

10 July 2019

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

Dear Richmond West Development Company Ltd

**Decision on Non-Notified Resource Consent Application SH180019 – Subdivision comprising 482 residential allotments, 2 commercial allotments and road, recreation and stormwater reserves to vest**

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

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

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

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

Yours sincerely



Angela Jones  
Consultant Planner

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## RESOURCE CONSENT DECISION

**Resource consent number:** SH180019

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

***Richmond West Development Company Ltd***

(hereinafter referred to as "the Consent Holder")

**Activity authorised:** Subdivision comprising 482 residential allotments, 2 commercial allotments and road, recreation and stormwater reserves to vest.

This consent is bundled with the following consents:

- SH180020 – Land Disturbance
- SH180021 – Water Take
- SH180022 – Land Use Consent
- SH180023 – Diversion of Stormwater, floodwaters and discharge
- SH180024 – Works in a Watercourse

### **Location details:**

Address of property: 37 and 91 McShane Road, Richmond  
Legal description: Section 16 SO Plan 455144, Lot 2 DP 467493, Lot 1, 7 DP 520567 and Section 9, 12-13 SO Plan 455144  
Certificate of title: 636068 and 821356  
Valuation number: 1957015509

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

### **CONDITIONS**

#### **General**

1. The subdivision shall be carried out in accordance with the following plans:
  - Scheme Plan prepared by Davis Ogilvie, titled '*Proposed Subdivision of Lot 2 DP 467493 and Sections 9, 12, 12 and 16 SO 455144*', File 37435, Drwg. No. 307, Sheet 1/6 Drwg. No. 306, Sheet 2/6 Drwg. No. 301, Sheet 3/6 Drwg. No. 302, Sheet 4/6 Drwg. 303, Sheet 5/6 Drwg. No. 304, Sheet 6/6 Drwg. No. 305 all issue N and all dated 06/19 and attached to this consent as Plan A, B, C, D, E, F, and G.

- Roading plans prepared by Davis Ogilvie, titled '*The Meadows – McShane Road, Richmond, Proposed Subdivision*', Drwg. Nos. RH1, RH2 and RH3 dated 12/18 and attached to this consent as Plan H, I, and J.

If there is any apparent conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.

## Staging

2. The subdivision shall be completed in the stages set out on the Scheme Plan prepared by Davis Ogilvie, titled "*Proposed Subdivision of Lot 2 DP 467493 and Sections 9, 12, 12 and 16 SO 455144*", File 37435, Drwg. No. 307, Sheet 1/6 Drwg. No. 306, Sheet 2/6 Drwg. No. 301, Sheet 3/6 Drwg. No. 302, Sheet 4/6 Drwg. 303, Sheet 5/6 Drwg. No. 304, Sheet 6/6 Drwg. No. 305 all issue N and all dated 06/19 and attached to this consent as Plan A, B, C, D, E, F and G.

### **Advice Note:**

Some flexibility is anticipated in the exact staging boundaries when progressing subdivisions of this scale and complexity. Notwithstanding this flexibility, the extent to which a variation is required will depend on the scale and nature of the changes sought.

## Lapsing of Consent

3. Under Section 51 of HASHAA, consent shall lapse as per below:

- Stages 1, 2 and 4 – 2 year lapse period;
- Stages 3, 5 and 6 – 3 year lapse period;
- Remaining Stages (7-14) – 7 year lapse period.

### **Advice Note:**

The opportunity to progress the 'remaining stages' will depend on the availability of potable water from the Council reticulation. As of the date of this consent there is water supply available for only 186 allotments/dwellings/users.

## Easements

4. Easements are to be created over any services located outside the boundary of the allotment that they serve and for any rights of way. Reference to easements is to be included on the Section 223 certificate and shown in a Memorandum of Easements on the survey plan required by Section 223 of the Act.
5. Easements in gross, in favour of Tasman District Council, are to be created over the location of individual wastewater pump stations within each allotment.
6. All existing easements over any land to vest in, or transfer to Council ownership, shall be cancelled.

## Street Names and Numbering

7. Roads within the development to vest with the Council shall be named (with Council approval) prior to the issue of a Section 223 certificate.
8. At least three different street names shall be submitted for Council consideration and approval (with reasons and backgrounds) prior to the issue of a Section 223 certificate.

Street names will be assessed on submission of the preferred list of names. Should none be offered with suitable background reasons then the Council will choose street names.

9. Street numbers will be allocated on the submission of engineering plans and prior to the issue of a section 223 certificate.
10. The cost of a nameplate plate/blade for any new street/pavement markings or private way sign shall be met by the Consent Holder on application to Tasman District Council. These shall be installed prior to any request for a Section 224(c) certificate.

### **Right of Way**

11. All rights of way as shown on the scheme plan, shall be formed, and permanently surfaced to the widths as set out below with kerb, channel, sumps and a maximum gradient of 1-in-5.

- Serving 2 to 4 users: 3.5m lane carriageway width with a legal width of 4m.
- Serving 5 or more users: 5.0m lane carriageway width with a legal width of 6m.

#### **Advice Note:**

The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat with asphaltic concrete required for the turning head and intersections.

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

### **Roading**

13. Roads to vest shall be in general accordance with plans prepared by Davis Ogilvie, titled '*The Meadows – McShane Road, Richmond, Proposed Subdivision*', Drwg. Nos. RH1, RH2 and RH3 dated 12/18 and attached to this consent as Plan H, I, and J. Any changes to these roading plans will be approved through the Engineering Plan approval process.

#### **Advice Notes:**

- Road E, where this passes Lots 600 and 601, the footpath shall require specific design of car parks, footpaths and landscaping, including feature sculptures/art and communal seating, etc.
  - Recessed parking, threshold treatments, kerb buildouts are subject to Engineering design approval at various locations.
14. The two road connections onto McShane Road (Lot 700 and 707) shall be formed with a right turn bay to "Motsam" standard (not Austroads) being for an 80km/hr speed zone and 3.5m lane width.
  15. The intersection of road allotment 716 with McShane Road shall be constructed with appropriate tapers/widening to accommodate a future right turn bay.
  16. The termination of road allotment 700 at its eastern end shall be formed with an appropriate barrier and landscaping which will remain in place until such time the Borck Creek crossing is constructed. The details of the vehicle barrier and landscaping

must be approved as part of the Engineering Plans within the stage that vests and forms this section of road.

