earthworks Phases 3 and 4, as relative to Subdivision Stage 4A, over the 3-year maintenance period.

Note: The requirements for the bond are set out under Condition 25.

Consent Notices/Ongoing Conditions

50. 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.

Stormwater (Lots 410 – 426)

- a) For development on Lots 410 - 426 post development stormwater run-off from the site from all impervious surfaces shall be mitigated in general accordance with the requirements of the Nelson Tasman Land Development Manual 2020, and the approved plans, including:
- i. A below ground attenuation tank or tanks (minimum volume of 15,000 litres) to attenuate peak flows from the site up to the 1% AEP rainfall event shall be designed and installed at or prior to house construction at the landowner's cost; and
 - ii. Attenuation systems shall be installed to limit peak outflow from the site to no more than the predevelopment flows for the 10% AEP and 1% AEP rainfall events; and
 - iii. The Design and installation shall be supervised and certified by a professional CP engineer with suitable experience in stormwater detention system design.

- iv. The attenuation minimum size outlined in 50.a) i. is based on a roof area of no more than 250m² and 75m² of additional impervious area including driveways and other paved areas. Some driveway areas will drain directly to the road and this is unavoidable, however a channel drain shall be installed across the driveway as low as possible to minimise the area draining directly to the road. If landowners exceed these sizes, then required attenuation will need to be reassessed and installed at house building permit stage to the satisfaction of the Council.

Full details of the design including a PS1, inspection schedule and operation and maintenance requirements shall be submitted to Nelson City Council for Engineering Certification in accordance with the requirements of the Nelson Tasman Land Development Manual at the time of application for building consent, prior to installation.

- b) The owners of Lots 410 – 426 shall be responsible for all ongoing operation and maintenance requirements of the detention system on their site to ensure it is kept in good working order at all times.

Reserve Fencing (Lots 416 and 417)

- c) Any fence on Lots 416 and 417 located within 1.5m of the boundary with the proposed reserve at Lot 623 shall:
 - i. Not exceed 1.2m in height, or
 - ii. Not exceed 1.8m in height and is visually permeable for its entire length and height, and
 - iii. In all cases, where board or paling fences are constructed, the structural posts and railings shall not face the reserve or walkway.

Zoning (Lots 417 - 419, 421 - 422 and 424)

- d) If at the time of applying for building consent for development of the lot (and any associated resource consent if applicable), the lot as a whole does not have a residential zoning, the Residential (Standard) Zone provisions of the operative Nelson Resource Management Plan 2004 (NRMP) shall apply to the portion of the site that is not residentially zoned. Where the NRMP 2004 has been the subject of a subsequent plan change altering the zoning of the lot to residential in its entirety, the provisions of the plan change shall be applied.

Notes: *The purpose of this requirement is that residential zone rules are applied at the time of development to reflect the future residential use of the lot, which is an anticipated result of this subdivision, including where this does not conform in whole or in part to an underlying rural zoning.*

Under the operative Nelson Resource Management Plan 2004 (NRMP), this means the Residential (standard) zone provisions will apply to all residential lots within this Subdivision Stage.

Any further resource consent(s) that may be required for development of the residential lots created by this subdivision will be reviewed based on the applicable residential provisions at the time.

Design Controls (Lots 410 - 426)

- e) Design controls have been volunteered as part of the application to mitigate the visual and landscape effects associated with development of the lot. Whilst similar and / or additional controls may apply under separate private land covenants, the matters that must be addressed to the satisfaction of Nelson City Council at the time of building consent and / or resource consent as applicable are:
- i. All cladding and trim colours shall be selected from the grey, green and brown colour hues and shall have light reflectance values (LRVs) of no greater than 40%;
 - ii. All roof and guttering colours shall be selected from the grey, green and brown colour hues and shall have LRVs of no greater than 12%;
 - iii. Any dwelling or outbuilding shall have a roof pitch of no greater than 40° above horizontal;
 - iv. Maximum building height: 5.7 metres above ground level, at the time of subdivision completion (i.e. following completion of bulk earthworks and service installation, and prior to any development of the lot);

Landscaping (Lots 410 - 426)

- f) A Landscape Design Plan shall be submitted for the lot at the time of building consent and / or resource consent as applicable, to the satisfaction of Nelson City Council's Manager Consents and Compliance. The Landscape Design Plan shall:
- i. Be designed taking into account the structure plan requirements for Schedule U and / or Schedule V of the Nelson Resource Management Plan (NRMP) as applicable, utilising planting to assist with the integration of the proposed built form with the surrounds and compatible with other plantings within the subdivision, including as may have been undertaken on the lot as part of the Planting Plan approved under this consent;
 - ii. Incorporate vegetation native to the Nelson/Marlborough Ecological District where practicable, and as suitable for the site conditions;
 - iii. Be installed within 12 months of completion of the dwelling on the lot, and thereafter maintained in general accordance with the approved Landscape Design Plan, along with any plantings on the lot planted as part of the approved Planting Plan for this consent;
 - iv. Any changes to the approved Landscape Design Plan shall be to the satisfaction of Nelson City Council's Manager Consents and Compliance.

STAGE 4B

Prior to approval of the Survey Plan pursuant to Section 223 of the Act

Easements

51. 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. All documentation for the registration of the easements shall be prepared at the Consent Holder's expense.

Certification

52. Prior to the approval of the Survey Plan under Section 223 the Consent Holder shall either:
- a) Submit as-built engineering plans for the approval of the Council's Group Manager Infrastructure; or
 - b) Provide written certification from a Registered Professional Surveyor that the services have been installed and completed in accordance with the approved design engineering drawings and are located centrally within the respective easement area shown on the Title Plan.

Note: - Approval of the LT plan or scheme plan is facilitated by the provision of a LT plan or scheme plan with as built details overlaid on the plan to show services. Alternatively, provide a copy of the As Built Plan with easement boundaries overlaid on the plan.

Where there are services easements through private lots and right of ways please show the stormwater pipe in green and the wastewater in red line colour and show all pipe laterals. Please show the water pipe as blue.

Where there are roads to vest please show the kerb lines and footpath as magenta colour.

Vesting

53. Lot 513 shall vest in the Nelson City Council as Local Purpose Reserve (recreation) without compensation.

Note: The applicant has agreed to provide this land at no cost to the Nelson City Council. This vesting may also be undertaken in conjunction with an earlier Stage. If Stage 4B is not given effect to, the creation of reserve and the associated walkway link will require reassessment at the time of any future subdivision application involving the balance lot.

Prior to the issuing of a Section 224(c) Certificate for the subdivision

Access

54. Separate vehicle access shall be constructed to the boundary of Lots 427 – 439 and Lot 513 in accordance with the relevant specifications outlined in the Nelson Tasman Land Development Manual 2020.

Note: *The location of each vehicle crossing is to be determined at detailed engineering design stage, to the satisfaction of the Council's Group Manager Infrastructure.*

Water

55. Water supply services shall be provided to the boundary of each lot in general accordance with the water supply servicing details shown on the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.

Note: *The final water supply servicing details are to be determined at detailed engineering design stage.*

56. A Council approved water meter shall be installed for each lot and 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.

Storm Water

57. Stormwater services shall be provided in general accordance with the stormwater servicing details shown on the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.

Note: *The final stormwater servicing details are to be determined at detailed engineering design stage. See consent notice requirements for stormwater detention for all lots.*

Wastewater

58. Wastewater services shall be provided to the boundary of each lot in general accordance with the wastewater servicing details shown on the approved plans and the requirements of the Nelson Tasman Land Development Manual 2020, to the satisfaction of the Council's Group Manager Infrastructure.

Note: *The final wastewater servicing details are to be determined at detailed engineering design stage.*

Cabling

59. Telecommunications and electric power connections shall be provided to the boundary of each lot. All cabling shall be underground. Cabling shall be installed in accordance with Section 9 of the Nelson Tasman Land Development Manual 2020.

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 20 of 63

60. Confirmation of the above from the supply authority and a copy of the service provider's Certificate of Compliance shall be provided to the Council prior to the issue of a Section 224(c) Certificate. Certification shall be in accordance with Section 9 of the Nelson Tasman Land Development Manual 2020.

Engineering Design and Construction

61. All of the works in Conditions 54 - 58 shall be shown on "Design" engineering drawings to the requirements of the Nelson Tasman Land Development Manual 2020, except as required by any specific condition of consent.
62. 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.
63. All works in Conditions 54 - 58 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

64. All of the works in Conditions 54 - 58 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.

Engineering Certification

65. Prior to the issue of a Section 224(c) Certificate a suitably qualified chartered professional engineer or registered professional surveyor shall provide the Council's Manager Resource Consents with written certification that all works have been completed in accordance with the requirements of the conditions of this consent and the Nelson Tasman Land Development Manual 2020.

This written certification shall be on the prescribed form 'Certificate upon completion of Subdivision Work' contained in Appendix D of Section 2 of the Nelson Tasman Land Development Manual 2020.

Note: *If the works required in Conditions 54 - 58 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 65 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 65 of this consent.*

Building Site/Geotechnical Certification

66. Certification that proposed Lots 427 - 439 contains an accessible site suitable for the erection of a residential building 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 427 – 439 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 registered 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 requiring ongoing monitoring and/or maintenance shall be subject to a **consent notice** on the title of proposed Lots 427 – 439.
- c) A Section 224(c) Certificate will not be granted if a suitable building site is not defined.
- d) Any lots upon which a certified building site has not been identified shall be amalgamated with an adjacent lot containing a certified building site.

