

MINUTES

TITLE: Environment and Planning Sub-Committee
DATE: Monday 17 January 2005 to Wednesday 19 January 2005
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Crs E M O'Regan (Chair), R G Kempthorne and T E Norriss.

IN ATTENDANCE: Environment and Planning Manager (D C Bush-King), Consultants S Allan, F Boffa and R Firth, Consent Planners (D Hills, N Lewis, N Tyson and M Morris), Environment Information Manager (R Smith), Compliance Officer (C Michie), Development Engineer (D Ley) and Administration Officer (B D Moore).

1. CARTER HOLT HARVEY FORESTS LTD, OLD COACH ROAD, MAHANA, APPLICATION NO. RM040957, RM040971, RM040970, RM040969, RM040967

The application sought a subdivision consent (RM040957) to subdivide a 75 hectare rural site into 57 residential or rural allotments varying in size between 1,600 square metres and 13.66 hectares in area, in a comprehensive residential cluster development. The subdivision also includes three utility lots for effluent, stormwater and water management, walkway reserves and a new road to vest in Council.

To close that part of Trafalgar Road as it passes through the application site, providing instead for a public recreational reserve through the site, of 4 metres minimum width, with a 1.5 metre wide formed walkway for pedestrian use, bicycles and horse trekking.

A land use consent to waive some of the road standards under the Proposed Tasman Resource Management Plan, specifically in respect of the proposed right-of-way over legal road to provide access to proposed Lots 1-4 off Bronte Road West (unformed) but also for gradients, parking, length and width construction requirements for rights-of-way and roads as described in the application.

A land use consent to erect a dwelling and ancillary buildings on each of the Lots 1-56 and 58, to be located within a 1,000 square metre area centred on the building sites shown on the scheme plan as part of the application, subject to design and appearance covenants, and otherwise complying with the bulk and location requirements for the Rural 3 Zone, but with the exception the dwellings on Lots 2, 4 and 30 may be within 30 metres of plantation forestry.

Land use consent to allow for an exception in the location of farm buildings on Lots 1, 32 and 56, where these may be located beyond the residential building site identified on the application plan where required in conjunction with productive use of the land and otherwise complying with the bulk and location requirements for the Rural 3 Zone.

To defer payment of the financial contributions for reticulated services applying to this development, subject to confirmation and commitment by Council to the servicing infrastructure necessary for the wider Rural 3 Zone should that proceed.

A land use consent is sought to undertake earthworks necessary in constructing a detention dam, new roads and rights-of-way, building sites, and internal site access.

Detention dam: 8,500 cubic metres of cut and 6,500 cubic metres of fill to create a dam wall of 6 metres in height.

Roading and rights-of-way: up to 40,000 cubic metres of cut (plus a 20% contingency factor) as shown on the earthworks plan attached with the application.

Building platforms and access to individual sites including remedial works to remove unsuitable fill around skid sites.

A discharge consent (RM040967) to treat and discharge effluent within the confines of the application site, with capacity to service the 57 dwellings within the development. The plant will be decommissioned when connection to a Council reticulated sewerage network is available to the site. A 35 year term to the discharge permit is sought. (Land use consent for land-based disposal and a discharge permit is required in respect of this matter.)

A discharge consent (RM040969) is sought to discharge stormwater from roads and house sites. This discharge will be to natural drainage channels within the application site. A 35 year discharge permit is sought.

A land use consent (RM040970) is sought to construct a stormwater detention structure on Lot 59, involving a dam of 6 metres maximum height and with a capacity to store a minimum of 9,500 cubic metres of water.

A water permit (RM040971) is sought to take water for irrigation and non-potable residential use from the stormwater detention dam. This is sited within the Moutere Surface Water Management Zone. The dam will have the capacity of 9,500 cubic metres and the non-potable water is to be used for toilet flushing, fire fighting and irrigation. A consent term of 35 years is sought for the water permit.

To infill the existing wetland in Lot 59 through the construction of the stormwater detention dam.

The property is zoned Rural 3 under the Proposed Tasman Resource Management Plan.

The minimum lot size for a controlled activity subdivision is 50 hectares, making the subdivision application a restricted discretionary activity.

The application site is located at Old Coach Road, Mahana, being legally described as Lot 23 DP 639, Lot 2 DP 1194 and Lot 29 DP 639, Certificates of Title NL 45/5, 49/17 and 49/23.

1.1 Submitters List

The Chairman checked the submitter's list asking those present if they wished to be heard. A letter from D Mitchell advised that the submitter did not wish to make an oral submission at this Hearing.

2. PRESENTATION OF APPLICATION

Counsel for the applicant, Ms C M Owen, introduced the representative for Carter Holt Harvey Forest Ltd, Mr D Schwartzfeger. Ms Owen then tabled and read opening submissions on behalf of the applicant company. Ms Owen described the process of the creation of the Rural 3 Zone beginning with the notification on 20 December 2003 of Variation Number 32. It was submitted that the design guide (dated December 2003) is not part of Variation 32 or any subsequent variation but is referenced directly in the proposed Tasman Resource Management Plan.

Ms Owen then drew a contrast with a document entitled "Planning Draft Proposals Landscaped Areas Descriptive and Advisory Notes" (dated March 2003). She described these as a document that was not distributed to the public, not referenced in any of the formal reports distributed and available to the public and not in any way peer reviewed or representing council policy. Ms Owen said that Council officers had told the applicant to redesign the application to confirm with those Advisory Notes. She disputed the weight given to those Advisory Notes and said they came fifth in a list of relevant documents requiring consideration.

The opening submission then discussed what Rural 3 intends to achieve and its potential productive and residential usage. Ms Owen then detailed changes to the application and produced a new plan dated 13 January 2005 prepared by Staig & Smith. This plan included changes particularly the number of rural and residential lots being reduced to 53 and the relocation of the dam site. It was explained that many of these changes had been made to address the concerns of submitters. The submission explained that this is the first of the Rural 3 applications and as the Rural 3 provisions are not yet finalised, a grant of the application will not create a precedent or cumulative effect.

The submission explained the value of works and financial contributions towards roading costs which the applicant intended to make in association with this subdivision. Explanation was provided that access to the subdivision would be achieved from Old Coach Road and that there was no requirement to access the entire subdivision via Trafalgar Road, as claimed in the staff report. It was stated that there is no requirement in either the LTCCP or in the proposed TRMP that this subdivision be accessed solely from Trafalgar Road.

Aerial photos were displayed with the opening submission to explain the amended plans.

Mr J D Bealing of Agfirst Consultants tabled and read a statement of evidence providing an assessment of the productivity of the subject land. He showed that the land to the South and also the eastern portion were Class B which were suitable for semi intensive and horticultural use and the remainder is Class E land being suitable for pastoral use. The new dam (to provide non-potable household water) would mean that there would be little water available for irrigation. The steeper Class E land could not be safely accessed by wheel tractor.

Mr Bealing said that the subdivision layout avoids conflict between productivity and dwellings. He said that the loss of potential production on the Class E areas is not great. Mr Bealing noted that allowing more of the houses to be sited further up the slopes will protect the more productive land.

Mr P Wilks, Forestry Consultant of PF Olsen & Co Ltd, tabled and read evidence about the applicant company's decision to terminate forest growing in the Mahana/Harakeke area. He discussed this under the four headings of site productivity, fire risk, economics and forest reinvestment opportunities in other areas. He said that the applicant's decision to terminate forestry production on the subject site is a rational decision based on sound forestry economic principles.

Mr R L Higgins spoke of his involvement with farm forestry for 50 years and that small woodlot owners and lifestylers can become involved in the production of specialist exotic trees. He supported the proposed development on the subject site.

Mr R Bennison, Farm Management Consultant, addressed the staff report assessment which had recommended that the higher land not be used for house sites, but that houses be located on lower areas where the applicant had proposed open space. Mr Bennison said that the value of the lower slopes would be less than the more elevated slopes which have the desired outlook. He said that the rate of sale would be substantially lower, prolonging the payback period from the development. Mr Bennison said that this could be reflected in continuing pressure to subdivide in the Rural 1 and 2 Zones. He said that due to the inherent poor fertility and low nutrient status of the subject soils, subsequent rotations of forest are less and less productive. Mr Bennison said that in response to economic forces, forest owners have logically chosen not to re-establish forest in the subject area for a number of years and are now selling off the land following harvest.

Mr R B O'Callaghan, a Consulting Engineer of Truebridge Callander Beach Ltd, read a statement of evidence about his assessment of engineering infrastructure issues relating to the proposed subdivision.

The evidence provided details of the proposed wastewater system including the treatment, treatment standards, reticulation system and disposal system. Water supply to the subdivision will be from roof water for the potable water and non potable water will be from a communal scheme comprised of a collection dam, treatment system and pumping facility with storage tanks. This water will be reticulated to each lot. A diagram was provided with this evidence to show details of the new dam location for the non potable water supply and included the location of the intake structure weirs and treatment plant platform. Surface water from roads will be collected in swale drains and discharged to a piped stormwater system into small sized gullies. Earthworks were estimated as 5,000 m³ of cut and 20,000 m³ of fill.

The evidence noted that a geotechnical investigation was done by Nelson Consulting Engineers Ltd and a report supplied by the applicant with the application.

The hearing adjourned at 6.40 pm and reconvened at 9.30 am on Tuesday, 18 February.

Mr P C Kennedy a Botanist/Zoologist of Kingett Mitchell Ltd read a statement of evidence which discussed matters relating to the discharge consent applied for by the applicant and the disposal of wastewater to land from an onsite wastewater treatment plant. Mr Kennedy also discussed matters relating to the construction of a non-potable water supply dam on one of the tributary streams in the catchment. The proposed dam would not have direct effects on the Trafalgar Wetland as the dam is located away from the wetland, within one of the sub-catchments.

The evidence described the existing vegetation, bird life, fish life and proposed riparian management with restoration and weeds. Appended to the evidence was a set of draft conditions of consent for the discharge of treated wastewater to land. Mr Kennedy concluded that the treatment and disposal of wastewater within the subdivision can be carried out sustainably and UV disinfection will be included in the treatment system from commissioning. A wastewater operations management plan will be prepared for the wastewater treatment and disposal system.

Mr D D Petrie a Consulting Traffic Engineering Specialist of Traffic Design Group read a statement of evidence which examined and described the traffic effects, both in relation to safety and capacity of the existing road infrastructure and the proposed access arrangements for this subdivision. Mr Petrie described the physical arrangements of the existing road infrastructure and the road safety record in the vicinity of the development. The evidence included a description of the current patterns of traffic carried by the roads in the vicinity of the subdivision. This evidence contained details of the proposed roading pattern servicing the subdivision and rights of way within the sites. Mr Petrie said that access to and from the subject subdivision from Old Coach Road is the most appropriate.

He said that the Council's planning documents being the design guide for subdivision and development in the Coastal Tasman area, Tasman District, and the statement of infrastructure services, planning and development funding - Coastal Tasman area do not require that all access should be onto Trafalgar Road which in turn accesses directly onto the Coastal Highway. The statement of evidence detailed the proposed upgrading work and contributions that the applicant is willing to make to the roading system and walkways in the vicinity of the subject site. The evidence explained why it was not appropriate to form access to the subject site via Trafalgar Road. The evidence explained that none of the individual lots are to have direct access onto Old Coach Road, but will rely on the proposed new subdivision roads and rights of way. Mr Petrie said that the additional traffic generated by the subdivision is readily accommodated by the existing and proposed roads and intersections, without compromise to the safety and convenience of existing road users.