17. Lots 502, 503, 504, 505 506 and 511 shall include a formed meandering concrete footpath with a minimum width of 1.5m and shall incorporate low level planting where necessary and shown on the landscaping plans. Pedestrian access bridges over the Local Purpose (Utility) Reserve must be constructed to link into these paths and with the adjoining transportation network at no cost to the Council. Structures must be certified (PS4) prior to the issue of a Section 224 certificate for each stage and the design shall be approved by the Engineering Services and Reserves and Facilities Manager.
18. A turning area incorporating parking between Lots 404, 387, 384 shall be shown on the Engineering Plans.
19. Lots 482 and 306 are the only allotments that will have vehicle access onto Road B (Drwg. RH1 attached as Plan H.)
20. A new access will be provided into Lot 1 DP 467493 and the existing crossing to the commercial activity on McShane Road permanently closed.
21. All intersections with Berryfield Drive (Road A) shall have a carriageway surface texture different to either chip seal or asphaltic concrete to denote that users are entering a slow speed environment.
22. Lot 700 (Road to Vest) must provide allowance for future bus stops on both sides of the road alongside Lots 385/386 and Lot 507.
23. The McShane Road frontage to the subdivision does not need to be upgraded, however the berm area from the carriageway to the allotment boundaries shall be in a grassed, level and tidy state except where the right turn bays are to be constructed. A concrete footpath must be constructed along the McShane Road frontage to Lots 262 to Lot 474 prior to Section 224 certificate for Stage 8. The footpath must be at least 1.5m wide and 0.6m from the adjoining allotment boundaries.

**Advice Note:**

This footpath is to allow residents to safely walk along McShane Road in the interim before full construction of road is carried out by Council in future years.

24. A 2m high acoustic fence shall be constructed on the McShane Road frontage of Lots 235, 238, 239, 242, 243, 246, 247, 250, 251-255, 257-262, 283-296, 300, 301, 304-306, 482, 479, 478, 475, 474, 473, 472, 459, 458, along the common boundary of the adjoining Lot 1 DP 467493 of Lots 255-251, 257-261 and along the common boundary of the adjoining Lot 5 DP 20409 of Lots 472-474, 458 and 459, prior to Section 224(c) certification. The fence construction must be consistent with the following:
  - a surface mass of at least 10kg/m<sup>2</sup>;
  - be continuous with no gaps or cracks;
  - for timber fences this will require palings to be well overlapped (25mm minimum) of a "board and batten" system and a sleeper rail connecting the base of the palings to the ground;

- suitable fencing materials which will be accepted include 25m timber, 9mm fibre cement, 21mm plywood, masonry and concrete.

**Advice Note:**

The acoustic fence may be constructed in the stages prior to Section 224(c) for each stage of the subdivision.

25. Kerb, channels and sumps shall be installed in accordance with the Tasman District Council Engineering Standards 2013. Turning heads shall be designed for larger service vehicles anticipated in the residential environment. Mountable kerbs are supported in access roads/paths and will be required when adjacent to on-road indented car parks.

**Advice Note:**

Asphaltic concrete would be acceptable.

26. Secondary flow paths shall continue through the subdivision and discharge via roads and to an erosion-protected swale/path and discharge areas in accordance with the "Post-Development Catchment" Plan CSW2/C dated 01/19.
27. The McShane Road new drainage swale/pipes shall be designed for a Q100 capacity and aligned adjacent to the existing road carriageway and design to be determined at Engineering Plan stage. Any increase in this may require the swale to be piped or an increase width vest with the Council. The design must allow for planting along the bank edges.
28. Roundabouts must be provided at the following intersections and shall require special design shown on the engineering plans:
  - Between Lots 82, 83, 392 and 428;
  - Between Lots 507, 198, 271 and 509;
  - Between Lots 309, 308, 467 and 517;
  - Between Lots 55, 119, 135 and 118.

**Access**

29. Practical access shall be constructed to each lot at a maximum grade of 1 in 6 and complying with the Tasman District Resource Management Plan and the Tasman District Council Engineering Standards 2013.
30. A kerb crossing shall be formed for each lot in the subdivision with pram crossings at the street intersections where required. At least 7m is required between crossings on road frontages.

**Vesting of Public Assets**

31. Lots 700 – 716 of the subdivision shall vest in Council as road. The consent holder shall meet all costs associated with the vesting of these roads.
32. Lot 500 - 511 of the subdivision shall vest in Council as Recreation Reserve. The consent holder shall meet all costs associated with the vesting of these reserves.
33. Lot 800 - 806 of the subdivision shall vest in Council as Local Purpose (Utility) Reserve. The consent holder shall meet all costs associated with the vesting of these reserves.

34. Lots 1 and 2 shall vest in Council as road if required for future roading connections subject to Engineering Manager approval and compensation for the required land.

### **Water Supply**

35. A water connection shall be provided for Lots 1-482, 500, 501, 507, 508, 517, 519, 600 and 601 in accordance with the Council's Engineering Standards 2013.
36. Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed, and a water meter and approved housing box shall be provided for Lots 1-482, 500, 501, 507, 508, 517, 519, 600 and 601. The main connection shall be via the existing 375mm line on Berryfield Drive (east side of Borck Creek) and continue with the likely 200mm main through to McShane Road (confirmation required with Engineering Plan approval). The location and details of each meter shall be recorded on the Tasman District Council's standard Water Meter Location form and submitted to the Tasman District Council for approval.

#### ***Advice Note:***

Any existing water meter(s) servicing the site shall be disconnected.

### **Sewer**

37. A sewer connection shall be provided for Lots 1-482, 600 and 601 in accordance with Council's Engineering Standards 2013.
38. Full sewer reticulation discharging to Council's reticulated main/manhole at the intersection of Headingly Lane and Lower Queen Street, shall be installed complete with any necessary manholes/inspections/valves. This may include work outside the subdivision to connect to or upgrade existing systems.
39. The subdivision is to be serviced by a low-pressure reticulation system with individual pump stations ("Ready to Go" E One Pump unit) on each lot. The pump station location on private property shall be secured via an easement in gross in favour of Council (for residential allotments only) with the landowner responsible for power costs. The controllers are to be held by the consent holder and passed on to the builder for installation and to be attached to the future houses in close proximity and with easy unrestricted access from the road for Council's contractor.