Performance Bond

67. The Consent Holder shall provide the Council with a performance bond in accordance with Section 1.4 of Appendix 1 of the Nelson Tasman Land Development Manual 2020. The bond for defects will be for the sum of \$1,500 per lot or residential site from a minimum of \$5,000 to a maximum of \$30,000 per stage, plus a bond administration fee of \$150. For significant infrastructure items that are to vest with council, an additional bond amount will be required. This amount will be set by Council's Engineering Manager.

The term of the performance bond for defects liability will be for a minimum period of twenty-four (24) months from the satisfactory completion of the works (for contracts), or the issue of a 224 certificate as required under the RMA.

68. The bond shall provide that fair wear and tear and damage by third parties will be excepted. Provision shall be made for resolution of disputes which is satisfactory to both parties.

Note: *The Council and the Developer will be required to enter into a Maintenance Contract, as acknowledged by the applicant.*

Planting Plan

69. The approved Final Planting Plan and maintenance programme (EMPP) for the reserve (Lot 513), as set out in Condition 62 of associated earthworks consent RM215207, shall be implemented following Earthworks Phases 3 and 4, with the EMPP applying for a 3-year period from the plantings being undertaken.

Notes: *With the exception of plantings for the reserve to vest (Lot 513) as required in this condition, plantings for Subdivision Stage 4B are tied to Subdivision Stage 4A, due to the Earthworks Phases 3 and 4 dissecting both Subdivision Stages 4A and 4B.*

Associated earthworks consent RM215207 includes additional geotechnical considerations to be factored into the walkway design for reserve Lot 513.

This Planting Plan for the reserve area is proposed as part of Subdivision Stage 4B, but could be undertaken with an earlier stage.

Requirement for Bond – section 222

70. Under section 222 of the RMA, and before the issue of the section 224(c) certificate, the Consent Holder must provide a bond of 1.5 times the value (incl. GST) of any incomplete planting works, including maintenance, for planting of the reserve. The bond is to ensure the performance of Condition 69, in particular the preparation, planting and maintenance of the plantings for the reserve over the 3-year maintenance period.

Note: *The requirements for the bond are set out under Condition 25.*

Consent Notices/Ongoing Conditions

71. 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.

Stormwater (Lots 427 – 439)

- a) For development on Lots 410 - 426 post development stormwater run-off from the site from all impervious surfaces shall be mitigated in general accordance with the requirements of the Nelson Tasman Land Development Manual 2020, and the approved plans, including:
- i. A below ground attenuation tank or tanks (minimum volume of 15,000 litres) to attenuate peak flows from the site up to the 1% AEP rainfall event shall be designed and installed at or prior to house construction at the landowner's cost; and
 - ii. Attenuation systems shall be installed to limit peak outflow from the site to no more than the predevelopment flows for the 10% AEP and 1% AEP rainfall events; and
 - iii. The Design and installation shall be supervised and certified by a professional CP engineer with suitable experience in stormwater detention system design.
 - iv. The attenuation minimum size outlined in 71.a) i. is based on a roof area of no more than 250m² and 75m² of additional impervious area including driveways and other paved areas. Some driveway areas will drain directly to the road and this is unavoidable, however a channel drain shall be installed across the driveway as low as possible to minimise the area draining directly to the road. If landowners exceed these sizes, then required attenuation will

need to be reassessed and installed at house building permit stage to the satisfaction of the Council.

Full details of the design including a PS1, inspection schedule and operation and maintenance requirements shall be submitted to Nelson City Council for Engineering Certification in accordance with the requirements of the Nelson Tasman Land Development Manual at the time of application for building consent, prior to installation.

- b) The owners of Lots 427 – 439 shall be responsible for all ongoing operation and maintenance requirements of the detention system on their site to ensure it is kept in good working order at all times.

Reserve Fencing (Lot 439)

- c) Any fence on Lot 439 located within 1.5m of the boundary with the proposed reserve at Lot 513 shall:
- i. Not exceed 1.2m in height, or
 - ii. Not exceed 1.8m in height and is visually permeable for its entire length and height, and
 - iii. In all cases, where board or paling fences are constructed, the structural posts and railings shall not face the reserve or walkway.

Zoning (Lots 427-439)

- d) If at the time of applying for building consent for development of the lot (and any associated resource consent if applicable), the lot as a whole does not have a residential zoning, the Residential (Standard) Zone provisions of the operative Nelson Resource Management Plan 2004 (NRMP) shall apply to the portion of the site that is not residentially zoned. Where the NRMP 2004 has been the subject of a subsequent plan change altering the zoning of the lot to residential in its entirety, the provisions of the plan change shall be applied.

Notes: *The purpose of this requirement is that residential zone rules are applied at the time of development to reflect the future residential use of the lot, which is an anticipated result of this subdivision, including where this does not conform in whole or in part to an underlying rural zoning.*

Under the operative Nelson Resource Management Plan 2004 (NRMP), this means the Residential (standard) zone provisions will apply to all residential lots within this Subdivision Stage.

Any further resource consent(s) that may be required for development of the residential lots created by this subdivision will be reviewed based on the applicable residential provisions at the time.

Design Controls (Lots 427-439)

- e) Design controls have been volunteered as part of the application to mitigate the visual and landscape effects associated with development of the lot. Whilst similar and / or additional controls may apply under separate private land covenants, the matters that must be addressed to the satisfaction of Nelson City Council at the time of building consent and / or resource consent as applicable are:
- i. All cladding and trim colours shall be selected from the grey, green and brown colour hues and shall have light reflectance values (LRVs) of no greater than 40%;
 - ii. All roof and guttering colours shall be selected from the grey, green and brown colour hues and shall have LRVs of no greater than 12%;
 - iii. Any dwelling or outbuilding shall have a roof pitch of no greater than 40° above horizontal;
 - iv. Maximum building height: 5.7 metres above ground level, at the time of subdivision completion (i.e. following completion of bulk earthworks and service installation, and prior to any development of the lot).

Landscaping (Lots 427-439)

- f) A Landscape Design Plan shall be submitted for the lot at the time of building consent and / or resource consent as applicable, to the satisfaction of Nelson City Council's Manager Consents and Compliance. The Landscape Design Plan shall:
- i. Be designed taking into account the structure plan requirements for Schedule U and / or Schedule V of the Nelson Resource Management Plan (NRMP) as applicable, utilising planting to assist with the integration of the proposed built form with the surrounds and compatible with other plantings within the subdivision, including as may have been undertaken on the lot as part of the Planting Plan approved for this consent;
 - ii. Incorporate vegetation native to the Nelson/Marlborough Ecological District where practicable, and as suitable for the site conditions;
 - iii. Be installed within 12 months of completion of the dwelling on the lot, and thereafter maintained in general accordance with the approved Landscape Design Plan, along with any plantings on the lot planted as part of the approved Planting Plan for this consent;
 - iv. Any changes to the approved Landscape Design Plan shall be to the satisfaction of Nelson City Council's Manager Consents and Compliance.

ADVICE NOTES

Development Contributions

1. The Consent Holder shall pay a Development Contribution for Lots 401 – 440 for transport, water, wastewater, stormwater and community infrastructure and reserves in accordance with the Council’s Development Contributions Policy 2021, which can be viewed on Council’s website. (Any applicable deductions e.g. for stormwater contribution reduction, will be applied at the time of calculation).
 - (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(s) on Lots 401 - 440 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 2021, 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).

Street Naming

2. 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 Resource Consents Administrator.
3. 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

4. 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

5. 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.

General

6. Conditions of this consent have been imposed pursuant to Sections 108 and 220 of the Act.
7. 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.
8. This consent is granted to the Consent Holder, but Section 134 of the Act states that such consent "attaches 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.
9. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
10. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).
11. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

Subdivision Master Plan

12. An application for proposed further subdivision and development of the site (i.e. beyond this current bundle of approvals) should be accompanied by an overall 'Master Plan'. This is a requirement of Schedule U (Structure Plan for Marsden Plateau Landscape Area) under the NRMP. A framework for development of the site will be an increasingly important consideration for future developments, including proposed subdivision and land use activity, road, pedestrian and cycle linkages, and provision of reserves – refer to Schedule U of the NRMP for further details.

RESOURCE CONSENT

Resource Consent number RM215207:

Solitaire Investments Limited

The activity:

Bulk earthworks

(This consent shall be read in conjunction with associated bundled consents RM215206 – Subdivision; RM215208 – Land Use; RM215209 – Discharge Permit)

Location details:

Address of property: 12 Tussock Place, Nelson

Legal description: Lot's 502, 504 and 1001 DP 534671

Record of title: RT 894225

Location co-ordinates: E 1620828 N 5425419 (NZTM)

Lapse date:

Your consent will lapse on 12 September 2022 (eight years) unless you have given effect to it before then.

CONDITIONS

1. The activity shall be carried out in general accordance with the application lodged with Council on 9 July 2021, the further information received on 22/12/2021, 14/03/2022, 20/04/2022 & 6/09/2022, and the following conditions of consent. The development shall proceed in general accordance with the approved plans A - AAF.