Mr R M Langbridge, Landscape Architect, read a statement of evidence to describe how proposed landscaping for the subdivision is in keeping with the stated intentions of the Rural 3 Zone and its accompanying design guide. The evidence contained a detailed site analysis including an analysis of the site's visibility, amenity values and the character of the site and its surroundings. An explanation was provided of the design philosophy used in the formation of the proposal concept and details of the proposal. The mitigation measures proposed were outlined including the stated intention to prepare a management plan to deal specifically with the immediate and long term management of all covenanted areas.

Within an assessment of effects, this evidence referred to visibility of the site and amenity and landscape values. The evidence discussed the extent to which the proposed development meets the objectives and guidelines of the design guide relating to the Rural 3 Zone. The evidence included a series of photographs labelled to show the effects described within the statement of evidence. A response was provided to Council staff reports to address concerns about visual prominence and impacts of the subdivision development.

Mr S K Brown, Landscape Architect of Stephen Brown Environments Ltd, read a statement of evidence and provided a description of the general landscape setting that frames and includes the Bronte/Old Coach Road ridge locality. The evidence discussed the applicable assessment criteria and broad strategy for Rural 3 development. He described the Rural 3 Zone strategy as being directed at efficient accommodation of residential demand, without the rather haphazard distribution and physically wasteful characteristics of the rural/residential development that has occurred around Mahana and other parts of Coastal Tasman to date. Mr Brown said that the Rural 3 Zone also recognises that whereas it might be highly desirable for rural productivity to remain a signature feature of the coastal environs and hinterland, most of those wishing to live between Redwood Valley and Mapua, will be looking for residential properties, as opposed to land with a productive capacity.

The evidence briefly described the revised subdivision concept and provided an assessment of the proposal's effects and strategic implications. Mr Brown commented on the Council officers' planning reports and described the ways which the applicant had attempted to address those concerns. Mr Brown noted that the revised subdivision concept provides for ongoing rural productivity and uses land with less potential productivity to create efficient and attractive residential enclaves. The proposed development work will create and protect ecological and vegetative links through the site while counterbalancing open and developed spaces.

Mrs J Hilson, Resource Management Consultant with Staig & Smith Limited Nelson, read a statement of planning evidence. She commenced the presentation of this evidence with the applicant's recommended and volunteered conditions of consent. This described how the application would be completed in five stages with the Development Impact Levies for each stage payable on application for certification. The proposed conditions listed the types of management plans to be implemented.

A set of four plans were tabled and formally noted as presented. These were Staig & Smith plans for Job 6998 and dated 13 January 2005. The evidence addressed the concerns of submitters and Appendix C provided a summary of those submissions received.

Mrs Hilson said that the design guide principles did not constitute rules in the proposed plan, but rather the document is referred to in Variation 32 as a manual containing criteria for the evaluation of specific proposals. A plan to indicate the 75 metre contour line through the subject site and the proximity of the Rural 3 and Rural 3A boundaries, titled Appendix G, was tabled. Mrs Hilson said that the Rural 3 Zone anticipates a fundamental change in the rural character and amenity of the local environmental. She explained that the objectives and guidelines for productive land values in the Rural 3 design guide required that higher quality productive land shall be identified, retained and protected in subdivision design.

Amendments to the scheme plan had reduced potential conflict between housing and forestry at the site boundary. The modified plan had reduced the number of house sites to 53. The modified plan had provided for two distinct housing clusters and greater separation of these from Old Coach ridgeline. Up to 30% of the application site will be developed area and houses will occupy the more elevated land on the site to take advantage of site features, sun exposure, shelter and outlook.

With the approval of the applicant, the Chairman interrupted Ms Hilson's presentation and allowed the following two submissions to allow the submitters to meet other commitments.

3. PRESENTATION OF SUBMISSIONS

3.1 Wakatu Incorporation - Molineau Project Management Limited

Mr G R Carnaby read a statement of evidence on behalf of Wakatu Incorporation. He listed a number of matters that the application has not adequately addressed, where Council has restricted its discretion under Rule 16.3.9(d). Mr Carnaby said that the application is dependent on decisions on submissions to Variation 32 and

noted that Council has not yet released its decisions on submissions to Variation 32.

He said that the applicant has not correctly interpreted the objectives or guidelines introduced by Variation 32.

3.2 Weyerhaeuser

A submission from Weyerhaeuser was spoken to by Ms J Beale, Environmental Co-Ordinator, who made a verbal submission. She explained that Weyerhaeuser is a neighbouring forest company that opposes the application on the grounds of density of lots within this proposal. The Company also opposed the waiver of road standards particularly the proposed right of way off Bronte Road West for Lots 1 and 2. Weyerhaeuser's forest interests were adjacent to that unformed legal road.

She said that the proposed houses on Lots 2, 4 and 30 are within 30 metres of plantation forestry which is far too close to forestry operations. Ms Beale said that the proposed wastewater treatment method is not proven on soil with high clay and could contaminate the waterways and land below the disposal area.

The hearing adjourned for dinner at 5.45 pm and reconvened at 6.45 pm.

4. PRESENTATION OF APPLICATION (Continued)

Ms Hilson completed her presentation, stating that the wetland in Trafalgar Road has been preserved by the re-siting of the stormwater retention dam. A further wetland will be contained in Lot 55 in the development. Mrs Hilson said that the pleasantness and coherence of the development will create a high standard of amenity for those living in and adjoining or passing by the applicant site.

With the approval of the applicant, the Chairman allowed the staff reports of Ms Allan and Mr Boffa to be presented to allow the meeting other commitments the following day.

5. STAFF REPORTS

Ms S Allan, Principal Planner of Montgomery Watson Harza NZ Limited, spoke to her written planning report contained within the agenda. Ms Allan recommended that the application be declined for the reasons outlined in her report. She said that the adverse effects on the rural character, rural landscape values and amenity of the Rural Zone 3 in this immediate area will be more than minor.

She said that the project was contrary to a range of policies of the proposed Tasman Resource Management Plan and a precedent effect would be created for the Rural 3 Zone. She said that this would result in forms of intensities of development and relationships in roading and other infrastructure which are inappropriate, in terms of the intent of the Zone, and the environmental outcomes sought by the Plan.

Landscape Architect, Mr F Boffa, also spoke to his report contained within the agenda and said that from a landscape perspective, the application should be declined. He said that the subdivision layout does not reflect what is advocated in the Rural 3 area especially the design guide. Mr Boffa explained that the development fails to meet the landscape principle relative to landscape character area 3 and in particular sub-unit 3B and encapsulated in the Landscape Advisory Notes relevant to the Rural 3 Zone.

The meeting adjourned at 9.50 pm and reconvened on Wednesday, 19 January at 9.30 am.

The Chairman allowed Mr Malloy to present his submission to enable him to meet other commitments.

6. PRESENTATION OF SUBMISSION (continued)

Mr M Molloy, Health Protection Officer, represented Nelson Marlborough District Health Board, and said that the public health service view is that potable water and a suitable wastewater treatment and disposal system should be provided with the subdivision. The written submission read by Mr Molloy included some recommendations seeking satisfactory treatment of the water supply and sewerage disposal systems which the applicant proposed to provide as temporary measures, in anticipation of Council's services becoming available in this zone.

7. SYNOPSIS OF CLOSING ON BEHALF OF THE APPLICANT

Ms Owen tabled and read a statement to close the case for the applicant. She addressed the issues of road closure, economics under the RMA, the viability of the application, the concept of efficient use and development and the proposed establishment of the body corporate.

This completed the applicant's presentation.

8. PRESENTATION OF SUBMISSIONS (Continued)

A submission from Department of Conservation was introduced by Ms A Scott. Evidence in support was then read by Mr S H Moore, a Plant Ecologist with DOC. He spoke of the value of the Tasman Wetland adjacent to the subject site and that it is one of the largest and most weed-free swamp wetlands remaining in the vicinity.

Mr N J Rutledge, a Freshwater Ecologist with DOC, expressed concern that the proposed development has the potential to have adverse effects on the wetland systems downstream. Also, a further existing wetland on the subject site will be submerged by water from the proposed new dam.

The submission raised concerns about the management of sediment from the subject site and the proposed land based effluent disposal system. He said that the applicant had not demonstrated that the Trafalgar Wetland would not be vulnerable to the effects of reduced water supply.

There was some discussion as to the time updated information was sent to the Department of Conservation. Ms Scott undertook to confirm on the following when the information was received by the Department.

Mr Rutledge said that the potential effects of the two weirs and intake structures on two smaller gullies used to feed the dam, were unknown.

Ms A Scott of DOC read planning evidence to assess the proposed wastewater proposal and stormwater retention dam against key policies and rules of the proposed Tasman Resource Management Plan.

Mr K P King made a verbal comment to his written submission saying that most of his concerns had been addressed by the applicant's evidence. He said that there is a scrub weed problem on the subject site and that crops such as grapes are not compatible with the required control sprays. Mr King referred to the Trafalgar Creek area and said that he leases some of the land owned by Mr Stringer. Mr King said that there has been a major difference in the scouring effect particularly following heavy rain events and that in the last 18 months there has been a substantial increase in surface water runoff. Mr King said that he was concerned that the proposed wet area is saturated for six months of the year.

Mr P T Stringer said he is a neighbouring property owner to the subject site and that Bronte Road is used for forestry and logging operations. He was concerned about cross boundary effects from forestry work which could upset landowners on the subject site. Mr Stringer agreed with the comments made by the Department of Conservation about the risk to the wetland. He was also concerned that there could be a fire risk to forestry land due to the occupants of the subject subdivision. Mr Stringer was concerned that proposed access place number 2 should be available for future forestry access purposes.

9. FURTHER STAFF REPORTS

Council Development Engineer, Mr D Ley, spoke to his staff report contained within the agenda. He said the subject site is within the Rural 3 Zone and the Council had planned for this area to be serviced from Trafalgar Road instead of through Old Coach Road. The Long Term Council Community Plan had programmed this work to commence in 2009. Mr Ley said that Bronte Road West is for local forestry use. He was against Lots 1 and 2 using the unformed portion of Bronte Road West for access and connection to a right of way. He said that a 200 mm diameter water main would be required along Old Coach Road and a 100 mm diameter water line through the subdivision to Trafalgar Road.

The submission said that the bridle path should be created as a road to vest in Council and be three metres wide. Roads associated with the subdivision should have grades no greater than 1 in 7. Mr Ley was concerned that where some lots are split by a right of way, this can cause maintenance problems. He said that should this application be approved, the engineering guidelines for the proposed Rural 3 Zone would be breached.

Mr Ley acknowledged the applicant's offer to upgrade Old Coach Road but was not convinced that this was the best way to service this area.

A roading assessment for Council, prepared by Mr R Firth had been contained within the agenda and Mr Firth addressed his concerns. He said that the proposed roads on ridgelines would create landscape issues. He reminded the Committee that access to the Trafalgar block was planned off the State Highway using an upgraded Trafalgar Road. Mr Firth said that although upgrading of the three kilometre length of Old Coach Road, directly affected by the current applicant is possible, it would be subject to considerable negotiations and agreements being reached with other affected landowners. Mr Firth said that should Council approve the application, the applicant should be required to bring the three kilometre section of Old Coach Road between Moutere Highway and Dominion Road, including all intersections up to a rural collector standard.

In answer to a question outlining the applicant's offer of road upgrading and roading contributions totally approximately \$1M, Mr Firth said Council's Engineer Department still requested that the application be declined.