#### ***Advice Note:***

For the avoidance of doubt, this condition relates to the residential lots only.

40. Any existing septic tanks/redundant pipes/waste products within the lots shall be removed.
41. The wastewater reticulation shall be constructed/and sized to be able to accept flows from upstream of the development, including adjacent to the development on the other side of McShane Road, and pipework installed along/to the upstream boundary such that new roads do not need to be re-excavated in the near future.

### **Stormwater**

42. A stormwater connection shall be provided for Lots 1-482, 600 and 601 in accordance with Council's Engineering Standards 2013.



43. A full stormwater reticulation via the open drain and pipe network discharging to Borck Creek shall be installed complete with all necessary manholes, sumps, and inlets. This may include work outside of the subdivision. The primary stormwater network, including the pipe network and open channels where applicable, shall, as a minimum, have capacity to accept Q20 post-development flows, including existing overland flows from the upstream catchment. The secondary stormwater network, including the central swale, overland flow paths, and McShane Road drain shall, as a minimum, have capacity to accept Q100 post-development flows, including existing overland flows from the upstream catchment. Where the Council requires additional capacity to be provided within the stormwater network, the Council shall compensate the consent holder for the marginal cost of providing this additional stormwater capacity subject to a competitive tendering.
44. The secondary flow paths are to be protected by easement and to be shown on the engineering plans.
45. The stormwater diversion structure on McShane Road near Lot 474/475 shall be designed that all flows up to Q20 primary flows shall be directed to Borck Creek along the easement/ROW/Road and then via Lot 506.
46. Stormwater outlets in Borck Creek shall be extended from the boundary and terminate with a suitable discharge structure. The design of the discharge structure and its termination point beyond the boundary will be approved through the Engineering Plan approval process.

#### **Filling of Lots**

47. Each lot shall be filled if required to ensure that:
  - (a) all finished ground levels are at least 50mm above the top of kerb level of the road that the lot is draining to, or to the satisfaction of Council's Engineering Manager; No filling shall spill over into Council's future reserves.
  - (b) there is continuous fall towards the road or right of way that the lot drains to, where appropriate;
  - (c) stormwater flows from a 1 in 100-year flood event do not cross the lot; and
  - (d) secondary flow paths are created within public owned areas or protected by suitable easements.
48. If filling obstructs the natural run-off from an adjoining property, then provision shall be made for the drainage of that property.

#### **Cabling**

49. Underground power and telecommunication cables or duct infrastructure shall be provided (at the consent holder's expense) to the boundary of all lots (Lot 508 shall be provided with a power connection, all other Recreation and Local Purpose (Utility) Reserves do not require connections) to the standard required by the supply authority and in accordance with the Tasman District Council Engineering Standards 2013. The overhead lines traversing the site and along the McShane Road frontage shall be removed/undergrounded. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that power and telephone cabling or duct infrastructure has been installed to the boundary of all lots. The written confirmation shall be provided prior to a completion certificate being issued

pursuant to Section 224(c) of the Act. The replacement of the existing overhead power lines along the McShane Road frontage to the site with underground power cables must be undertaken prior to section 224(c) certification for the stage of the development that it adjoins or at the time the Council upgrades McShane Road, whichever occurs first.

**Advice Note:**

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

50. Any easements required to protect access to services shall be duly granted or reserved.

### **Electricity**

51. Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "Road to Vest" on the survey plan if adjacent to a road or road to vest and indented into the property in accordance with the Tasman District Council Engineering Standards 2013.

### **Street Lighting**

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

**Advice Note:**

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

### **Landscaping**

53. Landscaping/amenity planting along the McShane Road frontage to the site is required to mitigate the visual effects of the 2m high acoustic fence required under Condition 24. This landscaping should be low maintenance while achieving to visually break up the expanse of the acoustic fence.
54. The linear road reserve (Lot 700) shall be landscaped, incorporating a shared path, as set out on the Landscaping Plan prepared by Canopy and submitted with application SH180019.
55. Landscape planting must be provided in the stormwater channel within Lots 800-806 to allow for minimum maintenance of the batter slopes.
56. A detailed Landscaping Plan shall be prepared by a qualified landscape architect, submitted to the Council and approved through the Engineering Plan approval process, for the landscaping required under Conditions 52 to 54 above. All planting must be undertaken prior to section 224 certificate and maintained by the consent holder for a period of 2 years from when the road is vested with the Council or from when the landscaping is undertaken with respect to the landscaping/amenity planting on McShane Road.

## **Engineering Plans**

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

## **Engineering Works**

58. All engineering works shall be designed and constructed to comply with the conditions of consent, the accepted engineering plans and the Tasman District Council Engineering Standards, or where the Tasman District Council Engineering Standards are not complied with, to the Council's Engineering Manager's satisfaction (but do not derogate from the conditions of this consent).

## **Engineering Certification**

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

## **Fill Certification**

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

## **Site Certification**

61. Certification that a site has been identified on each new allotment suitable for the construction of a residential building shall be submitted from a geo-professional for the subdivision. This certificate shall define the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2010 Schedule 2A. Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 required by Condition (68) below, prior to the issue of the Section 224(c) certificate for each stage.

### ***Advice Note:***

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

## **Defects Bond**

62. The Consent Holder shall provide Council with a bond to cover any defects arising in assets after they have been vested with Tasman District Council as per the Engineering Standards. The amount of the bond per stage shall be \$1,500 per lot up to a maximum of:

- \$30,000 for each stage; and
- \$250,000 in total at any point in time for all stages.

The bond shall run for a period of 2 years from the date of issue of 224(c) certification for each stage of the subdivision. The consent holder shall pay a non-refundable bond administration fee of \$150 for each bond.

### ***Advice Note:***

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

## **Landscaping Bond**

63. A cash deposit or secured bond must be paid/entered into prior to the issue of 224(c) certification to ensure all landscaping works are maintained. This includes the landscaping within the linear road reserve within Lot 700, street trees and the mitigation landscaping along McShane Road.

