

SUBDIVISION CONDITIONS – RM220843

General

- 1 The subdivision shall be undertaken in accordance with the information submitted with the application and in particular with the following plans:
 - (a) *Ruby Bay Views Pomona Road Option 19 Layout*, prepared by Land Dimensions, Drawing 11310PLN2 Sheet 2, dated 22 October 2024 and attached to this consent as Plan A.
 - (b) *Ruby Bay Views Pomona Road Option 19 Layout Contours*, prepared by Land Dimensions, Drawing 11310PLN1 Sheet , dated 22 October 2024 and attached to this consent as Plan B.
 - (d) *Landscape Mitigation Plan*, prepared by HNLA Ltd, dated 2 October 2024 and attached to this consent as Plan C.

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

Easements

- 2 Easements are to be created over any services within the application site which are located outside the boundary of the allotment that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. This shall include
 - (a) right to drain water easements over the stormwater detention basin on Lot 16 for all lots that drain stormwater to this basin.
 - (b) right to drain water easements over any stormwater flow paths to or from the detention basin on Lot 16.

Reference to easements shall be included on the title plan and endorsed as Memorandum of Easements.

- 3 Right of Way (ROW) A, as shown on Plan A, shall be granted over Lot 12 in favour of Lots 6 and 13.
 - 4 Either (a) Electricity easements F and G, as shown on Plan A, shall be granted in gross in favour of Network Tasman; or (b) where overhead power is undergrounded with Lot 17 (Road to Vest), an easement in gross in favour of Network Tasman shall be granted over easement H, as shown on Plan B.
Advice Note:
Condition 4 provides for two options for the undergrounding of overheard electricity lines through the site (as required by Condition 12).
 - 5 ROW E, as shown on Plans A and B, shall be granted in gross in favour of Tasman District Council. The ROW shall provide for pedestrian and cycle access and stormwater detention for Lot 15 (Road to Vest) and have a minimum legal width of 7m.
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Advice Note:

Council will compensate for 50% of the interest in the land for ROW E on the basis that the land will also be used for stormwater infrastructure and flow paths primarily for Lot 15 (Road to Vest).

- 6 ROW B, C and D, as shown on Plans A and B, shall be granted and provide for pedestrian access only.

Road to Vest

- 7 Lot 15 and 61m² of 206 Pomona Road, as shown on Plans A and B, shall vest in Council as Road and shall be shown on the survey plan submitted for the purpose of Section 223 approval. The road shall have a minimum legal width of 14m.
- 8 Lot 17 shall vest in Council as Road and shall be shown on the survey plan submitted for the purpose of Section 223 approval. The road shall have a minimum legal width of 2.5m.

Advice Note:

No compensation for the land value of the road to vest is to be paid by Council.

Building Location Areas

- 9 The Building Location Areas (BLA) on Lots 1 - 14, as shown on Plans A and B, shall be dimensioned and shown on a survey accurate plan prepared by a registered professional surveyor and shall be submitted for approval as part of the Section 223 application. The plan shall include the existing ground level of each BLA prior to any earthworks.

Advice Note:

The existing ground level of each BLA is required to be shown so that compliance with Conditions 36 (b) to (d) can be determined at the time of building consent for new dwellings.

Demolition of Existing Cottages

- 10 Prior to section 223 approval, the two existing cottages on Lot 1 shall be demolished.

Site Certification

- 11 Certification that a site has been identified within the Building Location Areas on Lots 1 and 3 – 14 that is suitable for the construction of a residential building shall be submitted from a geo-professional. This certificate shall define on Lots 1 and 3 – 14 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. The 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.

Electricity

- 12 Prior to Section 224 certification, either (a) the existing overhead electricity lines through the site shall be undergrounded to within easements F and G; or (b) undergrounded to within Lot 17 (Road to Vest) and Easement H on Lot 14.
- 13 Underground electricity cables or duct infrastructure shall be provided to the boundary of each of Lots 1 – 14 and shall be to the standard required by the supply authority.

The Consent Holder shall provide written confirmation from the utility provider that electricity infrastructure has been provided to the boundaries of the allotments. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Earthworks

- 14 All earthworks to construct the subdivision shall be undertaken in accordance with the conditions of resource consents RM220846 and RM240065.