Consent Planner, Ms N Lewis, spoke to her agended report on the proposed discharge of up 53 m³ of treated domestic wastewater to land by surface irrigation. Ms Lewis suggested that the effluent disposal area should be located on less steep ground. She that the proposed 35 year term of consent is excessive. Ms Lewis tabled additional comments on the recommended and volunteered conditions applicable to the discharge consent.

Consent Planner, Ms D Hills, spoke to her agended report concerning the proposed discharge of untreated stormwater. She noted that the list of conditions of consent within her report were unchallenged by the applicant. Ms Hills also said that consent could also be granted for the application for a land use consent to undertake earthworks, to construct road, rights of way, internal site access and building sites. Work included the stormwater detention dam earthworks. She recommended a consent term of five years.

Environmental Information Manager, M R Smith, spoke on behalf of Council Officer Mr T James who had been associated with assessing the effects of the proposed earth dam and damming of a watercourse. Mr Smith said he was concerned how enforceable the proposed consent conditions would be. He said he was pleased about the relocation of the dam, and added that stormwater should be managed within each site. He said that the applicant's proposed dam would inundate a narrow gully wetland.

Mr Smith said a dam should be located on the southeast of the site. He suggested that householders could have an additional water tank on each allotment. He said the proposed relocation could assist the wetland to retain its water supply.

Consent Planner, Mr N Tyson, referred the Hearing Panel to his report contained within the agenda concerning the proposed construction of an earth dam and the damming of a watercourse. He tabled copies of a revised report referring to the relocated dam site with a reduced catchment area of about 22 hectares. Mr Tyson provided draft consents for the damming and taking of water and the construction of the dam and both with proposed draft conditions of consent.

Consent Planner, Mr Morris informed the Hearing Panel that staff reports had been concluded. He said that the Council would seek a linkage from proposed Lot 61 Walkway to the adjacent Lot 13 DP639 for future walkway linkage purposes.

Following from Item No. 8 in these minutes the following information as provided.

Ms A Scott confirmed that the Department of Conservation had been provided with details of the proposed new dam on Monday, 10 January 2005 together with copies of the draft report by the applicant's witness. The Chairman acknowledged the provision of that information.

10. APPLICANT'S RIGHT OF REPLY

With the concurrence of all parties present, the Chairman directed that applicant's counsel provide a written right of reply to be supplied to Council's Environment and Planning Manager by Thursday, 27 January 2005.

The Committee reserved its decision at 5.40 pm.

**Moved Crs Kempthorne / Norriss
EP05/01/01**

THAT the public be excluded from the following part of the proceedings of this meeting namely:

Carter Holt Harvey

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
Carter Holt Harvey	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Kempthorne / O'Regan
EP05/01/02**

THAT for the purposes of discussing the application of Carter Holt Harvey as an "In Committee" item, the Environment & Planning Manager be authorised to be in attendance as advisor.

CARRIED

**Moved Crs Norriss / O'Regan
EP05/01/03**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded adopted and that the following resolutions be confirmed in open meeting.

CARRIED

- 11. CARTER HOLT HARVEY FORESTS LTD, OLD COACH ROAD, MAHANA, APPLICATION NO. RM040957, RM040971, RM040970, RM040969, RM040967**

**Moved Crs Norriss / O'Regan
EP05/01/04**

THAT pursuant to Part II and Sections 104, 104B and 104D of the Resource Management Act 1991, consent is granted to the applications of Carter Holt Harvey Forestry Limited to undertake the above proposals subject to the following conditions.

In respect of the discharge and water permits, the expiry date is 31 March 2015.

SUBDIVISION CONSENT (RM040957)

CONDITIONS:

General

1. The subdivision and development shall be carried out generally in accordance with the application, the plan by Staig & Smith Ltd Plan No. 6998, Issue 3 titled "Carter Holt Harvey Bronte Road West Subdivision, Resource Consent Application Plan" dated 13 January 2005 tabled at the hearing of the application and as appended as Annex 1 and referred to as the "Application Plan" , except that:
 - a) Lot 30 shall be deleted and merged with Lot 56 with the dwelling site being that as shown on Lot 56.
 - b) Riparian planting be included along the watercourse on Lot 1 down to the boundary with Lot 13, DP 639.
 - c) Road access suitable for heavy traffic shall be provided to the sewer pump station.

Staging

2. The subdivision shall be completed five stages as follows:

Stage 1: Lots 1, 2, 6, 7, 10, 12 to 18, 57, 59 (Dam Site), 62 to 65 and 66.

Stage 2: Lots 19, 20, 20A, 21 to 24, 22A, 61 and 66A

Stage 3: Lots 25 to 29, 31, 56 and 66B

Stage 4: Lots 9, 32, 34 to 36, 38 to 41, 41A, 58, 60 and 67

Stage 5: Lots 37, 43 to 52, 46A, 54, 55, and 68.

3. Financial Contributions attributable to each stage shall be payable upon application for 224(c) certificate for each stage, unless as otherwise provided for in this consent.
4. Land covenants/consent notices in accordance with conditions of this consent are to be placed on the lots as they are created, not on balance areas yet to be developed.

Subdivision Earthworks

5. The earthworks shall be carried out generally in accordance with the application, the plan by Staig & Smith Ltd Plan No. 6998, Issue 3 titled "Carter Holt Harvey Bronte Road West Subdivision, Earthworks Concept Plan" dated 13 January 2005 and the accompanying Geotechnical Assessment by Nelson Consulting Engineers Ltd submitted with the application, and the additional conditions of consent below:
6. Earthworks shall only be undertaken between 7:00 am and 6:00 pm Monday to Saturday.
7. Earthworks shall be kept to a minimum to ensure the least disturbance to the landform.
8. No spoil shall be placed in any watercourse (whether intermittent or continuously flowing), or to land where it may move or wash into a watercourse.
9. The consent holder shall adopt all practicable measures to avoid the discharge of sediment from earthworks undertaken at this site. For the avoidance of doubt all practical measures includes measures specified in Auckland Regional Council Technical Publication No. 90 Erosion and Sediment Control - Guidelines for Land Disturbance Activities.
10. No stormwater discharge shall have a suspended sediment concentration exceeding 100 grams per cubic metre of water and the discharge shall also comply with all of the conditions of Rule 36.2.4 of the Proposed Tasman Resource Management Plan.
11. No earthworks shall commence until a comprehensive sediment and erosion control plan detailing how conditions 9 and 10 will be met has been forwarded to and approved by the Council's Engineering Manager and Monitoring Officer (Land Disturbance).
12. All sedimentation mitigation or control measures shall be maintained by the consent holder for as long as there is a potential for sediment movement (resulting from earthworks) to occur and until the site is adequately reinstated as required by Condition 14 of this consent.
13. The generation of dust shall be adequately controlled, such as by watering exposed areas and stockpiles as necessary, so that it does not create a nuisance to adjoining properties or the general public.
14. All exposed ground shall be reinstated, including the slopes of the dam, so that erosion is minimised by the following spring or autumn (whichever occurs first) and in no circumstances later than 12 months after the earthworks are completed. If a vegetative cover (such as standard rye grass/clover mix) is to be used to achieve this, compliance with this condition is considered to be when 100% vegetative cover has been established. If stormwater control measures are to be utilised they must be maintained and kept in operational order at all times.

15. All earthworks and stormwater control measures shall be planned and supervised under the direction of a person experienced in large-scale earthworks and soils engineering and Council shall be advised of who this person is, in writing, when lodging the Engineering Plans required to be submitted in accordance with Condition 16 of this consent.
16. The consent holder shall advise in writing the Council's Coordinator Compliance Monitoring and provide a copy of the approved engineering plans (earthworks) at least 72 hours prior to the commencement of any earthworks on site. All costs of monitoring and any subsequent remedial works required as a result shall be paid by the consent holder.
17. Should waahi tapu or other cultural sites be unearthed during earthworks the operator and/or consent holder shall:-
 - a) cease operations;
 - b) inform local iwi;
 - c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
 - d) take appropriate action, after discussion with the NZHPT, Council and iwi to remedy damage and/or restore the site. Note: In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), an authority from the NZ Historic Places Trust is required if the site is to be modified in any way.
18. The suitably qualified person required under condition 15 shall confirm in writing prior to the section 224(c) certification of the subdivision that all the earthworks conditions of this consent have been met.

Storage Dam

19. The storage dam, as outlined in the application and the accompanying Geotechnical Assessment by Nelson Consulting Engineers Ltd shall be fully completed in accordance with Consent RM040971 prior to the signing of section 224(c) certificate for stage 1.
20. A written report shall be provided from a suitably qualified registered engineer confirming compliance with RM040971 and the approved engineering plan.

Road Upgrading

21. The Consent Holder shall undertake the physical works, paint markings and signs as outlined in Montgomery Watson Harza report by Ray Firth (Attachment 5 to Report EP05/01/01 presented at the hearing) in relation to
 - a) the reconstruction of Old Coach Road (560 metres south of Access Place 2 including Carlyon Road intersection with two 3 metre lanes and 600 millimetre shoulders with a 70 km/hr design speed) and the upgrade of the intersection with Access Place 2, as shown on the Application Plan, to be completed by Stage 1 with vesting of road as required.

- b) intersection upgrade for Access Place 1 and right of way C, as shown on the Application Plan where these intersect Old Coach Road, and general shoulder widening and curve improvement, so as achieve two 3 metre lanes and 600 millimetre shoulders with a 70 km/hr design speed along Old Coach Road fronting the balance of the land subject to the satisfaction of Council's Engineering Manager, to be completed by Stage 4, with vesting of road as required.

Road and Walkways to Vest

22. Access Place 1, as shown on the Application Plan (attached), shall have a minimum legal width of 15 metres but shall include all cuts and batters, a sealed width of 5 metres, 600 millimetre grassed shoulders with concrete seal edge supports, grassed swale drains and a maximum grade of 1 in 7.
23. Access Place 2, as shown on the Application Plan (attached), shall have a minimum legal width of 15 metres but shall include all cuts and batters, a sealed width of 6 metres, 600 millimetre grassed shoulders with concrete seal edge supports, grass swale drains and a single chip sealed (minimum) footpath of 1.4metres width up to Lot 56 and a maximum grade of 1 in 7.
24. All roads shall be constructed to meet the Tasman District Engineering Standards and Policies 2004, unless otherwise stated. Appropriate measures shall be incorporated in the road design to control scour of any swale drains. Suppressed street lighting shall be provided for the full length of Access Place 1 and 2 to the satisfaction of the Council's Engineering Manager.
25. Street names shall be submitted and approved by Council for the two access roads prior to the approval of the section 223 certificate. Cost of name plates shall be met by the consent holder.
26. Walkways shall have a legal width of 4metres, and be formed with a chip sealed (minimum) surface 1.5 metres wide prior to the application for the section 224(c) certificate for each stage. The walkway along the frontage of Old Coach Road shown on the Application plan shall be formed as part of Stage 1, shall be separated from the Old Coach Road carriageway, located within road reserve and roadside barriers shall be installed upslope of the walkway where grade separation is greater than 1 metre. Walkway gradient shall not exceed 1 in 7. All walkways shall link at the points of termination with a legal road.