### ***Advice Notes:***

An estimate of costs prepared by a suitably qualified person must be presented to, and approved by, the Council. The value of the cash deposit or secured bond will be based on the estimated value of these landscaping maintenance works plus 50 per cent.

The deposit will be refunded/bond discharged, at the end of the 2 year landscaping maintenance period.

## **As-Built Engineering Plans**

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

## **Hours of Construction**

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

## Financial Contributions for Reserves

67. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with the following:
- (a) the amount of the contribution shall be 5.62 per cent of the total market value (at the time of subdivision consent is granted) of 482 residential allotments and 2 commercial allotments.
  - (b) the Consent Holder shall request in writing to the Council's Consent Administration Officer that the valuation be undertaken prior to or at application for Section 224 certificate for each stage. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost. The consent holder shall receive one free valuation for the development (not per stage);
  - (c) if payment of the financial contribution within any stage is not made within 2 years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.62 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within 2 years of any new valuation.
  - (d) A credit shall be provided for the two existing separate certificates of title within the land being subdivided at 224 certificate approval for the relevant stage. The value of the credit shall be calculated as the average of the total value of all sections within the relevant stage of the subdivision.
  - (e) A credit shall be provided for all lots to vest as recreation reserve within the relevant stage of the subdivision, except for Lots 503, 504, 506 and the reserve between Lots 384, 385 and 386 required by Condition 21, where a 50% credit shall be provided within the relevant stage; and

### **Advice Note:**

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

## Consent Notices

68. The following consent notice shall be registered on the Computer Freehold Register for Lots 1-482, 600 and 601 contained within the subdivision pursuant to Section 221 of the Act. The consent notice shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notice shall be paid by the Consent Holder.
- (a) Future development of Lots 1-482, 600 and 601 must be undertaken in accordance with Resource Consent SH180022. Non-compliance with this resource consent will require an additional resource consent.
  - (b) The construction of any future buildings on Lots 1-482, 600 and 601 must not exceed four storeys and 12m in height. This condition is to ensure compliance with the qualifying development criteria of the Richmond West (The Meadows) Special Housing Area. This does not override the height of the buildings approved in resource consent SH180022 unless a further resource consent is obtained.

- (c) Any limitations listed within the site certification required by Condition (61) above.
- (d) Lots 1-482 will be serviced by a low-pressure sewer system where the pump station will be owned by Council and an easement will allow access to the site. Owners will install a power board unit on the side of the dwelling and will allow unrestricted access to the board for Council or Council contractors. Power for the pump station is to be supplied and paid for by the home owner.
- (e) Fencing and planting along a reserve boundary or adjoining Borck Creek must be maintained at a maximum height of 1.2m above ground level (including the height of any retaining walls) to maintain passive surveillance over these adjoining reserve/recreation spaces. This restriction relates to Lots 5-19, 62-82, 115-118, 160-161, 173-179, 428-451, 358-385 and 452 to 458. Any fencing or planting on a side boundary (that does not front a reserve) and is immediately perpendicular to Borck Creek or any other reserve must taper from no more than 1.2m to a height not exceeding 1.8m, reaching that height no closer than 5 metres from the Borck Creek frontage or other reserve frontage.
- (f) A 2m high acoustic fence, along the McShane Road frontage, shall be maintained with a surface mass of at least 10kg/m<sup>2</sup> and also be continuous with no gaps or cracks, at all times. This relates to Lots 235, 238, 239, 242, 243, 246, 247, 250, 251-255, 257-262, 283-296, 300-301, 304-306, 482, 479, 478, 472-475, 458 and along the common boundary of the adjoining Lot 1 DP 467493 of Lots 255-251, 257-261 and along the common boundary of the adjoining Lot 5 DP 20409 of Lots 472-474, 458 and 459.
- (g) That the consent holder shall comply with the Noise Assessment Report dated 3 August 2018 prepared by Acoustic Engineering Services (ref: AC18211-02-R2) submitted with SH180022, specially the following shall be complied with (but not limited to):
  - i. Prior to, or at the time an application is made for building consent for residential dwellings/units (on Lots 1-482) the plans shall show where the ventilation units is in the dwelling /unit ensuring that such dwelling/unit houses are capable of internal ventilation at night, such that ventilation may take place without opening windows;
  - ii. That all residential dwelling/units be orientated, screened, sited or acoustically insulated, to minimise internal noise levels and meet a night (9.00 pm - 7.00 am) of 30dBA LA<sub>eq</sub> (15min) and 45dBLAF<sub>max</sub> with the ventilation system required in condition (g(ii)) above operating; and
  - iii. Prior to, or at the time an application is made for building consent, the owner must provide a report to the Team Leader, Compliance Monitoring, from a suitably qualified acoustic expert that demonstrates the building consent design will meet the requirements of Conditions g(ii) and g(iii) above.
- (h) Prior to the occupation of any dwelling/unit, a report prepared by a suitably qualified acoustic expert must be provided to the Team Leader, Compliance Monitoring, confirming the construction of all residential dwellings/units has been undertaken in accordance with the report provided in conjunction with Condition (g) above.

**Advice Note:**

The consent holder may provide one report from a suitably qualified expert to collectively confirm compliance with clauses (g)iii and (h) above. This report may also collectively demonstrate compliance for more than one proposed dwelling.

- (i) Lots 235, 238, 239, 242, 243, 246, 247, 250, 251, 262, 283-296, 300, 301, 304-306, 482, 479, 478, 475 and 474 shall not have any direct pedestrian or vehicular access to McShane Road.
- (j) Lots 83-92 shall have no vehicular access to Lot 700.
- (k) Lots 1-482 shall accommodate no more than one residential dwelling/household unit and shall not be further subdivided.

### **No Complaints Covenant (Volunteered)**

69. A no complaints covenant in favour of Nelson Pine Industries shall be registered on the Computer Freehold Registers of Lots 1-482. All costs associated with the covenant shall be paid by the Consent Holder.

## **ADVICE NOTES**

### **Council Regulations**

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

### **Other Tasman Resource Management Plan Provisions**

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

### **Consent Holder**

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

### **Cultural Heritage**

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

obtained from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014.

## Street Numbering

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

## Development Contributions

6. Council will not issue the Section 224(c) certificate in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy. The Development Contributions Policy can be found on Council's website and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full. A Development Contribution Notice will follow this decision outlining the requirements for payment.

## Existing Bores

7. If existing bores within the site are no longer required then they must be capped off and made redundant. The existing surface take from Borck Creek shall be removed and all related infrastructure removed from Council land. The Consent Holder shall notify Council's Resource Scientist (Water) upon completion of these works.

## REASONS FOR THE DECISION

### Proposed Activity

A full and accurate description of the proposal is contained within Section 2.3 of the application and that should be read in conjunction with this report. A copy of the masterplan of the proposed Stage 3 development of the SHA is shown in Figure 1 below.



Figure 1: Masterplan of qualifying development (note North point rotated -90 degrees)



The overall proposals comprises the subdivision of the site to create 482 residential allotments which will each accommodate one residential unit. Residential allotments range in size starting from around 220m<sup>2</sup> up to 837m<sup>2</sup>. Of the 482 residential allotments, 96 include a submitted house design approved under this decision.

The proposal also includes a commercial hub (comprising Lots 601 and 602) which is to sit alongside the proposed terraced housing units (SH180022).

A range of different reserves are also proposed to be located throughout the development, with greenways, linkages and recreation reserves.

Earthworks are required as part of the development (SH180020), to establish stormwater swales and to recontour the land accordingly to manage the risk of flooding. The works are to include, minor grading, topsoil stripping, bulk cutting and bulk filling. Trenching for services will also be required.

The development is to be completed in 14 stages as outlined in paragraph 2.3.14 of the applicant's AEE.

The application has included a number of proposed building designs (SH180022) for the terraced and duplex housing. There are a range of typologies for both terraced and duplex designs, including two and three-bedroom options. The remaining allotments will be sold as vacant allotments available for future residential development.

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

Access to the site will be via one of three accesses from McShane Road, or via the bridge that is proposed to be constructed over Borck Creek, which will connect the western end of Berryfield Drive to the eastern end. The bridge across Borck Creek does not form part of the application. There will be a number of internal roads and rights of way to ensure each lot has physical and legal access. Each allotment is capable of accommodating at least two on-site car parking spaces, and there will be a number of on-street parking spaces.

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

In addition, consent is sought to take groundwater (SH180021) in order to dewater excavated areas as necessary to ensure dry working conditions. The amount of water removed will depend on a number of variables such as length and depth of open trench, and subsurface geology.

Works will also be required in the roadside drain along McShane Road to resize the channel, and to install a diversion structure.

Resource consent (under the RMA) for land disturbance and water take for Stages 1, 2 and 4 have been unbundled and granted resource consent under RM190225 and RM190334.

This consent specifically relates to the subdivision aspect to the proposal.

Section 51(a)(iii) of HASHAA states that the default lapse period of resource consents is 1 year. The application proposes that the land use consent will commence upon issue of the Record of Title for each allotment and will lapse three years from that date.

## **Tasman Resource Management Plan (“TRMP”) Zoning, Area, and Rules Affected**

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

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

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

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

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

### **Relevant Statutory Provisions**

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

- (a) *The purpose of HASHAA;*
- (b) *Part 2 of the RMA;*
- (c) *Any relevant proposed plan;*
- (d) *Any relevant consideration arising under sections 104 to 104F RMA (were the application being considered under that Act);*
- (e) *Any other relevant enactment;*
- (f) *The key qualities set out in the Ministry for the Environment’s “Urban Design Protocol” 2005 and any subsequent editions of that document.*

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

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

### **Section 34(1)(a) The Purpose of HASHAA**

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

The development is for a subdivision to enable residential development comprising 482 residential dwellings in total. The development will therefore increase the housing supply in the Tasman region meeting the purpose of HASHAA.

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

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

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

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

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

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

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

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

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

With a holistic consideration of the proposal, I consider the development to be consistent with sections 5, 6 and 7 of Part 2 of the RMA. The proposal will not conflict with any of the

protection and preservation requirements of national importance as detailed in section 6 of Part 2 of the RMA and the proposal is not considered inconsistent with the principles of the Treaty of Waitangi.

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

There are no relevant proposed plans.

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

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

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

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

- Transportation effects;
- Landscape effects;
- Servicing infrastructure effects;
- Construction effects;
- Cultural heritage and archaeology effects;
- Rural productive values;
- Loss of mixed business land;
- Cross boundary effects;
- Effects on the adjoining reserve;
- Earthworks effects;
- Water take effects;
- Discharge effects;
- Works in a watercourse;
- Diversion of water, stormwater and floodwater;
- Land contamination; and
- Reverse sensitivity effects.

Some of these matters relate to the land use, land disturbance, water take and works in a watercourse aspects of the proposal (ie, SH180020, SH180021, SH180022, SH180023 and SH180024) and are not relevant to SH180019, such as, loss of mixed business land, cross boundary effects, effects on adjoining reserve, earthworks effects, water take effects, discharge effects, works in a watercourse and the diversion of water.

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

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

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

- National Environmental Standards;
- National Policy Statements;
- the New Zealand Coastal Policy Statement;
- the Tasman Resource Management Plan.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) is relevant to this proposal as the site has previously been associated with the following activities on the Hazardous Activities and Industries List (HAIL). This matter is relevant to this consent where consent is required for the subdivision of HAIL land as a Controlled Activity under the NES. The application has been assessed by the Council's Resource Scientist (Contaminations) who has raised no concerns with respect to the subdivision. Any necessary conditions with respect to soil disturbance are dealt with through the consent SH180020.

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

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

#### *Section 104(1)(c) – Other Matters*

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

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

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

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

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

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

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

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

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

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

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

It is however noted that the Council can currently only supply enough water to service 186 dwellings. The staging of the development has therefore being proposed to reflect to the anticipation of future water supply.

The conditions of consent, including those relating to the provision of roading, stormwater and infrastructure (including undergrounding of electricity) have been accepted and agreed by the applicant.