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

Note: *The activity is required to be undertaken in 'general accordance' with the approved plans, which acknowledges that some changes to the plans will be required, e.g. as part of the detailed engineering design, in response to conditions of consent, as part of the s223 and s224 subdivision processes, to show Lot 623 on all relevant plans. The scope of such changes will be considered at the relevant time.*

Duration & Staging

2. The earthworks shall be undertaken in four Stages (Phases) and progressively stabilised in general accordance with the approved DESC plan and planting requirements on this consent.
3. The Earthworks Phases 1-4 shall either:
 - a) Be undertaken in one works period as four continuous phases, as outlined in the DESC submitted with the application (with the timeline to be updated as per Condition 7);OR
 - b) Be undertaken in two separate works periods, comprising Phase 1 then Phase 2 in the first period, and then separately Phase 3 then Phase 4 in the second period at a later date, i.e. with a 'dormant' time period between during which no earthworks approved by this consent shall be undertaken.
4. Once commenced, the earthworks under this consent shall be completed within two years, except that, where the earthworks are undertaken in two separate works periods as provided for in Condition 3.b), a one-year maximum duration shall be applied to Phases 1 and 2 and a 1.5 year maximum duration shall be applied to Phases 3 and 4.

Note: The specified time period include set-up and disestablishment of the DESC controls, in addition to the undertaking of the bulk earthworks activity (with provision for some potential delay). Refer also to Condition 8 regarding DESC update requirements where the earthworks are separated into two works periods.

Pre-Commencement Conditions

Monitoring

5. The Consent Holder shall advise the Council's Monitoring Officer in writing, at least 10 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken and pre-start meeting held. Please email regulatory@ncc.govt.nz and advise the consent number, RM215207.

Note: Failure to notify the Council as stated in the above condition may result in enforcement action.

Note: A monitoring charge of \$162 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule.

Pre-Start Meeting

6. At least 5 working days prior to works commencing on-site (for each of the two earthworks periods where separated), the Consent Holder or an agent working on their

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 30 of 63

behalf, the Site-Supervisor/Project Manager, at least one of the Environmental Advisors, the 'Geo-professional' and any other experienced professionals considered necessary by the Consent Holder and Council's Monitoring Officer shall attend a pre-construction meeting to discuss the following matters:

- i. The requirements of the updated Dust, Erosion and Sediment Control Plan (DESCP) (Condition 7, and Condition 8 where applicable);
- ii. The requirements of the Construction Traffic Management Plan (CTP) and Temporary Traffic Management Plan (TTMP) (Condition 9);
- iii. The requirements of the Chemical Treatment Management Plan (CTMP) (Condition 56);
- iv. The requirements of associated discharge permit RM215209.

Notes: *An on-site meeting is preferred however this condition does not preclude the meeting being attended online by one or more or all of the required parties.*

Dust, Erosion and Sediment Control Plan (DESCP)

7. At least 10 working days prior to works commencing on-site, the Consent Holder shall provide Council's Monitoring Officer a Final Dust, Erosion and Sediment Control Plan (DESCP), showing the anticipated timing of the Earthworks Phases updated based on the revised start date.

Note: *The timeline in the DESCP submitted with the application has already past and requires updating. This update under Condition 7 could incorporate the requirements of Condition 8 below if two separate earthworks periods are intended to be utilised.*

8. Where two separate earthworks periods are to be utilised in accordance with Condition 3.b), the Consent Holder shall provide written confirmation of this to the Council's Monitoring Officer at least two months prior to the anticipated completion of the Phase 2 earthworks, and at this time the Consent Holder shall also provide an updated Dust, Erosion and Sediment Control Plan (DESCP), to the satisfaction of Council's Monitoring Officer, addressing the following at a minimum:
 - i. Maintenance and repair requirements for retention of SRP2 and any other DESCP measures to be retained during the 'dormant' i.e. non-active earthworks period, to ensure the integrity of the retained measure(s) is maintained and to mitigate potential effects on the environment from retention of the measures, noting that;
 - ii. All dirty and clean water diversions are required to be removed and stabilised during the dormant period; and
 - iii. SRP2 shall be modified to prevent the pond from filling with water while dormant;
 - iv. Any recommendations of the Consent Holder's geo-professional regarding the stability of the land where the retained DESCP measures will exist during the 'dormant' period to be implemented;

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 31 of 63

- v. Any other updates to the DESCOP considered necessary by the author of the DESCOP, to account for the earthworks being undertaken in two separate periods with a 'dormant' i.e. non-active earthworks period between to mitigate potential effects on the environment.

Notes: Condition 8 only applies where the earthworks are to be undertaken in two separate works periods under Condition 3.b), i.e. where the earthworks are to be undertaken in one works period under Condition 3.a), Condition 8 is not applicable. The requirements of this condition are to ensure the integrity of any retained DESCOP measures is checked, maintained and repaired where required, and to mitigate the potential for effects on the environment during the 'dormant' period.

Construction Traffic Management Plan (CTP)

9. At least 10 working days prior to works commencing on-site, the Consent Holder shall provide the Council's Monitoring Officer a CTP for acceptance to the satisfaction of the Council's Group Manager Infrastructure. The CTP shall include a Temporary Traffic Management Plan (TTMP) and be prepared by a suitably qualified person(s). The CTP shall address the following matters (at a minimum) to ensure construction traffic associated with earthworks activity is effectively managed:
 - a) Measures to manage construction vehicle traffic entering and leaving the site, including on-site turning and manoeuvring for heavy vehicles, and the location for staff parking within the site;
 - b) Anticipated truck movements to and from the site for the import and / or removal of fill / excavated material as corresponding with the various earthworks phases, including maximum movements that will be undertaken on any one day and over the peak period(s) of material import / removal;
 - c) Route maps for the off-site disposal of fill material i.e. a plan showing where the fill is proposed to be disposed of at an approved disposal site and the route(s) taken to get there;
 - d) Operation of construction traffic activity at the site within the noise limits and hours of operation specified in Condition 57, and methodology to minimise vibration and noise effects on adjacent residential properties;
 - e) Measures to ensure the CTP is in accordance and compatible with the measures specified in the approved DESCOP (including if the earthworks are undertaken as two separate periods), the approved CTMP, and the conditions of Discharge Permit RM215209;
 - f) Measures to ensure the safe and efficient movement of the travelling public (pedestrians, vehicles, local residents), and including attention in the CTP to construction traffic taking care travelling past the access for the Nelson Christian Academy on Marsden Valley Road, particularly during school drop off and pick up times.
 - g) The location and content of any construction signage i.e. directional, safety and warning signage;

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 32 of 63

- h) Procedures for responding to any complaints regarding site activity and keeping a complaints register;
- i) Protocols to be adopted for the discovery of any unrecorded archaeological site (Condition 58).

The Consent Holder must meet the costs of the production, certification, monitoring and review of the CTP.

- 10. No earthworks activity shall commence on the site prior to the agreement of the CTP by the Council's Group Manager Infrastructure.
- 11. The CTP may be amended at any time by the Consent Holder, with any such amendments submitted to Council to the satisfaction of the Council's Group Manager Infrastructure. Any amendments to the CTP shall be:
 - a) for the purposes of improving the measures outlined in the CTP for achieving the CTP purpose to ensure construction traffic activity is effectively managed;
 - b) consistent with the conditions of this resource consent; and
 - c) prepared by a suitably qualified person(s).

Contractor briefing

- 12. Prior to earthworks commencing (for each of the two earthworks periods where separated), the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising earthworks at the site are briefed on the requirements of the approved DESC and CTP.

Contact person

- 13. Prior to earthworks commencing (for each of the two earthworks periods where separated), the Consent Holder shall nominate the primary point of contact for the earthworks programme to the Council's Monitoring Officer. This may be the Project Manager, an Environmental Advisor or someone with an interest or specific skills in environmental management but they shall either work full time or be able to regularly and readily attend the site to undertake inspections, weather monitoring, corrective action processes and the recording of documents associated with earthworks matters for the site. Where the primary contact person changes, the Council's Monitoring Officer shall be informed in writing as soon as practicable and within 5 working days.

Geotechnical

- 14. Prior to earthworks commencing, the Consent Holder shall forward to the Council's Monitoring Officer a letter of engagement from the Geo-professional, confirming availability to undertake the earthworks supervision, reviews and inspections required during the implementation of this consent.

No earthworks shall commence without the prior agreement of the Geo-professional.

15. Prior to earthworks commencing, the Consent Holder shall provide to the Council's Monitoring Officer an Earthworks Methodology Plan (EMP), which has been reviewed and approved by the Geo-professional. Any changes to the EMP are to be approved by the Geo-professional and notified to Council's Monitoring Officer prior to the earthworks being undertaken.

Works in Progress Conditions

Geotechnical Design & Methodology

16. The investigation, design and specification of subdivision earthworks, earthworks associated with the excess fill disposal area, and any earthworks within the reserve area shall be carried out or reviewed by the Geo-professional.

Note: The term 'geo-professional' refers to the definition supplied in Section 1.2.2 of NZS 4404:2010.

17. Where the Geo-professional is undertaking a review (and not the design) of sediment retention ponds and earth bunds under Condition 16, the review shall be limited to a geo-hazard assessment of the positioning (ground conditions evaluation) of these features. For the earthworks, including drainage and stabilisation measures (such as retaining walls, planting, subsoil drains and other stormwater devices) these shall be implemented and inspected during construction under the supervision of a Geo-professional.
18. Earthworks and slope re profiling (including within the reserve) shall be monitored by the Geo-professional.
19. Excess fill not suitable or able to be disposed of in the excess fill disposal area shall be disposed of at an alternative Geo-professional approved fill disposal area or an authorised landfill site.
20. Existing unengineered fill on the site shall be removed or replaced with engineered fill to form building platforms and subgrade for roads and services.
21. All earthworks shall be carried out in accordance with NZS4431:1989.
22. All fill foundations shall be stripped, benched and drained. All fill placed on ground sloping at greater than 1V:3H and all fill to support structures shall be placed in accordance with NZS 4431:1989.
23. The investigation and design of excavations in excess of 1.0 m deep shall be carried out or reviewed by the Geo-professional, including an assessment of the effect of excavation on global stability.
24. The investigation and design of fills in excess of 1.0 m high or any fill on ground sloping at more than 3H:1V shall be carried out or reviewed by the Geo-professional, including an assessment of the effect of filling on global stability.
25. The investigation and design of retaining walls shall be carried out or reviewed by the Geo-professional. All walls shall be adequately drained.