Rights-of-Way and Access

27. Rights-of-way serving up to four lots shall have a minimum legal width of 9 metres, a minimum sealed width of 3.5 metres, metalled shoulders of 500 millimetres and adequate provision for drainage and a maximum grade of 1 in 5.
28. Rights-of-way serving more than four lots shall have a minimum 10 metre legal width, a minimum sealed width of 4.5 metres, metalled shoulders of 500 millimetres and adequate provision for drainage and a maximum grade of 1 in 6.
29. The access servicing Lots 1 and 2, where it traverses unformed legal road shall be a 4.5 metre wide all-weather metalled surface (minimum) with adequate provision for drainage and metalled turn-outs into Lots 1 and 2.

Note: Because the formation on the unformed legal road is not up to Council standards, any maintenance will be the responsibility of users and it should be noted that Tasman District Council will not be maintaining this stretch of road. That part of any access on the legal road shall continue to be available for public access at all times. The location of any access and any works will require prior Council approval.

30. All lots shall have crossing places formed from the edge of the seal to the lot boundary in accordance with Tasman Engineering Standards and Policies 2004. The legal width of all rights-of-way shall include all associated swales, water tables, footpaths, grassed verges, cuts and batters.

Intersections with Old Coach Road

31. All access points onto Old Coach Road shall be designed to comply with the sight distances set down for a 70 km/hour design speed in Approach Sight Distance and Safe Intersection Sight Distances (SISD) in Austroads 'Intersection at Grade' Table 5.1 and 5.3 and as outlined in the evidence at the hearing of Mr D Petrie.
32. The design of the intersections shall be generally in accordance with Diagram 3 in section 16.2 of the Proposed Tasman Resource Management Plan (PTRMP) with a corner radius of 9 metres and with the length of seal widening and tapers either side of the intersection to be 70 metres for this speed environment.

Building Site Stability

33. The consent holder shall ensure that each building location area is subject to an investigation, evaluation and report by a registered engineer to ensure the site is suitable for residential building, particularly in relation to any cuts, fills, or batters. If the engineer identifies any need for special design (especially foundation design) then that shall be recorded on the relevant title by way of consent notice.
 - i) The certification of building platforms constructed for residential development shall be in accordance with NZS 4404:2004 Schedule 2A.
 - ii) Where fill material has been placed on any of the residential sites, a certificate shall be provided by a suitably qualified and experienced engineer certifying that the filling has been placed and compacted in accordance with NZS 4431: 1989.
 - iii) The engineering report shall also cover stormwater run-off from each building site, with any recommended conditions to ensure that the run-off does not adversely affect stability or cause adverse effects off-site.

Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 recording the soil condition and foundation recommendations on the certificates of title

34. All lots, and houses thereafter built on, shall be connected to reticulated water and wastewater schemes provided or approved by the Council, except for the collection of potable household water supply via individual rainwater collection (refer to Consent RM040967 and Consent RM040970).

Water Management

35. The consent holder shall prepare a water management brochure and a water management information kit for prospective property owners. The brochure and kit shall provide information in relation to water re-use and the management of water supplies, the water supply system, and water conservation during dry periods within the development. Accordingly the kit shall include, but not be limited to, the following information:
 - i) The sources of water in the catchment
 - ii) Local climate and availability of water
 - iii) Collection of potable water and use of rainwater tanks
 - iv) Use of non-potable water
 - v) Water conservation measures on properties
 - vi) The option of treating rainwater to ensure it is potable.
36. Copies of the information prepared in condition 35 shall be provided to the Council's Environment and Planning Manager prior to application for the section 224 (c) certificate for Stage 1. The information and kit shall be included in the Residents Association policies (see Condition 50) and distributed to all property owners within the development.
37. The subdivision shall be reticulated for non-potable water supply, in accordance with Truebridge Callendar Beach Ltd report dated August 2000 and shall provide fire hydrants throughout the subdivision in accordance with the requirements of the current Fire Service Code of Practice.
38. Each allotment for residential use shall be provided with two water storage tanks of 23,000 litre capacity, installed during the construction of the dwelling and prior to the issuing of the building consents code of compliance certificate pursuant to the provisions of the Building Act 1991. Both tanks are for the storage of potable water from roof collection.
39. In addition to the requirements of Condition 38, each allotment for residential use shall also be provided with one 23,000 litre capacity water storage tank and a supply pump, installed during the construction of the dwelling and prior to the issuing of the building code of compliance pursuant to the provisions of the Building Act 1991. This tank is for receiving reticulated non-potable water and shall be used for toilet flushing, laundry facilities and other outdoor use.
40. All buildings shall contain separate plumbing for potable and non-potable (toilet flushing) water use activities within the dwelling sufficient to ensure security of the water supplies, installed during the construction of the dwelling and prior to the issuing of the building code of compliance pursuant to the provisions of the Building Act 1991.
41. The installation of outside taps connected to the potable water supply system is prohibited and in all respects plumbing for potable and non-potable supplies shall comply with the Building Regulations 1992 and the Water Supplies Protection Regulations 1961.

42. A device (valve restrictor) shall be installed to restrict the delivery of non-potable water supply to 1000 litres per day for each allotment from a reticulated supply for the development.
43. The four non-potable water storage tanks to be installed on Lot 57 shall be designed and sited to ensure compliance with the requirements in the Proposed Tasman Resource Management Plan and in consultation with Council's Engineering Manager
44. The four non-potable water storage tanks on Lot 57 shall be permanently available for fire fighting purposes and shall have a RL of 140 metres above ground level to ensure adequate pressure and flow to the fire hydrants within the subdivision. A 200 millimetre water main shall be laid in Old Coach Road to service the development and a 100 millimetre service lateral/rising main shall be laid from Old Coach Road down to the boundary with Trafalgar Road in Lots 60 and 61 by the completion of Stage 4.

Any dwelling within 30 metres vertical elevation of the tanks on Lot 57 shall have a consent notice advising of restricted pressure and the requirement for specific design in their house reticulation.

45. Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 to ensure compliance with conditions 38 to 44 on a continuing basis.

Wastewater

46. All wastewater infrastructure arising from the subdivision shall comply with Consent RM040967. In particular Condition 5(h) shall be secured by way of consent notice.
47. All infrastructure shall comply with the Tasman District Engineering Standards and Policies 2004. Infrastructure shall be laid within walkways, roads and other public spaces or otherwise covered by easement if this is not possible.

Stormwater

48. All stormwater management arising from the subdivision shall be undertaken in accordance with RM040969.
49. Council will issue a consent notice pursuant to section 221 of the Resource Management Act 1991 stating that all stormwater shall be collected and/or disposed of clear of building sites and in a manner that will not result in erosion or sediment runoff which will be imposed on all certificates of title for residential allotments.

Power and Telephone

50. Each residential lot shall be serviced with underground power and telephone connections to the boundary of the lots. Written confirmation of servicing shall be provided to Council by the relevant utility provision prior to application for 224(c) certificate for each stage.
51. Electricity sub-stations shall be shown as road to vest on the land transfer survey plan if they are located adjacent to a road or road to vest.

Residents Association (Management Company)

52. The consent holder shall form a Residents Association to which the transferee or its successors shall be members. The purpose of the Residents Association is to manage and maintain communal assets and utilities (dam, wastewater disposal systems including any reserve area, water reticulation, riparian areas within the utility lots) including the management of plant and animal pests on land under the control of the Residents Association. Prior to the issue of section 223 a management plan setting out the purpose, responsibilities, accountabilities and procedural policies of the Resident's Association shall be submitted for the approval of the Environment and Planning Manager. Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 requiring compliance with the Residents Association Management Plan by lot owners on an ongoing basis.

Easements

53. Easements are required over any right-of-way, public or communal services where these pass through the lots in the subdivision. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense. Easements in favour of the body corporate responsible for the wastewater system and water supply shall provide for an eventual transfer to Council if and when this takes place at a future date.
54. A rural emanations easement shall be registered against all residential allotments in favour of productive land use activities and their associated effects on those rural allotments (Lots 1, 32 and 56) within the subdivision and the adjoining forestry activity on Lot 13 DP 639 (P Stringer) and Pt Lot 3 & 4 DP 1542 Pt Lot 1 and Lot 2 DP 767 (Weyerhauser)

Building Location Restrictions:

55. The building sites identified on the Application Plan (attached) shall be shown on the land transfer title plan and the centre of the sites fixed by coordinates.
56. The centre of all building sites identified on the Application Plan shall be fixed by temporary stake or dumpy peg on each allotment.
57. All buildings on all lots (except Lots 1, 32, and 56) shall be erected centred on and within the 1,000 square metre building curtilage area identified on the Application Plan (attached).
58. All buildings on Lots 32 and 56 shall be erected and centred on, and within, the 1,500 square metre building curtilage area identified on the Application Plan (attached).
59. All dwelling buildings on Lot 1 shall be erected centred on and within the 1000 square metre building curtilage area and all farm buildings on Lot 1 shall be erected centred on the 1500 m² building curtilage area identified on that lot on the Application Plan (attached).
60. All buildings on Lots 2 and 31 shall be setback a minimum of 24 metres from forestry activities on the adjoining lots or unformed legal road. Within this setback a 20 metre defensible fire fighting space shall be maintained at all times. No outside burning shall be permitted on these lots.

61. All dwellings on Lots 25 to 29 shall be setback a minimum of 25 metres from the boundary of Lot 56.
62. Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 noting the requirements of condition 55 to 61 on the subsequent certificates of title.

Architectural Controls

63. The maximum height of any building on lots (except as specified in condition 62) shall be 7.5 metres above original ground level.
64. The maximum height of any building on Lots 15, 18, 20, 22, 20A and 22A shall be 6 metres above original ground level and dwellings shall be restricted to single storey construction.
65. Water tanks shall be either incorporated into the structure of each dwelling building or partially buried (except potable supply tanks) and screened within the site so as to be not visible from any other lot or road outside of the said allotment.
66. The colour of buildings on all lots shall be complementary to the colour found on the site in the general area, and roof colours shall be darker than walls colours.
67. All walls of all buildings on all lots shall be clad, finished in paint or other materials that either:
 - a) Match colours in Group A or B of BS 5252:1976 (British Standard Framework for colour co-ordination for building purposes) and have no lighter (no greater percentage) than 60% reflectance value as defined in BS5252 Appendix A.

OR

- b) Match colours in Group C of BS 5252:1976 (British Standard Framework for colour co-ordination for building purposes) and have no lighter (no greater percentage) than 20% reflectance value as defined in BS5252 Appendix A.
68. All roofs shall be clad or finished in paint or other material the finished colour of which matches colours in Group A, B, or C in BS 5252:1976 (British Standard Framework for colour co-ordination for building purposes) and have no lighter (no greater percentage) than 15% reflectance value as defined in BS5252 Appendix A.
69. Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 recording the requirements of conditions 63 to 68 on the certificates of title.

Fencing

70. Fencing is not permitted on any lot in the subdivision unless it comprises one of the following:

- i) Fencing of the boundaries of all lots is only permitted where it is required for the purpose of containing stock or pets and shall be of post and wire construction except where integral to any building development and subject to Council approval.
- ii) Fencing of building curtilage areas is only permitted if it is of permeable appearance and is necessary for the purpose of safety (e.g. swimming pools etc) or stock/pet control.
- ii) Fencing for the purpose of protecting riparian or landscape areas from stock. Such fencing shall be of post and wire construction.

Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 recording the requirements of this condition on the certificates of title

Landscaping

71. A landscape management plan shall be prepared by a qualified Landscape Architect at the cost of the consent holder for the approval of the Council's Environment and Planning Manager and shall be submitted prior to the issue of the section 223 certificate for stage 1. The landscape management plan shall detail the following information:

- i) Planting plan specifying the type, number, and size of the plants.
- ii) Establishment works required to implement the planting plan.
- iii) Staging of planting in accordance with the subdivision/earthworks staging.
- iv) Policies for fencing obligations of all landowners in respect of controlling livestock from entering landscape plantings and regenerating gully areas.
- v) Pest plant and animal controls and ongoing maintenance schedules.
- vi) Replacement planting
- vii) Ongoing maintenance of planted areas (developer and future owners).
- viii) Landscaping areas to be subject to land covenants to ensure their ongoing existence.
- ix) The results of consultation with land owners opposite on Old Coach Road.

And shall be consistent with the riparian vegetation restoration and weed management plans, as described in conditions 72 and 73 below:

72. A 'Riparian Vegetation Restoration Management Plan' for the waterways within the subdivision catchment shall be prepared by a qualified ecologist at the cost of the consent holder for the approval of the Council's Environment and Planning Manager prior to the issue of the section 223 certificate for Stage 1. The purpose of the Plan shall be to define the purpose of planting and the responsibilities of property owner within the catchment. The Plan shall include, but not be limited to, the following:

- i) A definition of riparian zones within the subdivision catchment

- ii) The objectives of the riparian and restorative planting
 - iii) The manner of fencing along the margins
 - iv) The plant species to be used in riparian planting
 - (v) The plant species to be used in restorative planting in the lower wetland catchment
 - (vi) The density and management of plantings.
73. A 'Weed Management Plan' for the waterways within the subdivision catchment shall be prepared by a qualified Landscape Architect or Ecologist the consent holders cost for the approval of the Environment and Planning Manager prior to the issue of the section 223 certificate for stage 1. The purpose of the Plan is to define the manner by which weeds will be managed within the subdivision. The Plan shall include, but not be limited to, the following:
- i) A definition of weeds
 - ii) Identification of noxious weeds and key weeds as identified by Tasman District Council
 - iii) The alternatives for weed management including any limitations on the use of chemical weed control
 - iv) The preferred manner by which weeds will be managed.
74. The consent holder shall undertake all riparian, framework and special area (effluent disposal area, dam and heavy clay areas) planting as described in the application and the Landscape, Riparian and Weed Management Plans required to be prepared in accordance with conditions 71, 72, and 73. A qualified Landscape Architect shall certify in writing that the requirements of this condition have been met prior to the application for the section 224(c) certificate for each stage of the subdivision.
75. The consent holder shall be responsible for maintenance, pest control, replacement and management of the planting within the development for maximum of three years following its establishment. The responsibilities thereafter dissolving to the owners of the lots.
76. Land covenants shall be imposed on all lots detailing the ongoing preservation and management requirements of the Landscape Plan, the Riparian Vegetation Restoration Plan and the Weed Management Plan. The consent holder shall provide written a undertaking from a solicitor that land covenants will be imposed on each lot of each stage following the issue of the section 224 (c) certificate.
77. Prior to the issue of a building consent for each lot within the subdivision, the owner of that lot shall submit to and have approved by the Council's Environment and Planning Manager, a landscape plan for that particular lot and building curtilage area. The landscape plan shall be prepared by a qualified Landscape Architect and shall include:
- i) How the proposed building will integrate with the site, natural landforms and riparian and landscape plantings on the site.
 - ii) Proposed planting to build on the planting established as part of the development and the management regime for it.

- iii) Then identification of views from adjacent properties and the features designed to preserve those views as part of the site development.
- iv) The identification of the proposed building in relation to the centre and extent of the building curtilage area.
- v) An earthworks plan showing the extent of earthworks required to implement the building on site, and mitigation measures proposed to avoid any adverse visual impacts.
- vi) A planting implementation plan, including establishment, maintenance and management proposal for the first 5 years following the construction of the dwelling. The plan shall specify regular monitoring and reporting responsibilities of the owner to Council's Environment & Planning Manager to ensure compliance.

Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 recording the requirements of this condition on 1 certificate of title.

78. The land owner shall not permit to be planted any noxious or pest weed species on the land. A list of noxious or pest species as identified by the Council shall be subject to a consent notice pursuant to section 221 of the Resource Management Act 1991 recording the requirements of this condition on subsequent certificates of title.

Outdoor Lighting on Residential Lots

79. Outdoor lighting shall be restricted to hooded or shrouded lights so as to direct the light spill downwards from the light source. External lighting shall be mounted no greater than 900 millimetres from ground level except at doorway entrances. Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 recording the requirements of this condition.

Future Subdivision

80. No further subdivision of any of the lots in the subdivision will be permitted, unless such subdivision constitutes a boundary adjustment where it does not result in the creation of additional lots for a dwelling or is for the provision of a utility site. Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act recording the requirements of this condition on the certificates of title.

Engineering Works, Services, Supervision and Plans

81. Prior to undertaking any engineering works including earthworks, road works, water, wastewater, stormwater, other utilities and storage dams as outlined in this consent, engineering plans are to be prepared in accordance with Council's Engineering Standards and Policies 2004 and submitted to the Council's Engineering Manager for approval. All construction is to be in accordance with the approved plans. No private services (other than electricity and telephone fixtures and lines) shall be laid in road to vest unless to a standard approved by Council's Engineering Manager and subject to any agreement required by the Manager.
82. "As-built" plans of services will be required at the completion of the works and approved by the Council's Engineering Manager prior to the issue of section 224(c) certificate.

83. All works undertaken and services and engineering plans shall be in accordance with the Tasman District Council Engineering Standards and Policies 2004, unless otherwise described above, or to satisfaction of the Council's Engineering Manager. The consent holder shall advise the Council at least 48 hours prior to the commencement of any works on this subdivision.
84. The consent holder shall engage a suitably qualified and experienced consultant to observe and test the construction of the works. The certificate pursuant to section 224 (c) of the Act will not be released by Council until a "Certificate of Supervision" signed by the consultant is provided and all necessary fees and levies have been paid attributable to the stages of the development.

Maintenance Performance Bond

85. The consent holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,000 per lot or a lesser figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of the section 224(c) certificate of each stage.
86. The bond shall cover maintenance attributable to defects and the remedy of defects arising from defective workmanship or materials.

Financial Contributions

87. Payment of the financial contributions in accordance with 16.5.2AA and 16.5.5 of the Proposed Tasman Resource Management Plan, assessed as follows:

Reserves and Community Services

5.5% of the assessed market value of 49 residential allotments inclusive. The valuation shall be based on a 2,500 square metre building site within each allotment.

Duration of Land Use Consent

88. The duration of the consent relating to land use of the allotments following subdivision shall be five years from the date of issue of the section 224(c) certificate for the respective allotments.

Advice Notes

- i) Council will not issue the section 224(c) certificate in relation to the stages in this subdivision until all development contributions payable for each stage have been paid in accordance with Council's Development Contribution Policy under the Local Government Act 2002 except as otherwise agreed.
- ii) The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) 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 for each stage.

- iii) All consent notices shall be prepared by a solicitor and the cost met by the consent holder.
- iv) All future residences shall comply with the Rural 3 relevant bulk and location provisions in the PTRMP unless otherwise amended by conditions above.
- v) Example of noxious species list relevant to condition 77:

Genus	Species	Common Name
	agapanthus	Agapanthus
Acer	pseudoplatinus	Sycamore, Sycamore maple
Ageratina	riparia	Mistflower
Allium	triquenum	Onion weed, three cornered garlic
		three cornered leek
Asparagus	scanders	Climbing asparagus, ferny asparagus
Berberis	glaucoarpa	Barberry
Buddleja	davidii	Buddleia
Calystegia	silvatica	Great bindweed
Ceratophyllum	demersum	Homwort
Chysanthemoides	monilifera	Boneseed
Cirsium	vulgare	Scotch thistle, spare thistle
Clematis	vitalba	Old man's beard, travellers joy, clematis
Cobaea	scandens	Cathedral bells
Cortaderia	jubata	Pampas
Cortaderia	selloana and jubata	Pampas
Cotoneaster	glaucophyllus	Cotoneaster
Crocsmia	x crocosmiiflora	Montbretia, crocosmia
Cupressus	macrocarpa	Macrocarpa
Cytisus	scoparius	Wild broom
Dactylis	plomerata	Cocksfoot
Dipogon	lignosus	Mile-a-minute
Elaegnus	xreflexa	Eleagnus
Erigeron	karvinskianus	Mexican daisy
Equisetum	avense	Horsetail
Euonymus	japonicus	Japanese spindle tree
Festuca	arundinacea	Tall fescue
Galega	officinalis	Goat's rue
Hedychium	flavescens	Yellow ginger
Hedychium	gardnerianum	Kahili ginger
Hypericum	androsaemum	Tutsan, Rose of Sharon, sweet amber
Ipomoea	indica	Blue morning glory, blue dawn flower, bindweed, blue convolvulus, morning gl
Iris	pseudocomis	Yellow flag
Juncus	articulatus	Jointed rush
Juncus	effuses	Leafless rush, soft rush
Ligustrum	lucidum	Tree privet
Ligustrum	sinense	Chinese privet
Lonicera	japonica	Japanese honeysuckle, Chinese honeysuckle

Genus	Species	Common Name
Lotus	pedunculatus	Lotus, birdsfoot, trefoil
Lychnis	flos-cuculi	Ragged robin
Lycium	ferocissimum	Boxthorn, African boxthorn
Passiflora	mollissima	Banana passionfruit
Phytolacca	octandra	Inkweed, pokeweed, red ink pl pheasant weed.
Pinus	radiata	Radiata pine, Monterey pine
Plectranthus	cilioms	Plectranthus
Polygaria	myrtiflora	Sweet pea shrub
Populus	alba	White poplar. Silver poplar, Silver poplar, Abele
Rhanus	alaremus	Evergreen buckthorn
Rubus	fruticosus agg.	Blackberry, Bramble, Cut lea blackberry, European blackberry
Salix	fragilis	Cracked willow
Sambucus	nigra	Elder, Elder berry, Black elder
Senecio	angularus	Cape ivy
Senecio	gacobaea	Ragwort, Tansey ragwort. Saint Ja Wort
Senecio	mikanioides	German ivy
Solanum	maurisianun	Woolly nightshade. Flannel le Kerosene plant, wild tobacco tree
Solanum	psuedocapsicum	Jerusalem cherry, Christmas che Madera winter cherry. Winter cherry
Teline	monspessulana	Montpellier broom
Tradescantia	fluninensis	Wandering Jew, Wandering willie
Ulex	europaeus	Gorse, Win, Furze
Zizania	lasifolia	Manchurian rice grass

LAND USE CONSENT: DWELLINGS (RM040957)

1. All proposed new dwellings on Lots 1–52 and Lot 29 shall be sited in accordance with any requirements resulting from Conditions 55 to 61 of the subdivision consent, and shall be subject to the architectural controls in Conditions 63 to 69 and all relevant consent notices attached to the title of the particular lot.
2. Each of the dwelling sites on Lots 1-52 and Lot 29 shall provide an all-weather off-road parking ability to accommodate a minimum of three standard passenger cars. Carports and garages may be counted

LAND USE CONDITIONS RELATING TO EARTHWORKS (RM040969)

1. That the earthworks shall be completed in accordance with the application submitted by Carter Holt Harvey Forests Ltd dated September 2004, and the accompanying geotechnical assessment by Nelson Consulting Engineers Ltd.