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

### **Section 35 - Sections 105 to 107 of the RMA**

Sections 105 and 107 of the RMA relate to discharge permits and coastal permits and are therefore not relevant to this consent. Any relevant discharge matters are assessed as part of SH180023.

Regarding Section 106 of the RMA, there is nothing to suggest that the land to be subdivided is subject to a significant risk from natural hazards. All allotments will have legal and physical access to legal road.

### **Financial and Development Contributions**

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

### **Lapse Period**

Section 51 of HASHAA sets a default lapse period of 1 year. The applicant has requested the following lapse periods:

- Stages 1, 2 and 4 – 2 year lapse period;
- Stages 3, 5 and 6 – 3 year lapse period;
- Remaining Stages – 7 year lapse period.

These lapse periods are considered appropriate to both give effect to HASHAA and giving consideration to the availability of water supply.

### **Conclusions and Recommendations**

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



Angela Jones  
Consultant Planner

This recommendation is accepted and the consent approved on 10 July 2019 under delegated authority from Tasman District Council by:



Annie Reed  
Team Leader – Subdivision Consents





**McSHANE ROAD**

**Section 9**  
SO 455144  
DP 455144

**Section 12**  
SO 455144  
DP 455144

**Section 13**  
SO 455144  
DP 455144

**Section 16**  
SO 455144  
DP 455144

**Lot 1**  
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**Lot 2**  
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# Plan C - SH180019

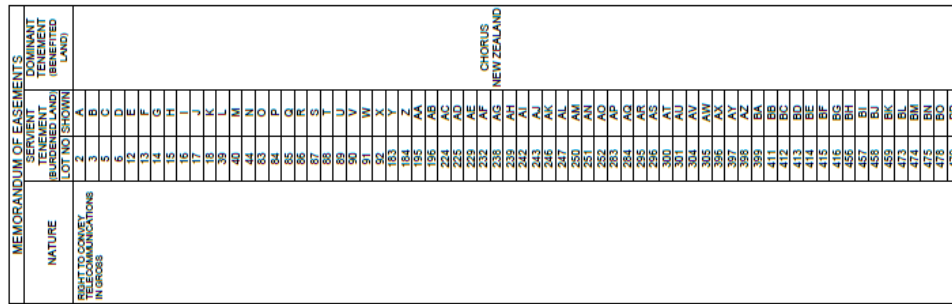




# Plan D - SH180019



## SH180019, Consent Granted 10 July 2019



<sup>11</sup> See Sheet 2 for scheme plan information

44	N	00/10	Reserve Boundaries Amended	RB
	/ issue	/ date	/ reason	/ approved
	/ design	/ drawn	/ QA check	/ dwg
	BURB	BL	RB/TL	303
	/ scale @ A2	/ date	/ file	/ issue
	1:1000	12/17	37435	N

**The Meadows - Overall Development (Sheet 4/6)**

**do** DAVIS OGILVIE  
ENGINEERS / SURVEYORS / PLANNERS

Davis Ogilvie & Partners Limited  
Level 1, 24 Meechbourne Avenue, Addington, Christchurch 8140  
Office 0800 909 133 Email [info@do.co.nz](mailto:info@do.co.nz)  
[www.do.co.nz](http://www.do.co.nz)

CAD ref: 37435 - Scheme Plan (190626).dwg

See Sheet 3 ▾

See Sheet 2

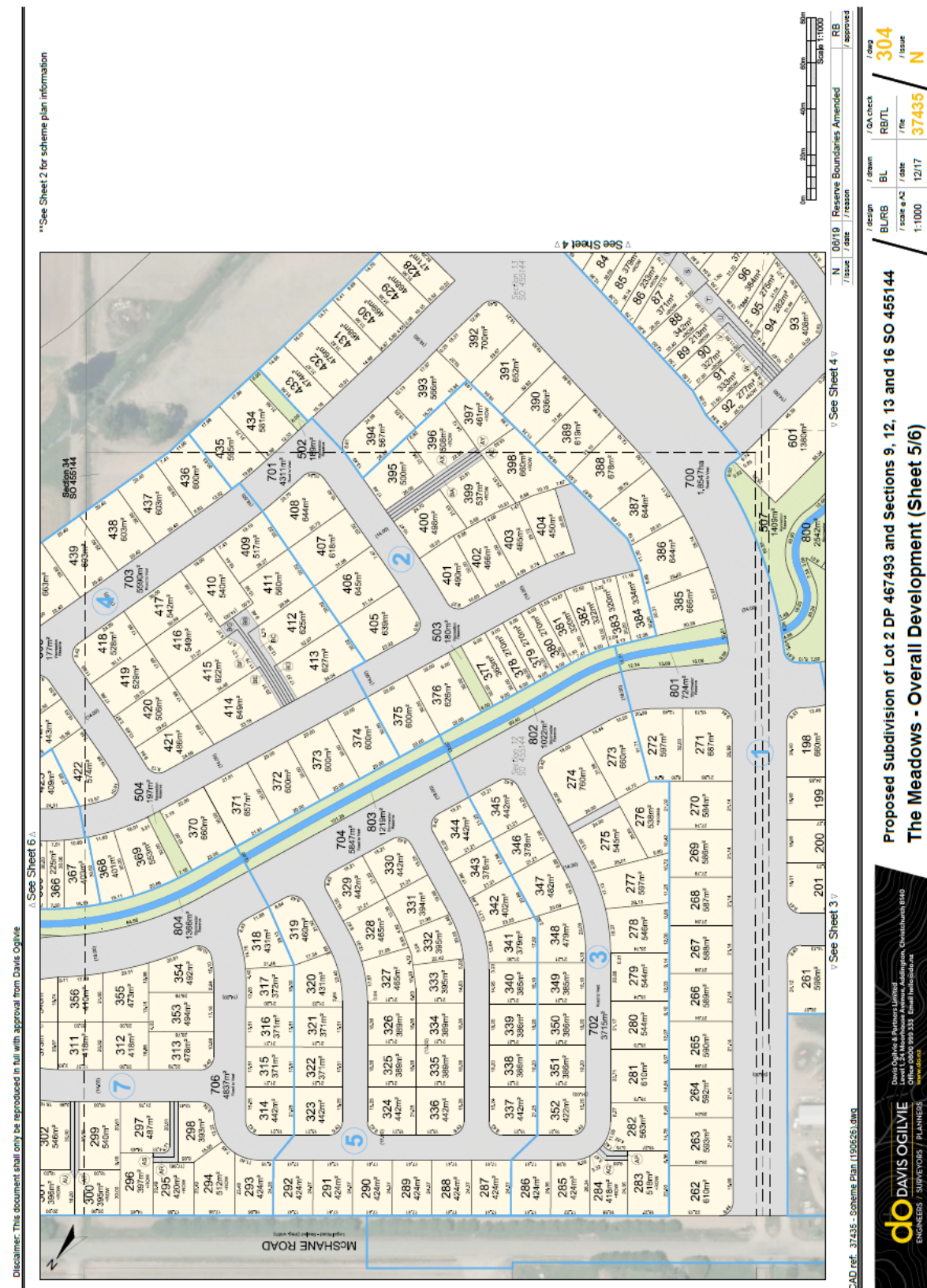
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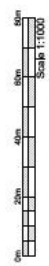
SH180019, Consent Granted 10 July 2019



# Plan G - SH180019

MEMORANDUM OF EASEMENTS		EASEMENT		TENEMENT		TENEMENT (BENEFITED LAND)	
NATURE		LOT NO (SHOWN)		BL		TASMAN DISTRICT COUNCIL	
RIGHT TO GRAVE		473		BM BQ			
STORMWATER IN GROES		474		BN			
		475		BN			

\*\*See Sheet 2 for scheme plan information



Reserve Boundaries Amended		RB	
Issue	Date	Reason	Approved

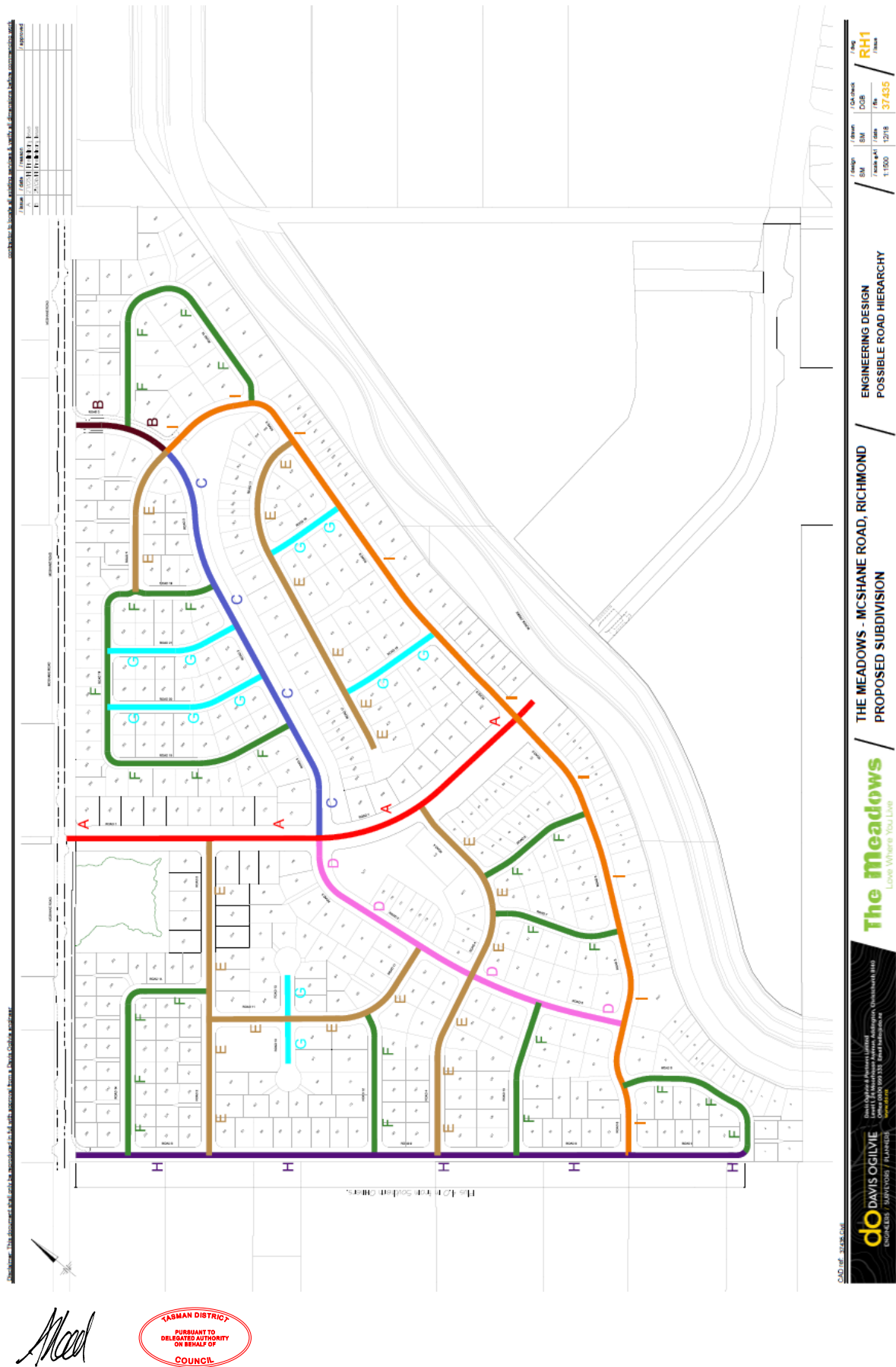
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1:1000	12/17	1:1000	12/17	1:1000	12/17

Proposed Subdivision of Lot 2 DP 467493 and Sections 9, 12, 13 and 16 SO 455144  
The Meadows - Overall Development (Sheet 6/6)

**do DAVIS OGILVIE**  
ENGINEERS / SURVEYORS / PLANNERS  
Doris Ogilvie & Partners (UK) Ltd  
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Office 0300 999 358 Email info@ogilvie.co.nz  
www.ogilvie.co.nz

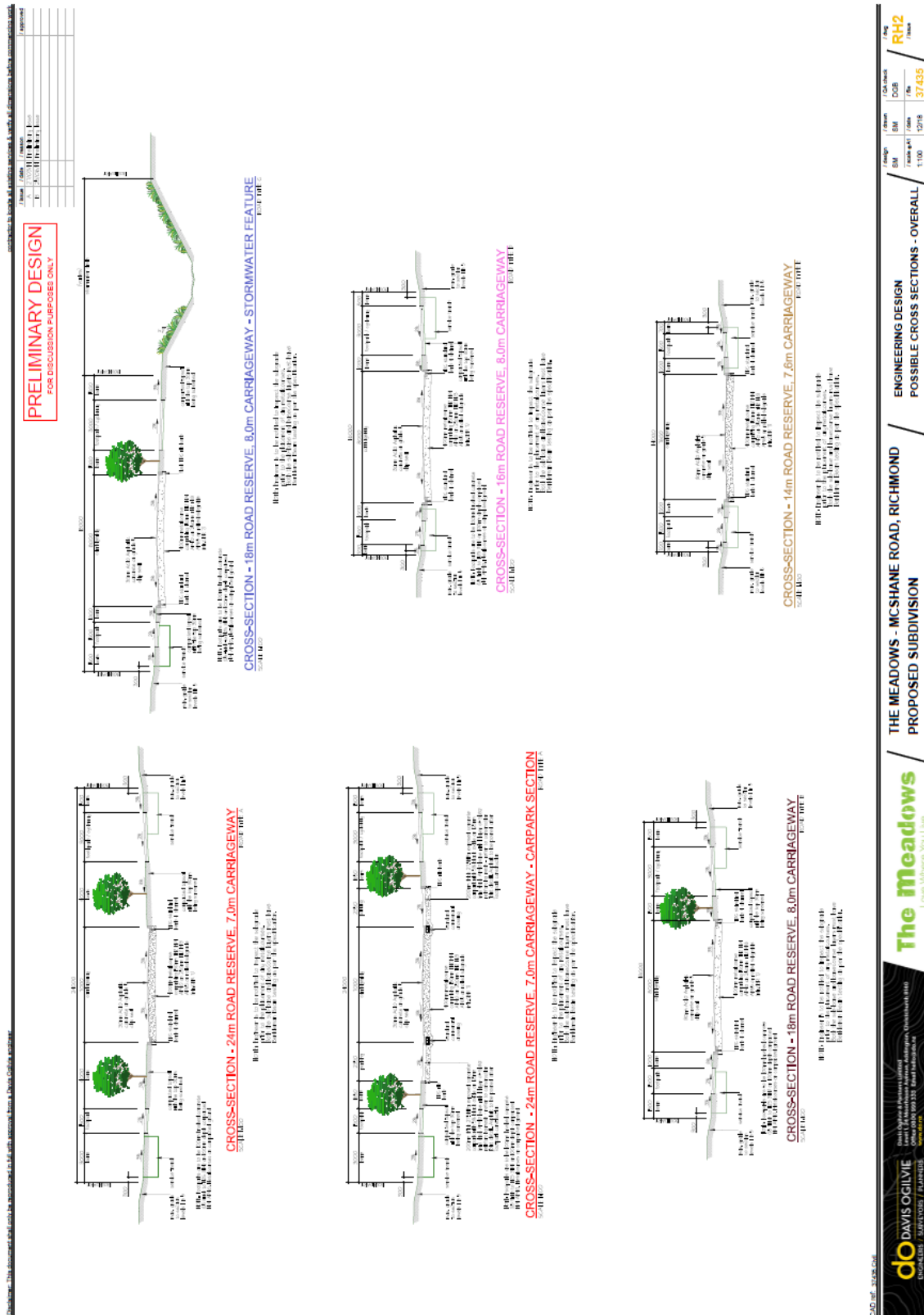
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# Plan H - SH180019





# Plan I - SH180019



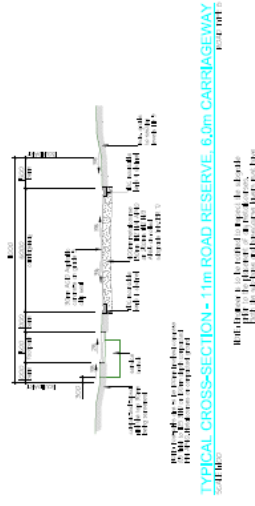
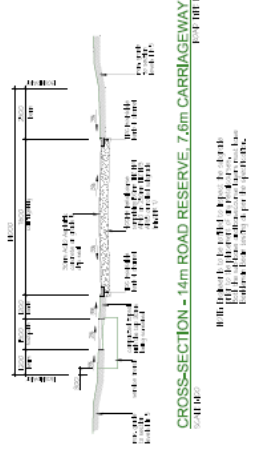
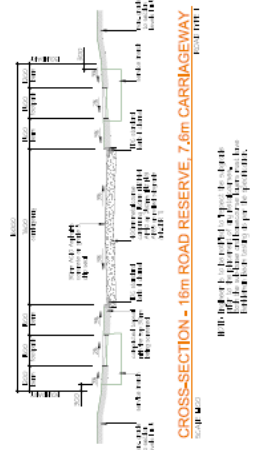
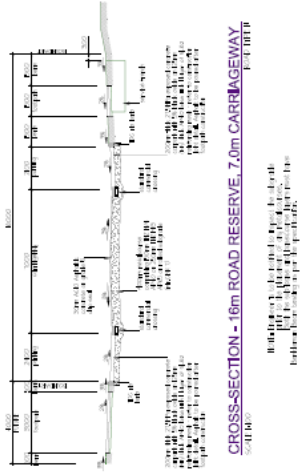


# Plan J - SH180019

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Item	Code	Description	Quantity
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3	300	300	300
4	400	400	400
5	500	500	500
6	600	600	600
7	700	700	700
8	800	800	800
9	900	900	900
10	1000	1000	1000

**PRELIMINARY DESIGN**  
FOR DISCUSSION PURPOSES ONLY



*Med*



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THE MEADOWS - MCSHANE ROAD, RICHMOND  
PROPOSED SUBDIVISION

**The meadows**  
Love Where You Live

Engineering Design  
POSSIBLE CROSS SECTIONS - OVERALL

Scale: 1:100  
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Date: 37435