26. Where a rock lined channel (drain) is to be utilised as provisionally shown on the approved plans, it shall include:

- a "bed" of non-woven geotextile cloth (Bidim etc);
- selected large (typically minimum 0.7m dimension), angular, durable rock installed in an "interlocking fashion" i.e. carefully placed;
- any existing or anticipated seepages to be drained with sub-soil drains (e.g. megaflo or nexus) and the discharge point(s) controlled;
- installation supervision by a Geo-professional;
- plantings around it for stability, biodiversity functioning and aesthetics, which integrate with other existing and proposed plantings in the locality of the channel.

Note: Whilst a rock-lined drain is approved to be utilised if required in this case, use of alternative water sensitive design is encouraged. Please refer to the NTLDM and / or contact Council for further details.

27. No earthworks resulting in cut or fill faces shall be undertaken in any location which has not been addressed by the erosion and sediment control measures in the approved DESCP if rain is forecast in the period before measures can be implemented to secure the ground from the effects of overland flows.

28. Subsoil drains shall be designed and constructed so that they can be CCTV inspected and do not require monitoring and maintenance on an on-going basis. Where possible the subsoil drains should discharge to stormwater reticulation network manholes or sumps. Subsoil drains require specific geotechnical design.

29. Mitigation works shall be undertaken within the reserve to reduce the volume of potential landslip generation by planting of proposed cut batter faces, located immediately upslope of the walkway track.

30. Stormwater control measures within the reserve are to be implemented and maintained by the landowner (this includes the Consent Holder until vested to Council).

31. Batter slopes within the reserve are to be cut at 1V:2H to promote grass and vegetation growth where practical.

Note: Geotechnical Engineer to review cut slope angles.

32. Foundations for any bridge crossing over the rock lined swale drain in the reserve shall be investigated and designed by a suitably qualified Geotechnical or Civil Engineer.

Note: Additional consent(s) may be required for a bridge structure and should be obtained prior to commencing bridge construction, if required. Council Parks and Infrastructure departments should be engaged at any early stage for the walkway location and design, including for any bridge structure.

33. Design of the structural components for any bridge within the reserve shall be undertaken by a suitably qualified Structural or Civil Engineer.

34. Existing weak and compressible soil beneath the walkway track (including berm) within the reserve shall be removed or replaced with hardfill or concrete.
35. Earthworks within the reserve (including for any bridge) shall be monitored by a Geo-professional.
36. The planting of deep-rooted species (i.e. large trees) on engineered slopes shall be limited to the south facing engineered slopes – subject to them being kept clear (minimum 5 metres offset) of potential subsoil drain locations. Deep-rooted species shall not be planted on the north facing engineered slopes, nor within the fill disposal area north-west of Lots 421-424.

Note: *This does not preclude the planting of deep-rooted species outside of engineered/fill slopes in accordance with the approved planting plan.*

37. If at any stage in the implementation of this consent earthworks reveal adverse ground conditions, such as the presence of soft and/or water saturated ground, or layers of plastic clay; or evidence of slope movement is observed, all works shall be ceased immediately and the services of a Geo-professional shall be obtained. Subsequent works shall follow the recommendations made by the Geo-professional.
38. At no time during the works, including backfilling and drainage, shall the earthworks encroach onto any other property other than land owned by the Consent Holder.
39. The earthworks shall not detrimentally alter surface drainage from the site onto neighbouring properties.

Erosion and Sedimentation Controls

40. The control measures contained within the DESCPC shall be implemented (relative to the Earthworks Phases prior to the bulk earthworks commencing, and shall be maintained until such time that the Earthworks Phases relative to the controls have been permanently stabilised.

Notes: *Conditions 40 - 48 represent key components of the DESCPC controls to be undertaken, including some clarifications or requirements additional to the DESCPC, however all requirements in the DESCPC shall be followed.*

The control measures identified in the DESCPC include 2 x Sediment Retention Ponds (SRP), 2 x Decanting Earth Bunds (DEB), Clean and Dirty Water Diversions and chemical treatment (flocculent). The proposal also includes the use of GRT:Enviro-Binder & Conwed Fibers Hydro Mulch 2000 for assisting with soil binding. Associated discharge permit RM215209 sets out the parameters for use of these products in addition to use of flocculant in accordance with the CTMP.

41. The spillway for Sediment Retention Pond 1 (SRP1) shall not be directed toward 21 Tussock Place.

Note: *This may require the construction of a bund to direct flows southeast toward the secondary flowpath in the Marsden Cemetery.*

42. All SRP's and Decanting Earth Bunds (DEB's) shall have a dead storage capacity of 30% volume.
43. The Consent Holder shall clean out the sediment retention ponds and areas behind earth bunds before the volume of accumulated sediment reaches 20% of the total sediment retention volume.
44. The Consent Holder shall provide access to the sediment retention ponds and decanting earthbunds that allows for the removal of accumulated sediment when required.

Note: *The location, design and construction of these devices shall ensure that adequate access is able to be achieved to undertake all necessary operation and maintenance works to meet the conditions of this consent, and in a timely manner (i.e. required sediment removal to meet Condition 41 should not be delayed due to inadequate access).*

45. Temporary topsoil stockpiles shall not be within 20 metres of watercourses or adjacent external residential boundaries and shall not be higher than five metres. The location of the stockpiles shall be determined by the Project Manager, however the Council Monitoring Officer may request confirmation of the suitability of the location e.g. from the geo-professional and / or the Environmental Advisor and, where required, any recommendations by the geo-professional and / or the Environmental Advisor to move the stockpile shall be followed as soon as practicable to mitigate any associated risk.
46. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the earthworks authorised by this consent that, in the opinion of Council's Monitoring Officer, is considered to be unreasonable. In the event that an unreasonable deposition does occur it shall be removed as soon as identified. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater system or any receiving water courses.
47. The site shall be topsoiled and re-grassed progressively as earthworks are completed (including removal of the DESCP controls upon completion).

Note: *Additional planting requirements, including for batter slopes and other areas, are detailed in Conditions 59 – 62.*

48. Should the Consent Holder cease, abandon work on site, stop the works for a period longer than 14 consecutive days, or be required to allow time gaps in accordance with the proposed timeline, it shall first take adequate preventive and / or remedial measures to prevent sediment discharges, and shall ensure that any commenced earthworks are stabilised by either mulching or otherwise covering any exposed ground so as to minimise the risk of dust, erosion and sedimentation. These measures shall be maintained thereafter until the site soils have been reinstated to an erosion-free state as much as practicable.

Note: *The Consent Holder is advised to seek the advice of the Geo-professional on the appropriate method to be used to stabilise the site.*

DESCP Monitoring and Reporting

49. The reporting measures contained within the approved DESCP shall be implemented for the duration of the earthwork's activity, until such time that the site has been permanently stabilised.

Note: Conditions 49 – 55 represent key components of the DESCP monitoring and reporting to be undertaken, including some clarifications or requirements in addition to the DESCP, however all requirements in the DESCP shall be followed.

50. The Consent Holder shall ensure inspections are undertaken of the erosion and sediment control measures at least weekly and at least 2 days before a rain event that may exceed 25mm or more over a 24-hour period or 15mm per hour over the catchments.

51. Inspections of the erosion and sedimentation control measures shall occur after rain events that exceed 50mm or more over a 24-hour period or 23mm per hour over the catchments. The inspection shall check for failed control measures and identify any new risks found and corrective actions to be carried out.

52. Regular Clarity and pH monitoring shall be undertaken in accordance with section 9.3 of the DESCP. Where thresholds of water clarity greater than 100mm and pH between 5.5 and 8.5 for chemically treated devices are not achieved, remediation shall be undertaken in accordance with the DESCP and results made available to Council's Monitoring Officer within 2 days of request.

53. In a rainfall trigger event, additional pH and turbidity monitoring shall be undertaken as described in section 9.3 of the DESCP, at the specified locations. Where thresholds are exceeded, management responses shall be undertaken in accordance section 9.4 of the DESCP and results made available to Council's Monitoring Officer within 10 days of the event.

54. The Consent Holder shall ensure that environmental inspections, corrective actions, environmental incidents, weather forecasting and monitoring reports are recorded and held in a register. These shall be made available to Council's Monitoring Officer within 2 days of request.

55. In the event of any device failure, the measures specified in the DESCP section 9.4.2 shall be followed and the Council Monitoring Officer alerted within 24 hours.

Chemical Treatment

56. The activity shall be undertaken in accordance with the 'Chemical Treatment Management Plan' (CTMP) prepared by Southern Skies Environmental, dated June 2021, as appended to the DESCP.

Note: The CTMP includes (but is not limited to) system design and methodology for the site specific chemical treatment system using PAC and other chemical management (e.g fuel) on site. It includes monitoring and maintenance requirements; record keeping and reporting; storage, transport and handling; spill contingency; responsibilities and training. Associated discharge permit RM215209 sets out the parameters for use of

GRT:Enviro-Binder & Conwed Fibers Hydro Mulch 2000, in addition to the use of flocculant as covered by the CTMP.