2. The consent holder shall take all practical measures to minimise the discharge of sediment with stormwater run-off to water or to land where it may enter water. The measures to be adopted include, but are not limited to, the use of perimeter drains, bunds, settling ponds, silt fences, straw bales and/or other retention devices are required. All stormwater and sediment control structures that may be required to comply with this condition shall be regularly monitored and maintained in effective operational order at all times.
3. A Sediment and Erosion Control Plan which shall include details of cut and fill, the size of sediment traps, pond maintenance, and sediment erosion control devices shall be developed by the Consent Holder and approved by the Council prior to any earthworks being carried out.
4. All exposed ground, including the slopes of the dam, shall be reinstated so that erosion is avoided by the following spring or autumn (which ever occurs first) and in no circumstances later than 12 months after the earthworks. If a vegetated cover (such as rye grass/clover mix) is to be used to achieve this, compliance with this condition is considered to be when 100% vegetative cover has been achieved.
5. The applicant shall advise in writing the Council's Co-ordinator, Compliance Monitoring and provide a copy of the approved engineering plans (earthworks) prior to the commencement of any earthworks on the site. All costs of monitoring and any subsequent remedial works shall be paid for by the applicant.
6. If any items of archaeological or historical significance are disturbed during construction or earthworks then works shall stop immediately and an archaeological survey shall be carried out by a suitably competent person. The local tangata whenua and the New Zealand Historic Places Trust shall be consulted. Any recommended remedial/restoration works shall be complied with. All costs shall be borne by the applicant.
7. **Review of Consent**

Council may, for the duration of this consent and within the three month period following 31 May each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at later stage or complying with the requirements of a relevant operative rule in the Tasman Resource Management Plan or its successor.

Advice Notes

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.

4. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
5. Council draws attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

LAND USE CONDITIONS RELATING TO CONSTRUCTION OF DAM AND ASSOCIATED WORKS (RM040971)

CONDITIONS

1. Site and Dam Details:

Location:	Trafalgar Road
Legal Description of Land:	Subdivision of
River or Stream Being Dammed:	Trafalgar Road Stream
Zone, Catchment:	Moutere Surface Water Zone, Moutere Catchment
Catchment Area (ha):	22
Dam Height (m):	6
Storage (m ³):	9,500
Location:	Eastings: 2514210 Northing: 5992613
Dam ID Number:	257

2. Prior to the commencement of dam construction or related earthworks, the consent holder shall supply to Council's Co-ordinator Consent Planner (Water) two copies of the dam design and specifications and a site management plan that has been prepared by an appropriately experienced civil engineer and the dam design shall comply with the NZSOLD New Zealand Dam Safety Guidelines (November 2000). The dam design and specifications shall include a dam discharge pipe through the dam with an adjustable valve and in such a manner that any water discharged is from the surface of the dam.
3. The consent holder shall employ an appropriately qualified and experienced civil engineer to supervise dam construction and producer statements shall be provided by both the contractor for the dam and from the civil engineer supervising dam construction as soon as possible but no later than 12 months following completion of the dam. Written report(s) shall also be provided confirming all inspections specified in the engineering specifications have been completed.
4. A copy of this consent shall remain on site at all times during construction of the dam and the consent holder shall provide a copy of this consent and any other relevant consents to the contractor and the supervising civil engineer.
5. The owner or person undertaking the building work shall advise Council's Consent Planner (Water) of completion of work by returning the "Advice of Completion of Building Work" form which may be obtained from the Council.
6. The consent holder shall advise the Council's Consent Planner (Water) 72 hours prior to when site works are to commence.

7. The consent holder shall not plant, or allow to grow, any trees or shrubs on the dam embankment and shall ensure that the dam embankment and any unplanted land is grassed down as soon as practical after dam completion.
8. The consent holder shall regularly inspect the dam and maintain the embankment, rock protection, low flow system and spillway in good condition. In particular, the spillway and any low flow pipe shall not be obstructed and any damage to the spillways shall be repaired promptly.
9. **Slumping and Seepage:**

Should any slumping or significant seepage from the dam embankments be observed, the consent holder shall immediately inform the Tasman District Council's Environment and Planning Manager or his agent and shall employ a suitably experienced registered civil engineer to advise on appropriate remediation measures.
10. Appropriate rock protection (or similar) shall be provided sufficient to avoid or remedy any adverse erosion of the watercourse of the spillway discharge.
11. There shall be no cutting of in situ Moutere Gravels below the dam full water level closer than 3 metres from the lake full water edge and, furthermore, no cutting shall extend closer than 25 metres from the head of the proposed dam – the intention being to provide shallow water habitat and feeding areas for ducks and other birds.
12. **Dam Construction Period and Sediment Control:**

Dam construction earthworks shall only occur during the (summer) period 1 October to 30 April inclusive and appropriate coffer dams, sediment traps and such other practical measures shall be undertaken so as to avoid introducing silt and other contaminants to the stream below the dam provided that the discharge of silt is authorised to the extent that it does not decrease the visual clarity of any stream by more than 40% as measured by the black disc method 50 metres downstream of the discharge point.
13. Council may within three months following the anniversary each year of the granting of consent review its conditions pursuant to Section 128 of the Resource Management Act, for any of the purposes stated in the Act, and for the purposes of implementing a dam safety monitoring programme or such other conditions required pursuant to any new statutory requirements that may come into effect.
14. This consent to construct a dam is valid for a period of three years from the date of issue and shall expire after that period unless the holder of this consent has substantially exercised the consent.

Advice Notes:

- i) The consent holder will need to meet the reasonable costs associated with the monitoring of this consent.
- ii) Unless appropriately authorised by Council, no part of the dam shall be closer than 20 metres from a Council road boundary and no part of the dam or any dammed water shall be closer than 5 metres from any internal boundary.

- iii) Council draws attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

DAMMING AND TAKING OF WATER (RM049070)

CONDITIONS

1. Site and Dam Details:

Location:	Trafalgar Road
Legal Description of Land:	Subdivision of
River or Stream Being Dammed:	Trafalgar Road Stream
Zone, Catchment:	Moutere Surface Water Zone, Moutere Catchment
Catchment Area (ha):	22
Dam Height (m):	6
Storage (m ³):	10,700
Location:	Easting: 2514210 Northing: 5992613
Dam ID Number:	257

2. The Council may within three months of the first anniversary of the granting of the consent and within three months following each annual anniversary thereafter of the granting of this consent review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
- a) to deal with any unexpected adverse effect on the environment which arises from the exercise of the consent including adverse effects on downstream landowners, on downstream water use, on any wetland and on instream values, and to require a residual flow downstream of the dam; or
 - b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan (PTRMP) including requirements and rules relating to the operation and maintenance of dams and rules relating to minimum standards of water quality, maximum or minimum water levels of water retention; or
 - c) to make provision for fish passage including to require changes to the spillway system if there is shown to be a barrier to fish accessing the dam; or
 - d) to require changes to the spillway to ensure that the dam is adequately protected during storm events.
3. This permit may not be exercised to the extent that there is any significant adverse effect on resident eels within the dam and a minimum of 400 cubic metres of storage shall be retained within the dam at all times to provide for their survival and all pipe intakes shall be screened to avoid the entrainment of fish and eels.

4. The consent holder is hereby authorised to take for non-potable use from dam storage up to 52 cubic metres per day provided the pump intake is suitably screened to avoid the entrainment of any fish and eels and provided there is full compliance with the other conditions of this consent.
5. The consent holder shall ensure the non-storm flow when present in the stream above the dam is available below the dam. The consent holder shall confirm with the Environment & Planning Manager the definition of “non-storm flow” and how this will be achieved and will provide appropriate plans to the Manager’s satisfaction prior to construction of the dam commencing.
6. This consent to dam shall lapse after a period of three years from the date of issue unless the holder of this consent has substantially exercised the consent.

Advice Notes:

1. Nothing in this consent authorises the trespass of any part of a dam, including any associated structure or any ponded water, onto any land without the consent of the owner of that land
2. **Pursuant to Section 36 of the RMAAct, the permit holder may be required to pay the reasonable costs associated with the monitoring of this permit.**
3. Section 125 of the Resource Management Act 1991 states that a consent shall lapse where it is not given effect to within five years of its granting.

DISCHARGE PERMIT (RM040967)

Conditions

1. Site and Discharge Details

- | | |
|----------------------------|---|
| a) Physical Address: | Old Coach Road, Mahana |
| Legal Description: | Lot 23 DP 639, Lot 2 DP 1194 and Lot 29 DP 639 |
| Valuation Number: | 1926011400 |
| Map Reference of Property: | East 2514182 North 5992519 |
| Receiving Environment: | Land |
| Maximum Discharge Volume: | 52, 000 litres per day |
| Maximum Discharge Rate: | 2.85 mm per day |
| Minimum Disposal Area: | 1ha Stage 1 (up to 30 houses) 2ha Stage 2 (up to 52 houses) |
| Discharge Characteristics: | Tertiary treated domestic wastewater |
- b) The maximum daily discharge shall not exceed 52, 000 litres.
 - c) The discharge shall only contain treated domestic wastewater from dwellings, no industrial or tradewaste shall be included.
 - d) The maximum loading rate at which the wastewater is applied to land shall not exceed 2.85 millimetres per day (2.85 litres per square metre per day) and 20 millimetres per week (20 litres per square metre per day).

- e) The application of wastewater shall be a rate of not more than 200 kilograms of nitrogen per hectare per year by itself or in combination with any other sources, evidence of compliance with this requirement shall be prepared by a suitably qualified person and submitted to Council on the anniversary of the exercise of this consent each year for the duration of the consent.

2. Collection, Reticulation and Treatment Systems

- a) The wastewater treatment and disposal systems shall be constructed, operated and maintained in accordance with ASNZS1547:2000 (except as provided for in this consent), conditions of this consent and the relevant documentation submitted to Council as part of the application RM040967, in particular, the report prepared by Truebridge Callendar Beach and dated September 2004. The construction and installation shall be carried out under the supervision of a Chartered Professional Engineer or equivalent suitably qualified Wastewater Consultant and the Consent Holder shall require the supervising Engineer or Consultant to provide 'as built' plans of the wastewater treatment, reticulation and disposal systems and certify in writing to the Consent Authority within 30 days of work completion and prior to the exercising of this consent that;
 - i) All components of the system have been inspected and installed in accordance with standard engineering practice and manufacturers specifications so as to comply with conditions of this permit.
 - ii) Components used in the facility are in sound condition for continued use for the term of this consent.
- b) All wastewater shall be treated prior to disposal using a primary treatment process, followed by a biological secondary treatment process, and followed by an ultra-violet light tertiary treatment process to ensure the wastewater meets the standards specified in condition 5(c). Tertiary treatment shall be installed and operating at the commissioning of the wastewater treatment plant. The treatment plant shall be designed such that it is able to be configured for nitrogen removal should it be required.

3. Flows

- a) The Consent Holder shall measure the wastewater exiting the wastewater treatment plant determined by an appropriately installed and calibrated flow meter capable of measuring to an accuracy of plus or minus 5%. The meter should be installed in accordance with the manufacturer's specifications and shall be operated and maintained so that it is able to be used to record the discharge volume.
- b) The flow meter required to be installed in accordance with condition 3(a) shall be read manually or electronically at the same time daily whenever the system is discharging to the disposal area. Copies of these records along with the lot number of each lot discharging to the treatment plant shall be forwarded to the Council's Compliance Co-ordinator quarterly in the Quarterly Monitoring Report required by Condition 9(d), within one month following the end of the three month period ending 31 March, 30 June, 30 September and 31 December each year.