Road Construction

- 15 Lot 15 shall be constructed to at least the minimum requirements for a Local Road in accordance with the Nelson Tasman Land Development Manual 2020.
- 16 A right turn bay shall be constructed at the intersection of Pomona Road and Lot 15 in accordance with the Nelson Tasman Land Development Manual 2020, or to Council's Group Manager – Community Infrastructure's satisfaction.

Right of Way Formation

- 17 ROW A, including stormwater drainage, shall be constructed in accordance with the Nelson Tasman Land Development Manual 2020.
- 18 A minimum 2.5m wide shared path shall be constructed within ROW E in accordance with the Nelson Tasman Land Development Manual 2020. The shared path shall commence at the cul-de-sac head of the new road and connect to the boundary with Lot 2 DP 336780 (27 Pine Hill Road).

Advice Note:

Council will compensate for 50% of the costs of forming the shared path. A quote should be obtained by the Consent Holder and submitted to Council's Team Leader, Reserves Operations prior to these works commencing.

- 19 The shared path required by Condition 18 shall be physically separate from the waterway and any stormwater infrastructure located within ROW E.
- 20 A Planting Plan for ROW E shall be prepared by a suitably qualified and experienced landscape professional and submitted to Council for approval as part of the engineering plans required by Condition 26. The Planting Plan shall take account of the waterway, shared path and detention basin in Easement E and shall incorporate appropriate native species.

Advice Note:

The purpose of the planting shall be to provide low maintenance, native landscaping to enhance the amenity of the shared path.

- 21 The planting shown on the plan required by condition 20 shall be completed prior to section 224 certification and shall be maintained for a period of 2 years.

Vehicle Crossings

- 22 Vehicle crossings shall be constructed to the boundaries of Lots 1 – 5 and 7 – 11 from the new road to vest (Lot 15) in accordance with the Nelson Tasman Land Development Manual 2020.
- 23 A vehicle crossing shall be constructed to the boundary of Lot 14 from Pomona Road in accordance with the Nelson Tasman Land Development Manual 2020.
- 24 A new vehicle crossing shall be constructed to 206 Pomona Road (Lot 1 DP 312213) from the new road to vest (Lot 15) in accordance with the Nelson Tasman Land Development Manual 2020. The existing vehicle crossing off Pomona Road shall be closed, and the road frontage reinstated.

The locations of all vehicle crossings shall be shown on engineering plans.

Pomona Road Shared Path

- 25 A 2.5m wide shared path shall be constructed within Lot 17, adjacent to Pomona Road. The shared path shall be formed along the entire Pomona Road frontage of the site, as shown on Plan A, in accordance with the Nelson Tasman Land Development Manual 2020.

Engineering Plans

- 26 Engineering plans showing the details of the works required by Conditions 15 to 25 shall be submitted to Council's Group Manager – Community Infrastructure for approval prior to these works being carried out.

No works that are shown on engineering plans shall begin onsite until the engineering plans have been approved.

Engineering Works

- 27 All engineering works shall be designed and constructed in accordance with the conditions of this consent, the Nelson Tasman Land Development Manual 2020, or where not specified, to the Council's Group Manager – Community Infrastructure's satisfaction.

Engineering Certification

- 28 At the completion of works the Consent Holder's Professional Advisor, being a suitably experienced chartered professional engineer or registered professional surveyor, shall provide the Council's Group Manager – Community Infrastructure with written certification that all works have been constructed in accordance with the conditions of this consent and the Nelson Tasman Land Development Manual 2020, or where not specified to the Council's Group Manager – Community Infrastructure's satisfaction.
- 29 Where fill material is placed on any part of the lots as part of constructing the subdivision, a suitably experienced chartered professional engineer shall certify that
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the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. This certification shall, as a minimum, be in accordance with Appendix A of that standard.

New Stormwater Detention Basin on Lot 16

- 30 The stormwater detention basin on Lot 16 shall be designed and constructed in accordance with the conditions of stormwater discharge consent RM220845.
- 31 A Stormwater Maintenance Plan shall be prepared for the stormwater detention basin in accordance with the conditions of stormwater discharge consent RM220845. This plan shall be submitted to Council's Group Manager – Community Infrastructure for approval prior to any application for Section 224 certification.