Construction Noise and Hours of Operation

57. The Consent Holder shall comply with the following hours for earthworks construction activity including warm up and cool down of machinery:

- a) Earthworks or activities related to the earthworks subject to this consent shall only take place from 7:00am to 6pm Monday to Friday and Saturdays 8am to 6pm. No earthworks or associated works shall occur outside these times or on Sundays or public holidays.
- b) No warmup of machinery (including diggers, plant dump trucks and vibrating compactors shall occur prior to 7am on weekdays and 8am on Saturdays.
- c) Earthwork construction noise shall comply with maximum noise limits specified in the Construction Noise Standards (NZS 6803:1999).

Note: *Exceptions to the above-mentioned hours may be required for emergency remedial works or in relation to general safety issues on the site or adjoining sites relative to the proposed earthworks and / or sediment control measures, including repair after heavy rainfall. Any such works shall also be undertaken in accordance with the DESCP reporting requirements.*

Archaeological Sites

58. In the event of archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then notify the iwi of Te Tau Ihu and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320) and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

Note: *The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 needs an application to Heritage New Zealand Pouhere Taonga for an authority to damage, destroy or modify the site.*

If the site is of Maori origin, the Site Manager or Consent Holder shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, and shall ensure all statutory requirements under legislation are met (including Heritage New Zealand Pouhere Taonga Act 2014, and Protected Objects Act 1975).

Planting Plan

59. Within one month of earthworks activity commencing for Earthworks Phase 1, a Final Planting Plan shall be provided to the Council Monitoring Officer in general accordance

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 39 of 63

with the 'Planting Plan' prepared by Steve Parker, revised 2 April 2022, to the satisfaction of the Council's Manager Consents and Compliance, showing the following additional details:

- a) The staging of the plantings relative to each phase of the earthworks;

Note Plantings are required to provide visual mitigation of the landform changes from the bulk earthworks for the subdivision. Therefore, the plantings are required to be undertaken as soon as possible following stabilisation of the bulk earthworks relative to each Earthworks Phase (noting the three Subdivision Stages do not correspond directly with the four Earthworks Phases).

- b) Lot 513 shown as 'Local Purpose Reserve to Vest (Recreation)';

Note: The applicant has confirmed the provision (gifting) of this recreation reserve to vest to Nelson City Council at no purchase cost.

- c) The 'temporary cut batter' and the 'excess disposal area' on the balance land (Lot 514) to be grassed upon conclusion of earthworks (Earthworks Phase 4);

- d) A programme of establishment and 3-years post establishment protection and maintenance (EMPP) prepared by a suitably qualified person, including such matters as soil preparation, fertilising, weed removal/spraying, replacement of dead/poorly performing plants (including as a result of any damage to the plantings from site works), watering to maintain soil moisture, and pest management.

The EMPP shall be tailored to the specific planting requirements of each Earthworks Phase, where they may differ;

The Consent Holder must meet the costs of the production, acceptance, monitoring, implementation and review of the EMPP.

60. The Final Planting Plan and EMPP shall be implemented to the satisfaction of the Council's Manager Consents and Compliance.

Note: A 3-year timeframe is specified for the post establishment planting maintenance period relative to each Earthworks Phase. An associated bond is required in Subdivision Consent RM215206 for incomplete planting/maintenance relative to each Subdivision Stage.

61. Any subsequent review of the EMPP must be submitted to the Council's Manager Consents and Compliance.

Planting Plan (reserve Lot 513)

62. Prior to the planting of the reserve to vest (Lot 513), a Planting Plan shall be provided to the Council Monitoring Officer showing plantings and walkway layout details for the reserve to vest (Lot 513). This shall include a programme of establishment and 3-years post establishment protection and maintenance (EMPP), to the satisfaction of the Council's Group Manager Community Services. Once approved this plan shall be

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 40 of 63

implemented and the EMPP maintained for a 3-year period from the plantings being undertaken.

Notes: *With the exception of plantings for the reserve to vest (Lot 513) as required in this condition, plantings for Subdivision Stage 4B are tied to Subdivision Stage 4A, due to the Earthworks Phases 3 and 4 dissecting both Subdivision Stages 4A and 4B.*

Associated subdivision consent RM215206 includes additional considerations for the walkway design.

The planting of the reserve is timed with Subdivision Stage 4B but could be undertaken an earlier stage.

Post Earthworks / Ongoing Conditions

Decommissioning Erosion and Sedimentation Control measures

63. Prior to the removal of the Erosion and Sedimentation Control measures (for each of the two earthworks periods where separated) the Consent Holder shall remove any sediment within the controls and ensure it is disposed of in a manner in accordance with the DESC and in a manner that prevents the sediment from discharging into any waterway or the stormwater network.
64. The decommissioning of the DESC measures including sediment retention ponds and decanting earth bunds shall only occur once the earthworks within each respective catchment are fully stabilised or alternative appropriate sediment erosion control devices have been installed. No DESC controls shall be decommissioned without the prior agreement of the Council Monitoring Officer.

Geotechnical

65. Within one month of satisfactory completion of each Earthworks Phase, the Geo-professional shall submit a completion report and Statement of Professional Opinion as to suitability of the land for Building Construction and include any recommendations for the building development on the lots.
66. Upon satisfactory completion of any earthworks within the reserve Lot 513, the Geo-professional shall submit a Statement of Professional Opinion as to the suitability of any fill placed in accordance with NZS 4431:1989.

Review

67. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for any of the following purposes:
- (a) To modify existing conditions of consent relating to the effects of the activity on the environment.
 - (b) To require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect upon the environment, arising from the generated effects of the activity.

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 41 of 63

- (c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

ADVICE NOTES

1. Conditions of this consent have been imposed pursuant to Section 108 and 108AA of the Act.
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
3. It is possible that the activity could trigger the need for an archaeological authority (permit) under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA 2014).

Section 42 of the HNZPTA 2014 requires an authority be sought where the modification or destruction of an archaeological site is proposed (this includes a place that is reasonably suspected to be an archaeological site).

An archaeological site is essentially defined as any place in New Zealand (including any building/structure, or part of a building/structure) that was associated with pre-1900 human activity and may provide historical evidence through archaeological investigation.

4. It is important to determine whether or not the proposed work requires an authority prior to physical works commencing; if in doubt the applicant is advised to contact Heritage New Zealand Pouhere Taonga (Central Regional Office, Wellington). The HNZPTA 2014 contains penalties for unauthorised site damage.
5. 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.
6. 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.
7. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 42 of 63

8. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).
9. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

RESOURCE CONSENT

Resource Consent number RM215208:

Solitaire Investments Limited

The activity:

Buildings and Structures within the Services Overlay and Landscape Overlay and Schedule U and V – Structure Plans.

(This consent shall be read in conjunction with associated bundled consents RM215206 – Subdivision; RM215207 – Earthworks; RM215209 – Discharge Permit).

Location details:

Address of property: 12 Tussock Place, Nelson

Legal description: Lot's 502, 504 and 1001 DP 534671

Record of title: RT 894225

Lapse date:

Your consent will lapse on 12 September 2022 (eight years) unless you have given effect to it before then.

CONDITIONS

1. The activity shall be carried out in general accordance with the application lodged with Council on 9 July 2021, the further information received on 22/12/2021, 14/03/2022, 20/04/2022 & 6/09/2022, and the following conditions of consent. The development shall proceed in general accordance with the approved plans A - AAF.

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

Note: *The activity is required to be undertaken in 'general accordance' with the approved plans, which acknowledges that some changes to the plans will be required, e.g. as part of the detailed engineering design, in response to conditions of consent, as part of the s223 and s224 subdivision processes, to show Lot 623 on all relevant plans. The scope of such changes will be considered at the relevant time.*

2. The earthworks, servicing arrangements and landscape plantings for the activity shall be carried out in accordance with the conditions of associated bundled consents RM215206 – Subdivision and RM215207 – Earthworks.

Note: *Subdivision consent RM215206 also includes consent notice requirements pertaining to zoning and other matters, including building restrictions and landscaping requirements, for the future development of the residential lots approved by this bundle of consents.*

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 44 of 63

ADVICE NOTES

1. Conditions of this consent have been imposed pursuant to Section 108 and 108AA of the Act.
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
3. 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.
4. 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.
5. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
6. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).
7. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

RESOURCE CONSENT

Resource Consent number RM215209:

Solitaire Investments Limited

The activity:

To discharge sediment and chemical flocculant to land from a bulk earthworks site where it may enter water and to discharge GRT:Enviro-binder and Conwed Fibers Hydromulch 2000 to land as soil stabilisation controls where it may enter water.

(This consent shall be read in conjunction with associated bundled consents RM215206 – Subdivision; RM215207 – Earthworks; RM215208 – Land Use).

Location details:

Address of property: 12 Tussock Place, Nelson

Legal description: Lot's 502, 504 and 1001 DP 534671

Record of title: RT 894225

Location co-ordinates: E 1620828 N 5425419 (NZTM)

Lapse date:

This consent will lapse 12 September 2022 (eight years) unless you have given effect to it before then.

Discharge to Land

Primary Type	Point Source Y/N (Both)	Receiving Water Classification	Contaminants
Stormwater (Construction) Sediment, Flocculant (PAC), GRT:Enviro-Binder & Conwed Fibers Hydro Mulch 2000	Both	Freshwater Orphanage Stream Poorman Valley Stream	Sediment, Flocculant (PAC), GRT:Enviro-Binder & Conwed Fibers Hydro Mulch 2000

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 46 of 63

CONDITIONS

1. The activity shall be carried out in general accordance with the application lodged with Council on 9 July 2021, the further information received on 22/12/2021, 14/03/2022, 20/04/2022 & 6/09/2022, and the following conditions of consent. The development shall proceed in general accordance with the approved plans A - AAF.

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

Note: *The activity is required to be undertaken in 'general accordance' with the approved plans, which acknowledges that some changes to the plans will be required, e.g. as part of the detailed engineering design, in response to conditions of consent, as part of the s223 and s224 subdivision processes, to show Lot 623 on all relevant plans. The scope of such changes will be considered at the relevant time.*

Duration:

2. This consent shall expire within 2 years of commencement of Phase 1 earthworks under RM215207, except that where the earthworks are to be undertaken in two separate earthworks periods (as provided for in Condition 3.b and to be confirmed under Condition 8 of RM215207), this discharge is approved for a duration of 12 months for the first earthworks period (Phases 1 and 2) and a duration of 18 months for the second earthworks period (Phases 3 and 4), thereafter this consent will expire.
3. The Consent Holder shall advise the Council's Monitoring Officer in writing, at least 10 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number, RM215209.

Note: *Failure to notify the Council as stated in the above condition may result in enforcement action.*

Note: *The Consent Holder is advised that the Council applies annual environmental monitoring charges to resource Consent Holders to contribute to environmental monitoring and science costs. The costs for this consent will be \$60 annually from 1 July 2022 until the consent expires or works are completed. For further information please contact Council's Environmental Programmes Adviser.*

Application of this permit

4. This discharge permit is limited to the following contaminants released to land where they may enter water (Poorman Valley Stream and / or Orphanage Stream, including tributaries) during and following rain events:
 - a. Flocculant (polyaluminium chloride (PAC));
 - b. Soil binder (GRT Enviro Binder);

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 47 of 63

- c. Conwed Fibres Hydro Mulch 2000; and
- d. Sediment-laden water.

Methodology for Polyaluminium Chloride

- 5. The activity shall be undertaken in accordance with the 'Chemical Treatment Management Plan' (CTMP) prepared by Southern Skies Environmental, dated June 2021 (also referenced in associated earthworks consent RM215207, Condition 56).

Note: A specific CTMP by Southern Skies Environmental has been provided in the application for the use of flocculant, however this doesn't include use of GRT:Enviro-Binder & Conwed Fibers Hydro Mulch 2000. A number of measures are similar or compatible but there are also some specific requirements based on the product type, and the methodology for each is required to be followed.

Methodology for GRT:Enviro-Binder & Conwed Fibers Hydro Mulch 2000

- 6. The Consent Holder shall provide the manufacture instructions and best practice documentation for GRT: Enviro-Binder and/or Conwed Fibers Hydro Mulch 2000 if used to Council's Monitoring Officer at least 2 working days prior to the chemical(s) being used.
- 7. GRT: Enviro-Binder and/or Conwed Fibers Hydro Mulch 2000 shall be applied to the ground surface in accordance with the manufacturer's specifications and in general accordance with the Nelson Tasman Erosion and Sediment Control Guidelines 2019.
- 8. The discharge of GRT: Enviro-Binder and/or Conwed Fibers Hydro Mulch 2000 to the ground surface shall not occur during wind speeds of 10m/s or 36km/h or greater or when winds are forecasted to reach these speeds in the two hours prior to being applied to the surface.
- 9. Except for the spray application equipment and operators, all construction equipment, site vehicles and personnel shall be excluded from the spray application area until the soil binder has dried and set.
- 10. Upslope runoff shall be intercepted and diverted around the areas to be stabilised with soil binder so that upslope runoff cannot discharge under the leading edge of the treated area.
- 11. Spraying shall not occur within 2 hours of any forecast rain or within two hours after a rainfall event. Where an area has had soil binder applied and is then reworked at a later date, the soil binder-bound soils shall be incorporated into the engineered or landscape fill.
- 12. The Consent Holder shall ensure that:
 - (a) all practicable measures are undertaken to prevent spills of the soil binder; and
 - (b) there is no storage of soil binder within 20 metres of a surface water body.

13. In the event of a spill of soil binder with the potential to enter a waterway or stormwater system the Consent Holder shall:
- (a) clean up the spill as soon as practicable, inspect and clean the spill area, and take measures to prevent a recurrence; and
 - (b) inform the Council's Monitoring Officer within 24 hours of a spill event and provide the following information:
 - (i) the date, time, location and estimated volume of the spill;
 - (ii) the cause of the spill;
 - (iii) clean-up procedures undertaken;
 - (iv) details of the steps taken to control and remediate the effects of the spill on the receiving environment;
 - (v) an assessment of any potential effects of the spill; and
 - (vi) measures to be undertaken to prevent a recurrence.
14. Any soil contaminated with the soil binder as a result of a spill shall be disposed of at a facility authorised to receive such material and the Consent Holder shall provide Council's Monitoring Officer with written confirmation of such disposal upon request.
15. The Consent Holder shall keep a record of the following:
- (a) day, date, and time of any soil binder use;
 - (b) area sprayed; and
 - (c) application rate.

This record shall be provided to the Council's Monitoring Officer on request.

Water Quality

16. Except as approved by this consent and in conjunction with the requirements of associated earthworks consent RM215207, in undertaking the activity the Consent Holder shall not cause any effects on the Poorman Valley Stream and / or Orphanage Stream (and tributaries) that in the opinion of Council's Monitoring Officer result in:
- a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b) after reasonable mixing, any conspicuous change in colour or visual clarity that is not typical of ambient background levels at that time; or
 - c) any emission of objectionable odour.

Review

17. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for any of the following purposes:

- (a) To modify existing conditions of consent relating to the effects of the activity on the environment.
- (b) To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment, arising from the generated effects of the activity.
- (c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

ADVICE NOTES

1. Conditions of this consent have been imposed pursuant to Section 108 & 108AA of the Act.
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
3. 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.
4. This discharge permit is granted to the above-mentioned Consent Holder and relates to a particular location. Section 137 of the Act states that the Consent Holder may apply to the Council to transfer the whole or part of the Consent Holder's interest in the permit to any owner or occupier of the site in respect of which the permit is granted; or a local authority; but not to another site unless the consent or a rule in the Nelson Resource Management Plan expressly provides otherwise.
5. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
6. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).

7. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

DESCRIPTION OF PROPOSAL

The proposal is described in Section 3 of the AEE, as updated by subsequent further information responses provided.

In summary, the proposal seeks to subdivide the subject site into 40 residential lots, reserve land to vest (Lot's 513 and 623), roads to vest (Lot's 620, 621 and 622), and a balance lot (Lot 514).

Key details of the proposal (as updated during processing) include:

Subdivision

- The proposed lots for residential housing development will range in size between 380m² – 3,500m²;
- The subdivision will be undertaken in stages (Stages 3, 4A and 4B) with associated service easements where required. (The application has been amended during processing to provide the option for the earthworks and associated subdivision staging to be undertaken in two separate periods so that Subdivision Stage 3 and then Stages 4A + 4B can be implemented separately with time between the stages);
- The proposed road and residential lane are proposed to vest with Council (in conjunction with the relevant Subdivision Stages);
- Reserve land is proposed to vest with Council (described further below);
- The balance land (Lot 514) is proposed to be amalgamated with Lot 1001 (utility reserve to later vest with Council);
- Consent notice restrictions are proposed with respect to attenuation tanks for all the residential lots and the wastewater pump station for Lot 402 (described further below);
- Private land covenants are also proposed for the residential lots, which include a range of design controls for both buildings and landscaping on the individual lots;

Reserves

- Reserve land is proposed to vest with Council in conjunction with the relevant Subdivision Stages;
- Lot 513 is proposed to be vested to the Council (free of charge) for use as a recreation reserve, connecting with the utility reserve (Lot 1001, to later vest with the Council) with associated existing walkway along the valley;
- This recreation reserve will include a walkway and is proposed to be planted;

- A local purpose reserve (Lot 623) is also proposed between residential Lots 416 and 417 to provide potential future walkway access to the Marsden Cemetery;

Access

- The new road (Lot's 620 and 621) to vest will be constructed (in stages) as an extension of Quail Rise, with a residential lane (Lot 622) and private ROW's providing access to further lots;
- On-street parking, lighting, kerb and channel, and footpaths (road on both sides, one side for the residential lane) will be provided along the new road and residential lane;
- Temporary turning-heads will be provided for the road stages;

Servicing

- Reticulated water supply and wastewater will be provided to the new residential lots along the public roads and private ROW's;
- Fire hydrants will be installed within a maximum 135 metres to each lot;
- Lot 402 will have an individual wastewater pump-station;
- Stormwater reticulation will be provided to the majority of the residential lots along the public roads, with Lot 440 and those lots on the north side of the road via the existing stormwater detention pond to the east, except for Lot 402 to discharge to land, and the lots on the south of the road to the existing stormwater detention pond to the west (via tributary of Orphanage Stream in Lot 1001);
- Stormwater is to be discharged via an underground attenuation tank(s) for each lot, except Lot 402 where the tank(s) to mitigate flows to pre-development levels may be above ground, with a dissipation device at the outlet. Tanks are proposed to be installed at the time of lot development (with dwellings);
- Underground power and (fibre) telecommunications are proposed along the road and ROW corridors;

Earthworks

- Bulk earthworks are proposed in 4 Stages (Phases) with total cut of approximately 230,000m³ to a maximum depth of ~13 metres and fill of approximately 170,000m³ to a maximum depth of ~11 metres to create building platforms, engineered batter slopes, roads, for stabilisation and services installation;
- The proposed earthworks are sought to be undertaken in one earthworks period or two separate periods (i.e. with an in-active / dormant period between);
- Top-soil will be temporarily stock-piled and later reutilised;

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 53 of 63

- Surplus excavated material will be utilised (where appropriate) as engineered fill, deposited in an excess disposal area to a maximum of five metres, or otherwise removed from site to an authorised facility (an estimated ~450 truckloads will be required for removal and disposal);
- An existing stockpile of ~1,000m³ colluvium and topsoil will require removal with possible reuse of the top-soil component;
- A fill retaining wall (~1.5 metres high) will be constructed along the southern road for ~100 metres length to support the new road;
- Silt and sediment controls include a Dust, Erosion and Sediment Control Plan (DESCP) and use of a range of measures including sediment retention ponds (chemically treated e.g. flocculant use), decanting and perimeter earth bunds, sediment control fencing, clean and dirty water diversions, and surface stabilisation controls such as Enviro-Binder and Conwed Fibers Hydromulch;
- The works will be undertaken within construction noise and vibration standards using earthworks machinery such as excavators, moxy trucks and sheepsfoot rollers;
- Existing buildings will be removed when required to accommodate the proposed earthworks;

Discharge

- Discharge of contaminants (sediment and sediment control products) from sediment control devices to land where the discharge may enter water is included;

Landscaping

- Landscaping is proposed in conjunction with subdivision stages in accordance with a Planting Plan.

SITE DESCRIPTION

The site and surrounds are described in the associated Notification Report and Section 2 of the Assessment of Environmental Effects titled '*Quail Rise Stages 3-4, Quail Rise, Nelson, Resource Consent Application and AEE*' prepared by Kylie Galbraith of WSP, dated 7 July 2021.

PLAN RULES AFFECTED

According to the Nelson Resource Management Plan, the following apply to the subject property:

- Zoning: Residential (Standard) & Rural (Lower Density Small Holdings Area)
- Overlays: Schedules U & V, Landscape Overlay, Services Overlay, Land Management Overlay, HAIL

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 54 of 63

Rules:

Subdivision (Section 11) – RM215206

- The proposal involves Subdivision in the Services Overlay for the Residential Zone that is not accordance with all relevant standards. This is a **Discretionary Activity** under Rule REr.108.3.
- The proposal involves Subdivision in the Landscape Overlay for the Residential Zone that is not accordance with all relevant standards. This is a **Discretionary Activity** under Rule REr.109.3.
- The proposal involves Subdivision in the Services Overlay for the Rural Zone that is not accordance with all relevant standards. This is a **Non-Complying Activity** under Rule RUr.80.3.
- The proposal involves Subdivision in the Landscape Overlay for the Rural Zone that is not accordance with all relevant standards. This is a **Discretionary Activity** under Rule RUr.85.3.

Earthworks (Section 9) – RM215207

- The proposal involves earthworks greater than 4 metres depth in the Residential Zone. This is a **Restricted Discretionary Activity** under Rule REr.61.3.
- The proposal involves earthworks greater than 4 metres depth in the Rural Zone. This is a **Restricted Discretionary Activity** under Rule RUr.27.3.
- The proposal involves earthworks in the Landscape Overlay for the Rural Zone. This is a **Discretionary Activity** under Rule RUr.56.3.

Land Use (Section 9) - RM215208

- The proposal involves the creation of residential lots in the Residential Zone that do not achieve the minimum 400m² site area required. This is a **Non-Complying Activity** under Rule 23.3.
- The proposal involves the creation of residential lots for buildings in the Services Overlay for the Residential Zone that will require pump stations and / or on-site stormwater disposal services. This is a **Discretionary Activity** under Rule REr.63.3.
- The proposal involves the creation of buildings in the Rural Zone that do not comply with all permitted standards. This is a **Discretionary Activity** under Rule RUr.28.3.
- The proposal involves the creation of residential lots for buildings in the Services Overlay for the Rural Zone that will require pump stations and / or on-site stormwater disposal services. This is a **Discretionary Activity** under Rule RUr.49A.3.
- The proposal involves a structure (retaining wall) in the Services Overlay for the Rural Zone. This is a **Discretionary Activity** under Rule RUr.54.3.

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 55 of 63

- The proposal involves earthworks and subdivision activity that is not accordance with Schedule U – Marsden Plateau Landscape Area. This is a **Non-Complying Activity** under U.7.

Discharge (Section 15) - RM215209

- The proposal involves discharge of contaminants to land (construction stormwater, sediment, flocculant (PAC), GRT:Enviro-Binder and Conwed Fibers Hydro Mulch 2000) where they may enter water. This is a **Discretionary Activity** under Rule FWr.25.3.

Overall Status: **Non-Complying**

REASONS FOR THE DECISION

1 Assessment of actual and potential environmental effects

- 1.1 As detailed in the associated Notification Report to be read in conjunction with this Decision and summarised below, the Council considers that the adverse effects of the activity on the environment will be no more than minor and no persons are considered to adversely affected by this proposal. The applicant did not request the application be notified and there are not any matters that would warrant notification of the application under special circumstances. Accordingly, the application has been processed without public or limited notification under Section 95 of the Resource Management Act 1991.
- 1.2 As the effects of the activity on the environment are considered to be no more than minor, the proposal passes the 'gateway test' under s104D.
- 1.3 An Assessment of Environmental Effects (AEE) and Landscape and Visual Assessment (LVA) have been submitted with the application are reviewed by a Consultant Landscape specialist for Council. It is acknowledged that the existing rural character of the largely undeveloped, sloping pastureland will change and this will be evident from properties in the surrounds and the wider environment. The NRMP and structure plan (Schedule U & V) for the area however anticipate residential development in this general location. Whilst the landform changes resulting from the development will be substantial, the effects of the changes are considered to be mitigated by the measures proposed, including undertaking landscaping / revegetation relative to the earthworks stages to assist in integrating the landform changes from the bulk earthworks with the surrounds. In combination with further controls on building form and additional landscaping requirements at the time of site development, it is considered that the character and visual amenity effects of the subdivision development (and residential development that it facilitates) will be mitigated and a comparable balance of residential and rural (and recreation) land will be achieved in the context of the indicative outcomes which the structure plan envisages. Conditions of consent are included with regard to mitigation measures, including consent notices detailing building design restrictions

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 56 of 63

and landscaping requirements at the time of lot development (*Note: The applicant proposes to put building design controls on development of the residential lots by way of a private land covenant, which exceeds the design requirements Council has relied upon for mitigation. Only the design matters specified in this consent are relevant for the Council*);

- 1.4 The proposed land to be vested as reserve has been reviewed by Council's Parks and Facilities Activity Planner. Two areas of land are to be vested (where Stage 4A and 4B are implemented), which provides linkages to other public (and to be public) land in the surrounds. Conditions of consent are included with regard to the vesting of land, construction of a walkway, and planting requirements;
- 1.5 The earthworks will be undertaken in accordance with recommendations included with the Geotechnical Report, which has been reviewed by a Consultant Geotechnical Specialist for Council. This will ensure that appropriate stability will be achieved for the new lots, roads, batter slopes and reserve land and the potential for site works to affect the stability of adjacent land is mitigated. Earthworks will also be staged to limit the extent of 'open area' at one time and undertaken in accordance with best practices including a range of measures included within a Dust, Erosion and Sediment Control Plan (DESCP) providing an adaptable approach to mitigate effects of potential runoff and the potential for sediment and sediment binding agents to contaminate the downstream environment, including adjacent properties and watercourses. The risk to human health from use of sediment binding agents will also be mitigated through appropriate controls on use and following manufacturer specifications. Conditions of consent are also included with regard to the undertaking of earthworks and associated discharge from DESCP controls, during regular operation and upon the occurrence of a rainfall trigger event or device failure, including monitoring, reporting and remediation where required;
- 1.6 Construction activity (including earthworks) will also be temporary and undertaken in accordance with construction noise, vibration and hours of operation specified under NZ standards. A Construction Traffic Management Plan (CTP) will also be implemented to manage the potential effects of construction traffic on other users of the road network and adjacent properties;
- 1.7 Transport matters have been discussed in the AEE and reviewed by Council's Senior Transport Adviser. The proposed road connection to Quail Rise, lane and ROW's will provide practical access to the subdivision, with on street parking provided on the public road and lane. Transport conditions are included. The Senior Transport Adviser has noted that the road design will be relevant to potential future subdivision stages, and an advice note regarding the 'master plan' for the site has been included;
- 1.8 The proposed servicing arrangements have been reviewed by Council's Senior Engineering Officer. Suitable connections will be provided to service the development within the capacity of existing infrastructure, with all lots to include stormwater detention tanks and on-site stormwater disposal from Lot 402 to also be via a suitably designed dissipation device to prevent concentrated runoff to the

cemetery land below. Conditions of consent, including consent notices, are included to ensure the required servicing measures are implemented at the time of residential lot development;

- 1.9 The HAIL site recorded near the existing western terminus of Quail Rise has been remediated, and no effects are anticipated from residential development in this area.
- 1.10 Overall, the adverse effects of the proposal on the wider environment are considered no more than minor, and the effects on any person will be less than minor.
- 1.11 The proposal will also have the positive effect of providing additional options for housing development generally consistent with the structure plan for residential development on this greenfields land within the Nelson urban area, and providing for the amenity of future occupants.

2 Relevant statutory provisions

2.1 Resource Management Act 1991 (RMA) - Part 2 Matters

2.1.1 The Council has considered the purpose (s5) and relevant principles outlined in sections 6, 7 and 8 of the RMA.

2.1.2 Section 5 identifies the purpose of the RMA as:

The purpose of this Act is to promote the sustainable management of natural and physical resources.

2.1.3 Section 6 identifies the 'matters of national importance' that shall be recognised and provided for and Section 7 sets out the 'other matters' that particular regard shall be had to. Section 8 requires the principles of the Treaty of Waitangi to be taken into account.

2.1.4 I concur with the AEE that the proposal is consistent with these matters as it provides for a sustainable and appropriate use of the land resource in a manner that increases housing availability while ensuring effects on the environment and adjacent properties are suitably mitigated, as detailed in the above and below assessment.

2.2 National Policy Statement on Urban Development 2020 (NPS-UD)

2.2.1 The National Policy Statement for Urban Development (NPS-UD) 2020 aims to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities.

2.2.2 Overall the proposal is considered consistent with the NPS-UD in providing housing options within an area planned for residential development within the urban boundary of Nelson.

2.3 National Policy Statement for Freshwater Management 2020 (NPS-FM)

- 2.3.1 The fundamental concept 'Te Mana o te Wai' in the NPS-FM refers to the fundamental importance of water and the Objective includes a hierarchy of obligations for managing water, with fifteen associated Policies.
- 2.3.2 The AEE identifies several policies it considers particularly relevant to the proposal and that overall the proposal is consistent with the Objective and Policies of the NPS-FM.
- 2.3.3 At the time of application, the NRMP has not been updated to specifically give effect to the NPS-FM, which is required 'as soon as reasonably practicable'. Notwithstanding this the NPS-FM can be considered in the context of this application.
- 2.3.4 The proposal has the potential to result in discharge of contaminants to land where they may enter water, in particular as resulting from a rainfall trigger event, however the proposal seeks to minimise the potential for discharge and associated effects, and complies with the Nelson Tasman Erosion and Sediment Control Guidelines, which seek to reduce the potential for stormwater runoff from subdivision development activity. In this regard the proposal includes a suite of site management, monitoring and reporting requirements for both regular operations and for trigger rainfall events. The adaptive approach proposed also allows for adjustment and improvement of the DESC measures as part of the management response, to minimise the potential for effects on the downslope water courses. Any discharge of contaminants associated with the site activity that does occur will also be of a temporary nature during the earthworks activity, and predominantly intermittent within that period e.g during a rainfall trigger event. The earthworks will also be undertaken in stages to limit the extent of exposed area at any one time.
- 2.3.5 As such, I overall agree with the conclusions of the AEE and consider that the proposed activity is not contrary to the NPS-FM in seeking to manage the potential effects of the proposal on water whilst also providing for the development of the land to provide housing opportunities.

2.4 The Nelson Regional Policy Statement 1997 (NRPS)

- 2.4.1 The NRPS was approved in March 1997 and sets out how Council will achieve integrated management of the significant resource management issues of the area. The NRPS includes objectives and policies of regional significance in achieving the purpose of the RMA, and includes methods for implementing these provisions.
- 2.4.2 I overall concur with the AEE identification of key provisions under the NPS. In particular suitable servicing can be achieved; there are no natural hazards identified

on the site (the HAIL site has been remediated) and geotechnical requirements will ensure appropriate stability is maintained; amenity values and the landscape setting will overall be suitably maintained, potential effects on watercourses and the soil resource will be managed through using best practice DESC design; and the safety and efficiency of the transport network will be maintained.

2.4.3 The proposal is considered overall consistent with the NRPS.

2.5 The Nelson Resource Management Plan 2004 (NRMP)

2.5.1 The AEE provides a detailed assessment of the proposal with respect to the provisions of the NRMP. I generally concur with the AEE identification and assessment of key District Wide and specific Objectives and associated Policies, and provide the following summary discussion, adding DO16 Zones as relevant.

2.5.2 In summary, the subject site is not identified within any specific natural hazards Overlays with respect to DO2 Natural Hazards, although the sloping majority of the site is identified in a non-NRMP Slope Instability Susceptibility Area (in Council's GIS mapping). In this regard the proposal includes geotechnical requirements and conditions of consent have also been agreed by the applicant with respect to managing potential stability effects of the proposal with respect to the sloping nature of the land.

2.5.3 The site includes riparian margins with respect to DO6 Riparian and Coastal margins, however these are already earmarked to be vested with Council at a later date and limited works (rock-lined drain) are proposed in proximity to them, which will not materially impede public access. Pedestrian access is presently formed on the opposite side of the unnamed Orphanage Tributary to the site.

2.5.4 The proposal includes substantial change to the landform in terms of DO9 Landscape (and associated provisions e.g. the structure plan RE5), which have been an important consideration with respect to the proposal, as discussed in further detail above and in the Notification Report. Overall the effects of the changes are considered to be mitigated by the measures proposed, including undertaking landscaping / revegetation to assist in integrating the landform changes with the surrounds.

2.5.5 The proposed road layout is considered to suitably integrate with the existing network and provide for practical access to the new lots with respect to DO10 Land Transport System. (Further extension and possible connections to other roads within the surrounds will be important considerations for master planning further subdivision stages accessed via Quail Rise).

2.5.6 The site is identified within the NRMP for residential land use and a comparable balance has been achieved between rural and residential land-use activity, as envisaged in the structure plan. The proposed earthworks will be undertaken in accordance with geotechnical recommendations, an adaptive DESC and conditions

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 60 of 63

of consent to minimise the potential for erosion and loss of soil with respect to DO13 Sol Erosion and Sedimentation.

- 2.5.7 The proposed activity is within the existing urban boundary and includes land zoned for residential activity with regard to DO15 Urban Form. The future development of the residential lots is subject to specific design controls and where not in accordance with the applicable bulk and location requirements (including as varied under this proposal), further consideration will be required with respect to DO13A Urban Design. Site landscaping for each lot is also required at the time of site development.
- 2.5.8 The proposed subdivision of the land has been carefully considered, including with respect to the structure plan for the area outlined in the NRMP. With respect to DO14 Subdivision and Development, as above it is considered a suitable design has been achieved with respect to the site context and NRMP provisions, subject to mitigation measures to be undertaken, including through conditions of consent. The sites can be suitable serviced and accessed, as has been determined as integral part of the assessment process.
- 2.5.9 The proposal seeks to minimise the potential for effects on downslope watercourses through adaptive management and monitoring of the temporary earthworks activity and any associated discharge from the DESC measures. This has been carefully considered as above and the proposal is considered to be consistent with the NRMP provisions with respect to DO19 Discharges to Freshwater and Freshwater Quality.
- 2.5.10 As above and discussed in the AEE, the proposal is considered to achieve a balance between rural and residential land comparable to that set out in the structure plan for the area, which includes zoning of the land but provides for a degree of flexibility in overall layout. The proposal is considered generally consistent with DO16 Zones, RE1 Living Style, RE2 Residential Character, RE3 Streetscape, Landscape and Natural Features, RE5 Marsden Valley Plateau and Hills, and RU2 Rural Character. Some development controls apply to the lots with respect to building design, to ensure appropriate landscape outcomes are achieved, while maintaining some flexibility in building style, and following a similar theme to other subdivision development in the valley. This provides a level of integration whilst also reflecting the location of the residential development within a partly rural landscape setting.
- 2.5.11 Overall the proposal is considered consistent with the provisions of the NRMP.

3 Other matters

No other matters are considered relevant with respect to determining this application.

4 Section 106 of the Act

- 4.1 The proposed subdivision is to be undertaken in accordance with geotechnical requirements and will not be subject to significant risk from natural hazards.
- 4.2 Sufficient provision has been made for legal and physical access to the lots through the application, as discussed in the Notification Report and this Decision report.
- 4.3 There are no circumstances outlined in Section 106 of the Act (where consent may be refused) that apply to this proposal subject to compliance with conditions of this consent imposed under sections 108 and 220 of the Act.4.1

5 Section 105 & 107

- 5.1 The proposed activity includes the potential discharge of contaminants to land where they may enter water, therefore the Council has had regard to the matters outlined in sections 105 and 107 of the Act.
- 5.2 Due to the implementation of the DESCOP and associated conditions of consent agreed by the applicant, it is considered that all reasonable measures will be undertaken to prevent adverse effects from occurring on the wider environment and any discharge will be temporary.

6 Sections 108 and 220 of the Act

- 6.1 Conditions of consent have been recommended to ensure the proposed activity is undertaken in accordance with the application details and to ensure effects are appropriately managed, during earthworks and in the ongoing undertaking of the activity.

7 Overall Evaluation

- 7.1 The proposal will provide for increased housing opportunities on greenfields land within the existing urban boundary in an area generally identified for residential development.
- 7.2 Undertaking the activity as proposed and in accordance with the conditions of consent agreed by the applicant will ensure actual and potential adverse effects are appropriately mitigated and effects on the wider environment will be no more than minor and less than minor for any person.
- 7.3 Overall the proposal is consistent with the relevant statutory documents and provisions of the Act.

Reporting Officer: Chris Miles

Position: Principal Development Advisor

Signed



Date 12 September 2022

The decision to **grant** resource consent on 12 September 2022 is pursuant to delegated authority from Nelson City Council by:



Mandy Bishop

Manager Consents and Compliance

RM215206
RM215207
RM215208
RM215209

Notice of Decision

Page 63 of 63