- c) Any exceedance of the permitted discharge volume shall be reported to the Council's Compliance Co-ordinator in writing within one week of the reading. This report must include any explanation for the non-compliance and an assessment of the likely effects of the functioning of the system and the receiving environment. The data shall also be securely stored electronically for at least 2 years.

4. Access Conditions:

- a) That Consent Holder shall fence and clearly signpost the treatment plant and discharge points to discourage access by unauthorised personnel. The details of such action shall be discussed with the local Medical Officer of Health and submitted for approval by the Council's Environment and Planning Manager, prior to the exercising of this consent.
- b) The wastewater treatment system shall be located, and the surrounding area maintained, so that vehicular access for maintenance is readily available at all times

5. Disposal/ Land Application System

- a) The disposal areas shall be located generally in accordance with the conditions of this consent and as specified in the application for discharge consent RM040967. Where specifications differ, the conditions of this consent shall be adopted. (Refer condition 5(h) below).
- b) Drip lines shall be installed to the disposal areas at no less than 50 mm below the surface. The consent holder shall, at all times, ensure that the irrigation lines used for the disposal of wastewater have no less than a 50 mm cover of soil, bark or an appropriate alternative.
- c) There shall be not less than a 600 millimeters separation maintained between the irrigation lines and the seasonal water table. This shall be confirmed by investigation by a suitably qualified engineer prior to construction of the disposal system and results of the investigation shall be submitted to Council prior to installation.
- d) The disposal areas shall be located not less than:
 - i) 20 metres away from any surface water body.
 - ii) 20 metres from any bore for domestic water supply.
 - iii) 10 metres from any adjoining property.
- e) There shall be no surface flow of wastewater from the disposal areas.
- f) Subsurface cut-off trenches shall be constructed up slope of the disposal areas to divert, as far as is practicable, stormwater away from the disposal areas.
- g) The disposal areas shall be densely planted with high transpiration plant species suitable for wastewater uptake prior to the exercise of this consent, they will only be used for wastewater disposal and shall be fenced to prevent access by stock or unauthorised persons and shall be clearly labelled in at least two clearly visible places with warning signs such as "Wastewater Disposal Area — Avoid Contact".

- h) A wastewater disposal reserve area equivalent in size of the primary disposal area and sufficient to serve all 52 lots shall be kept free from any development that would prevent it being used in the future.
- i) Prior to the installation of the irrigation system, the Consent Holder shall submit to Council a "Wastewater Irrigation Disposal Area Management Plan". The plan shall be prepared by a suitably qualified scientist/engineer and a detailed site and soil assessment shall be carried out in accordance with ASNZS 1547:2000. The Management Plan shall certify the selected disposal areas are of a suitable topography and soil type and are suitable for the wastewater loading rates proposed and sufficiently stable for wastewater disposal. The Plan shall include but not be limited to, the following:
- Location of the areas to be utilised for irrigation including proposed reserve areas.
 - A planting plan showing the type, density and location of plantings to assist in nutrient uptake and evapotranspiration.
 - Fencing and public health matters.
 - Irrigation site water monitoring and management to minimise overland surface water flow within the irrigation area and on the receiving environment.
- j) The Consent Holder shall obtain prior written approval from the Environment and Planning Manager, prior to commencing the installation of the irrigation system to illustrate compliance with the conditions of consent.

6. Wastewater system operation and maintenance

- a) The Consent Holder shall, prior to the exercise of this consent, provide to the Council in writing, the name and contact details (mailing address and telephone numbers) of the person who will be responsible for the overall daily supervision of the wastewater treatment and disposal system. In the event that this responsibility is transferred to a new person, the Consent Holder shall advise Council of the new contact details.
- b) The Consent Holder shall install and operate a remote monitoring system whereby all tanks and pumps of the central treatment system and all pumps of the reticulation systems are monitored on a continuous basis. The Council's Environment and Planning Manager shall be notified in writing when this monitoring system is operational and written specifications shall be submitted to Council, prior to the exercise of this consent.
- c) The consent holder shall enter into, and maintain in force, a written maintenance contract with an experienced wastewater treatment plant operator trained in wastewater treatment plant operation by the system designer, approved by the Council's Environment and Planning Manager, for the ongoing maintenance of the treatment and disposal systems and control of the remote monitoring system as required by Condition 6 (b). This contract shall require the operator to perform maintenance functions and duties specified in the Management Plan and required by conditions of this consent. A signed copy of this contract including full contact

details for the service provider shall be forwarded to the Consent Authority, prior to exercising this consent. Any changes to this maintenance contract must be in accordance with the conditions of this consent and approved in writing by the Council's Compliance Co-ordinator prior to them taking effect

- d) A Chartered Professional engineer or suitably qualified consultant experienced in wastewater engineering shall prepare a "Wastewater Operations Management Plan" for the wastewater treatment and disposal system. This plan shall be prepared in accordance with the conditions of this resource consent and shall contain, but not be limited to, the following:
- i) An inspection programme to verify the correct functioning of the wastewater and disposal systems.
 - ii) A schedule for the daily, weekly, monthly and annual operational requirements including monitoring requirements of consent conditions;
 - iii) A schedule of maintenance requirements for the pumps, septic tanks, recirculation tanks, treated effluent holding tank, flow meters and stormwater control drains.
 - iv) A schedule of maintenance requirements for the management of vegetation on the wastewater ground disposal area.
 - v) A contingency plan specifying the actions to be taken in the event of failure of any component of the system and any non-compliance with the conditions of this resource consent
 - vi) Details of how the ground disposal system will be managed.
 - vii) Emergency contact details (24 hour availability) for Service Provider and Manager of the Body Corporate shall be provided.
- e) A copy of the management plan required in condition 6(d) shall be submitted to the Council's Environment & Planning Manager for approval prior to the exercise of this consent. Any changes to this plan shall be in accordance with the conditions of this consent and approved in writing by the Environment & Planning Manager, prior to them taking effect.
- f) The collection and treatment tanks shall be inspected not less than once every six months. All tanks shall be cleaned out once the combined depth of the sludge and scum in any tank occupies half of the tank's volume. Material collected from the desludging of tanks shall be removed from site for disposal at a location that is authorised to accept such wastes.

7. Contingency Conditions:

- a) An alarm system shall be installed and designed to operate in the event of any pump or other form of mechanical failure within the wastewater treatment and disposal system that may cause an overflow of wastewater and/or unauthorised contamination of adjacent water bodies. A telemetered 24 hour remote advance warning system shall be installed and operated that is capable of warning of any system pump failure, mechanical blockage or UV disinfection system failure. The remote monitor and management system shall be operated to achieve the following:

- Notify operators of any alarm; and
 - Monitor and record daily flow readings from all water meters (or pump station pump hours); and
 - Store and transmit daily reports to the operator of the discharge volume meter reading and system status from each site; and
 - In the event of any alarm activating, the remote monitor and management system shall immediately notify the maintenance operator and shall continue notifying the operator until the condition has been remedied and cleared by the operator.
- b) The Consent Holder shall maintain signage adjacent to all external alarm panels at the plant to provide a 24 hour contact number in the event of an alarm being activated.
- c) The appropriate person or persons required under Condition 6(a) shall be available, and shall respond within 4 hours to any alarm on a 24 hour a day, seven day a week basis
- d) The Consent Holder shall ensure that the system is designed and maintained so that wastewater can be retained within the system above the alarm level without overflow for a period of at least 24 hours wet weather flow and in accordance with the provisions in the "Wastewater Operations Management Plan".
- e) Should power disruption result in the 24 hour storage capacity at the treatment plant being utilized to 80% capacity, the consent holder shall ensure that the wastewater is removed from the storage tank at that time for the purpose of maintaining capacity. Wastewater shall be disposed of to a facility that is authorised to accept such wastes. The relevant details of how this will be achieved shall be incorporated in the "Wastewater Operations Management Plan" required to be prepared in accordance with Condition 5(i).

8. Discharge Quality Compliance and Monitoring Sampling point

- a) A sampling point to allow collection of a sample of the treated wastewater shall be provided following treatment (after the UV disinfection) and before wastewater discharge to the disposal system, and details of its location shall be forwarded to the Council prior to the exercise of this consent.

Discharge monitoring

- b) A sample of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 8(a). Samples shall be analysed for the parameters set out in the table below. The frequency of sampling shall be as follows:
- For the first six months of plant start up, samples shall be collected weekly for first month and then two weekly for two months (a total of eight samples).

- For the following six months samples shall be collected monthly (a total of six samples).
- Following the first 12 months samples shall be collected at least every two months (a total of at least six samples a year).

Final treated wastewater discharge monitoring requirements.

Parameter	Detection Limits ¹	Units
pH	NA ²	-
Dissolved Oxygen	NA	g/m ³
Temperature	NA	°C
Conductivity	NA	mS/m
Carbonaceous biochemical oxygen demand	2	gO/m ³
Total Suspended Solids	3	g/m ³
Escherichia coli (E coli)	10	MPN or cfu/100
Total faecal coliforms	10	MPN or cfu/100
Total Kjeldahl Nitrogen	0.02	gN/m ³
Total ammoniacal-N	0.1	gN/m ³
Nitrate-nitrogen	0.01	gN/m ³
Nitrite-nitrogen	0.01	gN/m ³
Total Phosphorus	0.01	gP/m ³
Dissolved Reactive Phosphorus	0.01	gP/m ³

Notes:

1. These detection limits apply unless other limits are approved in writing by the Manager.
2. NA = Not applicable.

Discharge compliance standards

- c) The quality of treated wastewater sampled in accordance with condition (a) above shall not exceed the following quality standards:
 - i) Carbonaceous biochemical oxygen demand (cBOD₅) 20 g/m³.
 - ii) Total suspended solids 30 g/m³.
 - iii) Faecal coliforms 1,000 faecal coliforms per 100 mL.
- d) The discharge shall not cause any of the following effects in the receiving waters directly downstream of the edge of the disposal area:
 - i) The production of any conspicuous oil or grease film, scums or foams, or floatable or suspended material; or

- ii) Any conspicuous change in the colour or visual clarity; or
 - iii) Any emission of objectionable odour; or
 - iv) Any significant adverse effects on aquatic life.
- e) The consent holder shall illustrate compliance with the requirements of condition 8(d) by receiving environment monitoring as detailed in the Wastewater Irrigation Disposal Area Management Plan under Condition 5(i)
- f) That in the event of any wastewater sample has concentrations of contaminants that exceed the limits specified in Condition 8(c) above, the following action shall be taken:
- Within one week of the exceedence being identified a second wastewater sample shall be collected and analysed for the determinand for which the exceedence has been detected;
 - The Council's Environment & Planning Manager shall be advised of the exceedence and provided with a copy of the laboratory results and its cause as soon as practicable after receipt of the result but no later than one week after receiving the results. The Consent Holder shall implement any modifications to the treatment system and sampling regime in accordance with response actions specified in the Management Plan, or, in the event of significant adverse effects, implement appropriate mitigation measures to the satisfaction of Council's Environment & Planning Manager; and
 - The Consent Holder shall ensure action is taken immediately to address and remedy the problem and advise the Manager [which Manager?] immediately of actions taken.