Existing Stormwater Detention Dam on Lot 16

- 32 Works to alter Dam 130 on Lot 16 shall be designed and constructed in accordance with the conditions of resource consents RM220845 and RM240066.
- 33 A gate in the fence shall be provided at the commencement of Easement H from Pomona Road to allow for access to Lot 16 for maintenance purposes.

Advice Note:

Given the irregular use of the maintenance access, this is not required to be formed.

- 34 A Stormwater Maintenance Plan shall be prepared for the stormwater detention dam in accordance with the conditions of stormwater discharge consent RM220845. This plan shall be submitted to Council's Group Manager – Community Infrastructure for approval prior to any application for Section 224 certification.

Residents' Society for Lot 16

- 35 The Consent Holder shall form a Residents' Society to which the Consent Holder (whilst an owner) and all lot owners shall be members. The purpose of the Residents' Society is to manage, operate and maintain communal assets within Lot 16 (stormwater detention dam, infrastructure and landscaping). The terms and conditions of the Residents' Society shall be drafted and submitted to the Council for approval prior to the issue of the Section 224(c) certificate.

Contaminated Soils

- 36 Remediation of contaminated soils and soil validation sampling shall be undertaken in accordance with the conditions of NESCS consent RM220846.

Construction Times and Noise from Construction Work

- 37 Construction works shall only take place between 7.30am and 6.00pm Monday to Saturday. There shall be no works undertaken on Sundays, public holidays or between 24 December and 2 January inclusive. The restriction on hours of works shall not apply to low noise-generating activities, such as site set-up or staff meetings, which may occur outside of these hours provided they are generally inaudible off-site.

The noise from any construction work activity shall be measured and assessed in accordance with the requirements of NZS6803:1999 Acoustics – Construction noise.

Landscaping

- 38 Landscaping shall be carried out in accordance with the Planting Plan attached as Plan E to this consent prior to section 224 certification.

Advice Note:

For the avoidance of doubt, the landscaping required to be undertaken is labelled as “revegetation”, “freshwater riparian – upper” and “freshwater riparian – lower” on Plan E.

Consent Notices

- 39 The following consent notices shall be registered on the Records of Title for Lots 1 – 14 and 16 pursuant to Section 221 of the Resource Management Act. The consent notices 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 notices shall be paid by the Consent Holder.

Lots 1 - 14

Building Location Areas

- (a) The construction of all dwellings shall be within the Building Location Area shown on *(insert reference of plan required by Condition 9)*. For Lots 3, 4 and 7 – 10, all buildings (excluding swimming pools) shall be within the Building Location Area shown on *(insert reference of plan required by Condition 9)*.

Building Heights

- (b) Buildings on Lots 3 – 5 and 7 – 11 shall have a maximum height of 5.5m above existing ground level (using the rolling method), excluding chimneys.
- (c) Buildings on Lots 1, 2, 12 and 14 shall have a maximum height of 7.5m above existing ground level (using the rolling method), excluding chimneys.
- (d) Buildings on Lots 6 and 13 shall have a maximum height of 7.5m above existing ground level (using the rolling method), excluding chimneys. Buildings on Lots 6 and 13 shall also not exceed 1m above the adjacent level of Pomona Road in order to retain reviews from public road users east over Ruby Bay.

Advice Note:

Existing ground levels means the ground level prior to any earthworks to create building platforms. The existing ground levels are shown on *(insert reference of plan required by Condition 9)*.

Building Design

- (e) Building colours and materials shall be recessive and consistent with those colours Reflectance Value (RV) and Greyness Value (GV) as identified in the BS5252 – A, B, C and D group range. Colours from greyness group E are not allowed. The RV and GV of all walls, facades and joinery shall have a RV and
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GV of no more than 30%. Roofs shall have an RV of no more than 25% within A, B and C greyness group.

- (f) Building rooflines shall be gable, hipped or mono pitch.
- (g) Mirrored glazing shall not be used.
- (h) Any ancillary buildings shall be designed and constructed in the same style and colour as the main dwelling on the site.

Water Tanks

- (i) Water tanks shall either be buried or appropriately screened with vegetation so that they are not visible beyond the site boundary.

Retaining Walls

- (j) Retaining walls exceeding 1.5m in height shall be planted to integrate the structure into the landscape.

Driveways and Parking Areas

- (k) All private driveways within the lots shall be no closer than 1.5m to the boundary to allow for a vegetative screen.
- (l) Driveways, parking and manoeuvring areas shall be formed with recessive materials. Concrete shall have exposed aggregate and/or grey, black oxide additive at a minimum of 5m³/kg.

Site Certification

- (m) Any conditions identified in the Schedule 2A site certification required by condition 11.

Wastewater

- (n) At the time of building consent for a new dwelling, a wastewater disposal system shall be provided which is in accordance with the conditions of wastewater discharge consent RM220844 or any subsequent replacement consent.

Stormwater

- (o) At the time of building consent for a new dwelling, a stormwater disposal system shall be provided which is in accordance with the conditions of stormwater discharge consent RM220845 or any subsequent replacement consent.

Telecommunications

- (p) Telecommunications connections have not been installed at the time of subdivision and it is in the responsibility of the registered proprietor to provide telecommunications servicing.
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Landscaping

- (q) Prior to applying for a building consent for a dwelling, a Landscaping Plan shall be prepared by a suitably qualified and experienced landscape professional and submitted to Council's Consent Planner – Land Use for approval. The Landscaping Plan shall be in general accordance with Plan F attached to subdivision consent RM220843.

The Landscaping Plan shall include details of the proposed species, density and plant size which relates to the native ecology of the area and plants shall be predominantly sourced from the Moutere Downlands – Hill Country Ecological District plant list.

Advice Note:

The purpose of the landscaping is to visually integrate the built form into the surrounding landscape.

- (r) Landscaping shall be carried out in accordance with the approved Landscaping Plan within one year following the issue of the Code of Compliance Certificate for the dwelling. Planting shall be maintained in perpetuity and any dead, dying or diseased plants shall be replaced.

Fencing

- (s) Boundary fencing shall be a combination of post, batten and wire only. No close board timber fences shall be used.

Lots 1 – 14 and 16

Landscaping

- (t) All landscaping carried out under condition 38 and Plan E of subdivision consent RM220843 shall be maintained in perpetuity and any dead, dying or diseased plants shall be replaced.

Lot 16 only

- (u) No habitable building shall be constructed on Lot 16.

Advice Note:

In the event that this consent notice condition is sought to be cancelled in the future, a reserve financial contribution will be required at time of building consent for the habitable building. The contribution shall be 5.62 per cent of the total market value of 2500 square metres of a notional building site (at the time that the building consent is granted).

- (v) The management and maintenance of the stormwater detention dam, stormwater detention basin and associated infrastructure on the lot shall be the responsibility of the landowners and shall be undertaken in accordance with the Stormwater Maintenance Plan approved as part of stormwater discharge consent RM220845.
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- (w) Any ongoing contamination management requirements identified in the Ongoing Site Management Plan required by Condition 15 of NECS consent RM220846.

Reserve Financial Contribution

- 40 The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
- (a) The amount of the contribution shall be 5.62 per cent of the total market value of 2500 square metres of a notional building site (at the time subdivision consent is granted) of Lots 1 and 3 – 14.
 - (b) The Consent Holder shall request in writing to the Council's Consent Planner (Subdivision Approvals) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;
 - (c) If payment of the financial contribution is not made within 2 years of the granting of the resource consent, a new valuation shall be obtained in accordance with b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.62 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within 2 years of any new valuation.

Advice Note:

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

Maintenance Bond

- 41 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 Tasman District Council Land Development Manual 2020. The amount of the bond per stage shall be \$1,500 per lot up to a maximum of:
- \$30,000 for each stage

The bond shall be held for 2 years after the date of issue of the Section 224(c) Certificate for each respective stage of the subdivision. Should any of the physical works be the subject of a performance bond, the maintenance bond timeframe shall be extended to 2 years from the date the performance bond is refunded due to the bonded works being completed to the appropriate standard.

The consent holder shall pay a non-refundable bond administration fee for each bond in accordance with the Tasman District Council Schedule of Fees and Charges at the time the bond is taken.

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.

GENERAL 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:
1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

- 3 This consent is granted to the abovementioned 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.

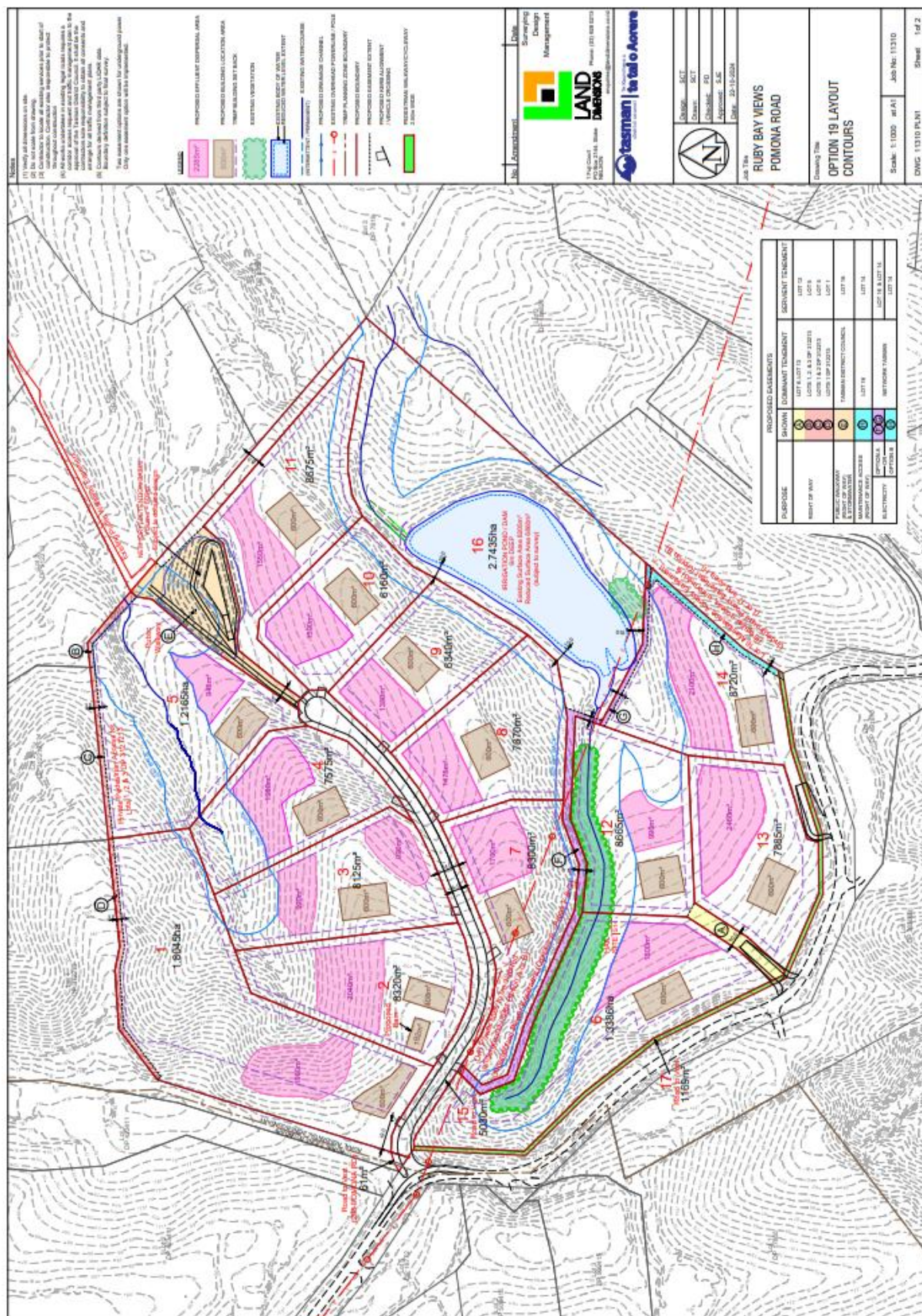
Land Ownership

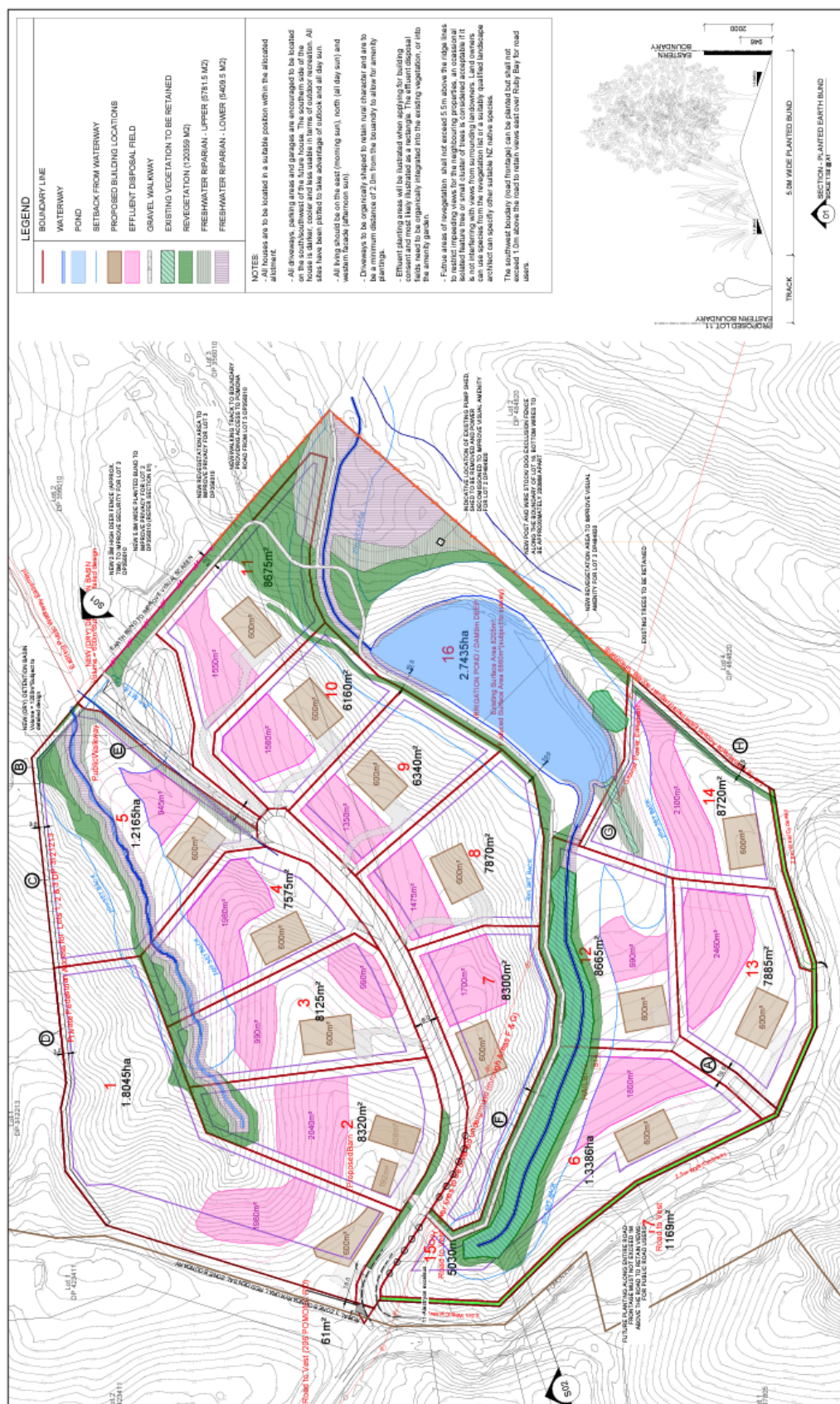
- 4 This consent does not provide permission for works within land under separate ownership without the landowner’s consent.

Development Contributions

- 5 Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council’s Development Contributions Policy under the Local Government Act 2002.
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Plan B RM220843



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LANDSCAPE MITIGATION PLAN

RUBY BAY VIEWS

204 POMONA ROAD
16 LOT SUBDIVISION