Receiving Environment Monitoring

- g) The consent holder shall collect a water sample from the stream traversing Lot 1 [marked on Annex 1] at a site above and below the irrigation disposal area four times per year when there is flow in the stream at no closer interval of one month between sampling. The location shall fixed by GPS [full] and submitted to the Council for approval prior to the exercise of this consent. This sample shall be tested to determine the presence and concentration of the following determinands:
- Faecal coliforms
 - E coli
 - Total Kjeldahl Nitrogen
 - Total ammoniacal – N (total ammonia)
 - Nitrate/nitrogen
 - Nitrite/nitrogen
 - Total phosphorous
 - Dissolved reactive phosphorous

- h) All sampling referred to in this consent shall be carried out by a suitably qualified person approved by the Council's Co-Ordinator Compliance Monitoring and in accordance with standard sampling methodology. All analyses required by this consent shall be performed by an IANZ accredited laboratory and a suitably qualified person.

9. Reporting

- a) The consent holder shall log all complaints received relating to the exercise of this consent and shall maintain a register of complaints including the following information; Date and time of the complaint; nature of the complaint; name address and telephone number of the complainant if available; details of discharge at time of alleged problem; and any remedial action taken to rectify problem or mitigation proposed to prevent future complaints.
- b) The consent holder shall report all complaints to the Council within 48 hours of receipt and the log shall be made available to the Council upon request.
- c) Any wastewater discharge to ground or water from the treatment plant or sewage reticulation system which is not authorised by this consent, shall be notified to the Council's Co-ordinator Compliance Monitoring in writing as soon as practicable (but no more than 24 hours).after the discharge commenced
- d) The Consent Holder shall present a Quarterly Report to the Council's Co-ordinator Compliance Monitoring, reviewing the performance of the treatment and disposal system and shall include the following:
- Actual monitoring results for monitoring undertaken in accordance with condition 5(b) above, for the past quarter and compliance with discharge limits;
 - An interpretation of monitoring results and an outline of any trends in changes in discharge volume, wastewater discharge quality and quality of the receiving waters. It shall also identify any actual and potential effects on the receiving environment identified since the previous report to the Council;
 - A summary of any difficulties that have arisen with the plant operation and/or public complaints received and any remedial actions taken as a result during the previous period; and
 - The name of the company or business (and the name of the representative responsible) engaged by the Consent Holder to operate and maintain the system, together with the name and contact details of the person(s) to be contacted in the event of any problems with the system.

10. General Conditions

- a) The Council may, in the period 31 May to 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:

- i) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - ii) to require the consent holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - iii) reviewing the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - iv) reviewing the frequency of sampling, flow monitoring and/or number of determinants analysed if the results indicate that this is required and/or appropriate.
- b) Pursuant to Sections 35 and 36 of the Resource Management Act, 1991, the permit holder shall meet the reasonable costs associated with the monitoring and administration of this permit. Costs can be minimised by consistently complying with the conditions of this consent and thereby reducing the frequency of Council visits. This will include auditing of the Consent Holders monitoring programme and monitoring results presented to Council as required by conditions 5 (a)-(e).
- c) The Consent Holder shall keep such other records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. If it is necessary to install measuring devices to enable satisfactory records to be kept, the permit holder shall, at his or her own expense, install, operate and maintain suitable devices.

Advice Notes:

1. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act, 1991.
2. The applicant is reminded with regards to Advice Note 1, the discharge may not create an offensive or objectionable odour beyond the property boundary and all associated excavation work must comply with the permitted activity requirements of the Tasman Resource Management Plan unless authorised by resource consent.
3. The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
4. The applicant is advised that the loading rates specified in Condition 1 (d) may be required to be reduced in order to meet the loading rates specified in condition 1
5. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
6. Pursuant to Section 127 of the Resource Management Act, 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.

7. All reporting required by Council shall be made in the first instance to the Council's Compliance Co-ordinator.
8. The Consent Holder is advised that compliance with operating guidelines provided by the wastewater system manufacturer and system designer is recommended to reduce the likelihood of malfunction of the treatment or disposal system and a possible breach of consent conditions.
9. The applicant is recommended to prohibit the installation of garbage grinders to all dwellings within the development as it is well recognised that such fixtures are likely to affect the level of contaminants in the wastewater and create problems in complying with the wastewater quality limits imposed by this consent.
10. The Consent Holder shall administer the responsibilities and obligations of all its members 'who own lots connected to the wastewater treatment and disposal system, to comply with the conditions of this consent. The Consent Holder shall ultimately hold responsibility for ensuring that the owners of properties within the development:
 - i) Are connected and discharge to the reticulation and central treatment system whenever the respective dwellings first become occupied, and
 - ii) Are aware of and comply with the rules associated with the connection, including restrictions on the discharge of toxic substances.

REASONS FOR THE DECISION:

Introduction

1. These reasons cover all the consents granted:

- Subdivision
- Land Use (Dwellings)
- Land use (Earthworks and Dam Construction)
- Water Permit (to Dam Water)

Not dealt with is the road stopping proposal for that is covered under the Local Government Act 1974, the two "indicative" stormwater detention structures on Lot 56. The Committee noted the request to defer payment of development contributions for reticulated services. This was not considered as payment of development contributions is an obligation under the Local Government Act 2002.

This is the first subdivision of land zoned Rural 3 to be considered by a hearing panel. Although Variation 32 which introduced this proposed zoning into the PTRMP has still to pass the hearing stage, there was general agreement amongst the parties that assessing the subdivision proposal under the transitional district plan was not appropriate in the circumstances. Being the first such hearing imposes on the hearing panel some unusual matters for consideration and we are aware that this decision may raise expectations or have implications on the further processing of Variation 32. However, we approached our task from the perspective that while elements of the Rural 3 package may change. the subdivision status is legally non-complying and to that end the Committee must determine if it can pass through at least one of the gates of section 104D – that either the

effects are no more than minor or that the application is not contrary to the objectives and policies of the relevant Plan.

2. There were many issues raised in evidence and submission but in our view it came down to three main issues – access to site off Old Coach Rd instead of Trafalgar Rd, the effect on the Trafalgar wetland, and the design and layout of the subdivision in terms of meeting the objectives and policies applicable to the Rural 3 zone and in particular the effect on the landscape character of the site and environment. That is not to say that all the other issues such as cross boundary effects, earthworks, sewage disposal, cultural effects, were not important. The applicant did bring together a set of witnesses to respond to issues raised and had made alterations to the proposal in light of expressed concerns such that these other issues became subsidiary and matters of detail design and the subject of consent conditions if consent were to be granted.

Roading Issues

3. Variation 32 and the supporting statement of infrastructure services planning does not specifically contemplate Rural 3 land being serviced off Old Coach Road and therefore this work is not programmed for any road upgrades in Council's LTCCP. However Old Coach Road exists and, while substandard in many respects, is an important localised connection within the Roding Hierarchy in this locality even though its status is "Access Road".

Trafalgar Road (noted in the hierarchy as an Access place) is not currently formed to the boundary of the site and to do so would mean that construction would impact on the Trafalgar wetland and possibly adjoining private land. For obvious practical reasons the applicant has chosen to service the proposal off the existing Old Coach Road and in recognition of its current status proposed significant upgrade works which we accept as being necessary.

4. Access into the site is by way of two Access Roads with no provision for linkage to adjoining land. This lack of connectivity was portrayed in staff reports as a failure to consider the development in context. Walkway access is to be provided through to the boundary with Trafalgar Road. Given the topographical features on this site and that the roading layout uses (in part) former forestry tracks, we accept the internal roading design.
5. However we do consider that Old Coach Road requires significant improvement if it is to carry traffic from a further 52 dwellings. For this reason the applicant should not only undertake the works proposed by Mr Petrie but we also believe the \$200,000 volunteered as a contribution should be used by the applicant to improve the shoulder and curves of Old Coach Road along the whole of the site frontage. These works are necessitated by the subdivision if traffic safety and efficiency is to be secured notwithstanding that other users will also benefit.

Trafalgar Wetland

6. Evidence from the Applicant produced immediately prior to the hearing on the significance of the Trafalgar Wetland and in response to submissions resulted in a relocation of the proposed dam. Our site visit revealed that the Trafalgar wetland, which lies downstream of the application site, is significant and worthy of protection from inappropriate development. The Committee noted that the wetland had recently been subject to the harvesting and clearance of the subject site, without out any apparent

damage. It is important to manage water flows so as to avoid any adverse effects in future. The Committee have been careful to identify conditions which will achieve this.

Effects on Amenity and Landscape

7. Evidence from Mr Frank Boffa, advisor to Council on this application and the Rural 3 concept, was that development of this land did not seek to achieve the outcomes sought for this zone. In particular the houses were to be located on the higher and more visible slopes. It was the contention of the applicant that the subdivision and subsequent development of the land accorded with the relevant objectives and policies and the design guide. The evidence of the applicant was preferred by the Committee.
8. There was debate about the status of the various landscape related documents. We chose not to consider when and under what circumstances these may have been considered by the applicant. In relation to the Advisory Notes the Committee regards them as explanatory information only.
9. We consider that as amended, the reduced number of house sites ensures development will be set within the landscape and off ridgelines visible from Mapua and the State Highway. The site layout will see houses stretched along the access roads but set off these interval ridges although in some cases they will be above the 75 metre contour. The larger productive lots are located in the gullies. While this might not be an ideal situation and the productive lots are not large, we observe that the site is dissected by narrow gullies and any development that is to occur can be expected to take advantage of site features, aspect, sun exposure and outlook. It is a matter of judgment as to the desirable mix of green space and development and we accept the applicant proposes significant works which will achieve a good balance. The Landscape Plan and the Riparian Vegetation Restoration and Weed Management Plans must be implemented to ensure high landscape qualities are achieved.
10. We accept that the land is not to be reused for forestry purposes and that other productive land uses may be limited. Our understanding of the Rural 3 objectives and policies is that there needs to be a mix of green space and development in a way that is not simply rural residential development. We consider the proposal is not contrary to the Plan's objectives and policies concerning the issues of landscape and productive land. The Committees accepts that the applicant's proposals will be important in rehabilitating the land and its contribution to the surrounding landscape.
11. A feature of the applicant's proposal as put forward in draft conditions was a range of controls on building and site use. Normally many of these would be the subject of restrictive covenants and not normally within the province of Council. We have accepted the applicant's suggestions in this instance because of the integrated package of controls they represent.

Other Matters

12. Servicing the new lots has been the subject of consideration and we consider the establishment of the body corporate/residents association is critical to ensuring the integrity of the wastewater, stormwater, and water supply proposals. These need to be robust and enduring even though it is contemplated that Council will be servicing the Rural 3 zone in respect of water and wastewater at some future stage. We are satisfied that the conditions attaching to the proposed dam and wastewater system can minimize any adverse environmental effects.

13. Earthworks will result in cuts and fill on site. In relation to the proposed building sites and bearing in mind the former use of the land, appropriate conditions can be imposed to ensure land stability. Because the applicant has chosen to identify the centre of a 1,000 square metre potential building site, we consider the checks on foundation stability should apply to the whole area.
14. A number of cross boundary issues were raised. The proximity of Lot 30 to adjoining forest land leads us to the view that this proposed lot should be deleted. Access to the site along Right-of-Way A and Bronte Road could impact on adjoining properties or other users but either written approval has been given or the subdivision will not substantially change the status quo.
15. On balance, and having considered Part II of the Act, the relevant objectives and policies of the PTRMP including those in Variation 32, the evidence and submissions, and based on our site visit, we consider consent to the subdivision should be granted subject to conditions. We are also of a view that the associated consents should also be granted with conditions.

CARRIED

Confirmed:

Chair: