

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Monday, 27 June and Monday, 19 September 2005
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Cr E M O'Regan (Chair), Crs M J Higgins, E E Henry.

IN ATTENDANCE: Manager, Consents (J S Hodson), Subdivision Officer (R D Shirley), Consent Planners (N Lewis and D Hills), Development Engineer (D Ley), Administration Officer (B D Moore).

1. RATA VIEW LTD, PINE HILL ROAD, RUBY BAY – APPLICATION No. RM041283, RM041097 & RM041282

1.1 Proposal

The applicant sought consent to subdivide Lot 1 DP 20455 in CT 13B/662 and Lot 1 DP 320993 in CT 83327 into three new allotments. Proposed Lot 1 will be 1.14 hectares containing a previously approved dwelling site, Lot 2 of 1 hectare with a proposed new dwelling and Lot 3 of 6,720 square metres containing an existing house. The applicant also sought consent to discharge up to 900 litres of secondary treated domestic wastewater and discharge stormwater from residential development onto the land within proposed Lot 2.

1.2 Presentation of Application

Mr S Jones of Jones and Associates Ltd displayed a scheme plan of subdivision, aerial photograph and other site photographs which he used to explain the proposed subdivision and associated consent applications. He confirmed that the applicant intended to persist with on-site effluent disposal and explained that there was no practical downhill pathway for a future reticulated sewer line.

Cr O'Regan expressed dissatisfaction with the subdivision plans and supporting papers supplied to Councillors for consideration. It was then clarified that Councillors had been provided with outdated material which had subsequently been amended and supplied to Council officers. The Committee was then provided with the correct plans and details.

In response to a question from Cr O'Regan, Mr Jones advised that the applicant was generally in favour of the proposed conditions of consent suggested by Council officers. Cr O'Regan directed that Development Engineer, Mr Ley, be called to the meeting to allow Councillors to put questions concerning the practicality and potential of providing reticulated sewerage for the subject site.

1.3 Presentation of Submissions

Cr O'Regan acknowledged the submissions received to the application.

Mr M Tuffery said that he sought a height restriction on the proposed new dwelling and also sought tree planting restrictions, to protect the views which he has from his property, which is adjacent to the subject site. He spoke about rows of pine trees and gum trees which had been on the subject site but since been removed. Mr Tuffery sought that the applicant be discouraged from providing a wall of pine trees.

Mrs L M Walker spoke of her ownership of Lot 4 Ruby Bay Heights, which has access via Pomona Road. She tabled and read a written submission and spoke of her concern about the potential for three dwellings to be located near each other, with adjacent shelterbelts, which could block views. She spoke about her existing site having a maximum level of privacy and good views with a rural feeling. She sought that the proposed building sites be located further apart and that the maximum height for existing and future plantings be restricted not to exceed the maximum permitted building heights. She also sought that the access road to the subject sites be permanently surfaced or treated to minimise dust. She acknowledged the proposed planned building elevation shown on the site plan and the positioning of the house on proposed Lot 1 to be 8.5 metres set back from the western boundary.

The Chairman asked Mr Jones to respond to the submission from Mrs L M Walker. Mr Jones explained that the sites on Lots 1 and 2 were sensible topographic locations and selected for the best use of the land. He asked that the Subcommittee note that the house on each building site would only occupy about a quarter of each building circle.

1.4 Staff Reports

Subdivision Officer, Mr R Shirley, spoke to his report contained within the agenda. He used a plan of land titles showing the subject site and surrounding titles to demonstrate the history of subdivisions, including boundary relocations, previously approved. Mr Shirley demonstrated how the subject land has a split Rural 3A/Mapua Rural Residential Zone and that the proposed subdivision is a restricted discretionary activity. He spoke to the main points within his report and recommended that consent be granted, subject to the proposed list of conditions of consent. He explained that the application is firstly to undertake a boundary adjustment and secondly to undertake a two lot subdivision.

Mr Shirley said that the land has little productive value and an additional dwelling can readily be absorbed into the existing environment, with minimum effect on rural character and amenity of the area. He said that the subdivision proposal is not inconsistent with the design guide and adequate conditions of consent can be imposed. He recommended that the consent notices be amended to require any dwellings constructed on Lots 1 and 2 to be located within the identified building site shown on the resource consent application plan considered at this hearing. He suggested the addition of a further consent notice to restrict the heights of dwellings and plantings. He said the requirement for a wastewater reticulation contribution should be deleted from Condition A6.

Mr Shirley sought a further amendment to the subdivision access conditions so that the existing access formation be upgraded to provide a 3.5 metre traffic lane plus shoulders and water-tables and turn-outs to both lots.

Development Engineer, Mr D Ley, said that there is an existing sewer line in Pine Hill Heights Road but spoke of potential design capacity problems if further connections are added to that sewer line. He said that the capacity restraint means that it is not recommended by Council staff to connect the subject site to the reticulated sewer system. He said Council staff do not want a private pressure line on Council road and said that if a sewer pump was required to be installed this would have to be privately maintained.

Consent Planner, Discharges, Ms N Lewis, said that the applicant now needed two separate wastewater systems, each in a 1 hectare site. The existing house has an existing septic tank disposal system. Ms Lewis noted the Council interim decision on Variation 32 and a Council media statement of 3 June 2005 which advised of a Council decision to withdraw the intention to provide wastewater servicing to the coastal Tasman area, including Rural 3/Rural 3A and the Services Contribution Area.

Consent Planner, Ms D Hills, referred to her report of 9 June 2005 contained within the agenda on the proposal to discharge stormwater from this subdivision creating one additional rural-residential allotment. The report contained suggested conditions of consent.

Mr Shirley advised that the requirement exists in this zone for the provision of a storage tank with a minimum capacity of 23,000 litres for the collection of stormwater from roofs and that a suitable coupling for rural fire fighting connection purposes is required.

1.5 Right of Reply

Mr Jones responded on behalf of the applicant and said that the applicant can comply with proposed conditions of consent. He spoke of the effluent disposal area and referred to the reserve areas shown on the amended plans which Councillors had been provided with. He said that the applicant accepted the proposed condition to restrict the height of vegetation. Mr Jones noted that existing consents can be revisited as a result of consideration of the subject application. Mr Jones said it would be cost prohibitive to provide a sewer line and pump from the proposed house on Lot 1 to Pine Hill Road. He said that sewage disposal to a reticulated sewer line would be difficult to achieve and expensive and that the applicant favoured on-site disposal. He referred to photographs to demonstrate that some existing amenity planting has also occurred on site and said that the proposed surfacing of the driveway will not be dust-producing.

The hearing concluded and the Hearing Panel reserved its decision at 12.00 Noon.

**Moved Crs O'Regan / Higgins
EP05/06/57**

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

Rata View Ltd

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
Rata View Ltd	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Higgins / Henry
EP05/06/58**

THAT for the purposes of discussing the application of Rata View Ltd as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs Higgins / Henry
EP05/06/59**

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

CARRIED

- 2. RATA VIEW LTD, PINE HILL ROAD, RUBY BAY – APPLICATION No. RM041283, RM041097 & RM041282**

**Moved Crs Higgins / O'Regan
EP05/06/60**

THAT the Committee request further information from the applicant regarding the ability of each proposed lot and the existing house site to adequately treat and dispose of wastewater. It also sought clear plans detailing professionally recommended disposal and reserve disposal sites.

CARRIED

DATE: Monday, 19 September 2005
(reconvened from a hearing held on 27 June 2005)
TIME: 2.30 pm
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Cr E M O'Regan (Chair), Crs M J Higgins and E E Henry

IN ATTENDANCE: Manager, Consents (J S Hodson), Subdivision Officer (R D Shirley), Consent Planners (N Lewis and D Hills), Development Engineer (D Ley), Administration Officer (B D Moore)

3. APPLICATION RM041097, RM041282, RM041283, RATA VIEW LTD, PINE HILL ROAD, RUBY BAY

3.1 Presentation of Further Evidence

Mr and Mrs J Robinson appeared for the applicant and were assisted by Mr S Jones of Jones & Associates Ltd. The hearing had been adjourned and a Council letter of 1 July 2005 required the applicant to provide a wastewater management report.

On 22 August 2005 Mr Jones sent to the Council a report dated 19 August 2005 from Tasman Consulting Engineers about wastewater management on Lots 1 and 2 for J Robinson, Rata View Ltd, Pine Hill Road, Ruby Bay. The report assessed the suitability of each of the lots in the proposed subdivision for on-and-off-site disposal of wastewater in terms of NZS 5047:2000 and assessed the existing septic tank disposal system on Lot 3 adjacent to the Robinson's current residence. Copies of the report were tabled at the hearing, together with an aerial photograph showing the proposed building sites together with primary and reserve wastewater disposal areas. This report confirmed that Lots 1 and 2 are both suitable for on-site disposal of secondary treated wastewater and that the existing septic tank disposal system on Lot 3 is functioning satisfactorily.

Consent Planner, Discharges, Ms N Lewis, said that any plan attached to the consent must reflect the proposed disposal areas. She said secondary treatment is required to have compliance with the discharge consent. She recommended that the applicant should try to get a connection to the future reticulated sewer system. She recommended conditions of consent as in the original staff report and said that a reserve area disposal field was needed for the existing house septic tank system.

Mr Jones advised that the applicant was happy with the proposed effluent disposal systems and that the applicant could produce a plan to go with a consent notice. No further right of reply was exercised by the applicant.

The Subcommittee reserved its decision at 3.30 pm.

Moved Crs Higgins / Henry
EP05/09/25

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

Rata View Ltd

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
Rata View Ltd	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs Henry / O'Regan
EP05/09/26

THAT for the purposes of discussing the application of Rata View Ltd as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

Moved Crs Higgins / Henry
EP05/09/27

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

CARRIED

4. APPLICATION RM041097, RM041282, RM041283, RATA VIEW LTD, PINE HILL ROAD, RUBY BAY

**Moved Crs O'Regan / Higgins
EP05/09/28**

DECISION - SUBDIVISION:

THAT pursuant to Section 104B, 220 and 221 of the Resource Management Act 1991, Council GRANTS consent to Rata View Ltd to subdivide Lot 1 DP 320993 and Lot 1 DP 20455 into 3 lots.

The consent is subject to the following conditions and granted for the following reasons.

CONDITIONS – SUBDIVISION:

1. Access

That the vehicle crossing and the existing and proposed access formation and rights-of-way be designed and constructed to the following standards:

- a) that the vehicle crossing intersect Pine Hill Road at right angles, be more or less level for the first 6 metres and be sealed for a distance of 5 metres from the edge of the carriageway seal;
- b) that the existing formation be upgraded to provide a 3.5 metre traffic lane plus shoulders and water-tables and turn-outs to both lots 1 and 2;
- c) that the right-of-way be finished to provide a smooth vertical alignment for a design speed of 10 kilometres per hour;
- d) provision to be made for the collection and disposal of stormwater and erosion mitigation;
- e) prior to undertaking any works, engineering plans are to be submitted to Council for approval. The engineering plans are to include typical cross-section, pavement design, shoulders, water-tables, culverts, stormwater design with erosion mitigation for steeper areas plus a long section;
- f) all works are to be undertaken in accordance with the approved plans.

2. Power and Telephone

Power and telephone connections to be provided to the main body of Lots 1 and 2. Written confirmation that the connections have been provided is required from the relevant authorities.

3. Easements

Any services located outside the boundaries of the lots that they serve to be protected by an appropriate easement referenced in Council's Section 223 recital.

4. Stability

The applicant is to provide certification from a chartered professional engineer or geotechnical engineer that the identified building sites within Lots 1 and 2 are suitable for the erection of a residential dwelling.

5. Consent Notice

That Consent Notices pursuant to Section 221 of the Resource Management Act 1991 be prepared and registered against the relevant titles. The consent notices shall specify:

- a) A plan shall be prepared showing the proposed effluent disposal and reserve areas on Lots 1, 2 and 3 and these areas are to be shown as "No Build" areas on the relevant titles.

This plan shall also show the "building area" on Lot 1 and 2.

This plan shall be the basis of the consent notices.

The plan shall be in general accordance with the attached plan tabled at the reconvened hearing.

- b) All buildings constructed on Lots 1 and 2 are to be located within the identified "building areas" shown on the plan required by point a) above, and no building may be located within the "No Build" areas identified for effluent disposal or reserve areas on Lots 1, 2 and 3.
- c) Prior to the issue of any building consent for a dwelling to be constructed on Lots 1 or 2, a statement prepared by an appropriately qualified person in landscape or urban design analysis be submitted to Council. This statement is to outline the extent of consistency of the dwelling with the design guide for the area. All works are to be undertaken in accordance with the statement.
- d) Any dwelling on Lot 1 and 2 shall be no higher than 5 metres above natural ground level.
- e) Planting along the south-western boundary of Lot 1 shall be maintained such that no more than 20% of the vegetation may be higher than 4 metres in height.
- f) Disposal of domestic wastewater and stormwater on Lot 1 and 2 shall be in accordance with the relevant discharge consents.

Such consent notices shall be prepared by a solicitor at the consent holder's expense and shall be complied with on an ongoing basis.

6. Financial and Development Contributions

Payment of a financial contribution in accordance with Chapter 16.5 of the Tasman Resource Management Plan assessed as follows:

Reserves and Community Services

5.5% of the average value of a notional 2,500 square metre building site contained within Lots 1 and 2.

Advice Note:

Council will not issue the Section 224(c) certificate in relation to this subdivision until all relevant development contributions have been paid in accordance with the Council's Development Contributions Policy under the Local Government Act 2002. The power to withhold a Section 224(c) certificate is provided under Section 208 of the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full.

7. Engineering Works, Services and Plans

All works undertaken and services and plans provided shall be in accordance with the Tasman District Council Engineering Standards 2004, or to the Engineering Manager's satisfaction. Tasman District Council shall be contacted at least 48 hours prior to commencement of any works on the subdivision.

The applicant shall engage a suitably qualified consultant to observe and test the construction of the work. The certificate pursuant to Section 224(c) will not be released by Council until the certificate of supervision signed by the consultant is provided and all levies and fees have been paid.

DECISION – DISCHARGE OF DOMESTIC WASTEWATER: RM041282

THAT pursuant to Section 104 and 104B of the Resource Management Act 1991, Council GRANTS consent for Rata View Ltd to discharge up to 900 litres of secondary treated domestic wastewater per day to land by way of drip irrigation on Proposed Lot 2.

The consent is granted for a term of 20 years.

The consent is subject to the following conditions and granted for the following reasons.

CONDITIONS:

1. Site and Discharge Details

Physical Address:	Pine Hill Road, Ruby Bay
Legal Description:	Proposed Lot 2 (1 hectare) of Subdivision of Lot 1 DP 320993 (2 hectares)
Valuation Number:	1938000503

Map Reference of Property: East 2516347 North 5997568
Receiving Environment: Land, category 5, light clay soil
Maximum Discharge Volume: 900 litres per day
Maximum Discharge Rate: 2.83 millimetres per day
Discharge Characteristics: Secondary treated domestic wastewater

2. Discharge Restrictions

- a) The maximum daily discharge volume shall not exceed 900 litres. The consent holder may discharge a greater daily volume, up to a maximum of 2,000 litres per day, provided the prior written approval of the Council's Co-ordinator, Compliance Monitoring has been obtained. Any request to increase the maximum daily discharge volume must be accompanied by a report from a person who is suitably qualified and/or experienced in the design of wastewater treatment and disposal systems and the report shall detail the expected maximum daily wastewater flows and any changes required to the treatment and disposal system (including identification and protection of a suitably sized reserve area) required so that the conditions of this resource consent are always met.
- b) The maximum hydraulic loading rate at which the wastewater is applied to land shall not exceed 2.83 millimetres per day (2.83 litres per square metre per day) or 20 millimetres per week, nor any lesser irrigation rate required to ensure aerobic conditions are maintained in the soils.

Advice Note:

In the event that the consent holder wishes to discharge a greater daily volume, as provided for in Condition 2(a), the wastewater disposal area will need to be increased so that the hydraulic loading does not exceed 2.83 millimetres per day at all times.

- c) The discharge shall not cause any of the following effects on receiving waters (ground and surface water) beyond the boundary of the property (proposed Lot 2):
 - i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; and
 - ii) any conspicuous change in colour or visual clarity; and
 - iii) the rendering of freshwater unsuitable for consumption by farm animals; and
 - iv) any significant adverse effects on aquatic life.
- d) The treated wastewater entering the disposal field, as measured at the sampling point required to be installed in accordance with Condition 5(a), shall comply at all times with the following limits:
 - i) the five day biochemical oxygen demand in any single sample shall not exceed 20 grams per cubic metre; and
 - ii) the concentration of total suspended solids in any single sample shall not exceed 30 grams per cubic metre.

3. Treatment and Disposal System

- a) The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems.

The person supervising the construction and installation of the system shall provide a written certificate or producer statement to the Council's Co-Ordinator, Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with of this consent and shall also confirm the following:

- i) that the wastewater system (including the treatment plant and the disposal field) is capable of treating the design flows and required wastewater quality limits and has been designed in accordance with standard engineering practice, AS/NZ Standard 1547:2000 for On-Site Domestic Wastewater Management; and
 - ii) that all components of the wastewater system (including the treatment plant and the disposal areas) have been inspected and installed in accordance with standard engineering practice, the manufacturer's specifications; and
 - iii) that suitable plant species have been established in the covered drip irrigation beds; and
 - iv) that the components used in the facility are in sound condition for continued use for the term of this resource consent.
- d) The consent holder shall submit a set of final "as-built" plans to the Council's Co-ordinator, Compliance Monitoring which show the siting of all components of the wastewater treatment and disposal system (including reserve areas). For the purpose of this condition, the consent holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans.
- e) The wastewater disposal area (including the reserve areas) shall be located not less than:
- i) 20 metres away from any surface water body; and
 - ii) 20 metres from any bore for domestic water supply; and
 - iii) 1.5 metres from any adjoining property.
- f) There shall be no ponding of wastewater on the ground surface or any direct discharge or run-off of wastewater to surface water.
- g) All wastewater shall be discharged to ground by way of pressure compensating dripper irrigation line(s). The consent holder shall at all times ensure that the irrigation lines used for the disposal of treated wastewater are covered by a minimum of 200 millimetres of topsoil.

- h) The surface of the disposal area(s) shall be contoured so as to minimise stormwater infiltration. A stormwater cut-off trench shall be constructed upgradient of the disposal field to divert stormwater away from the disposal area.
- i) The design and operation of the wastewater system shall ensure that the depth of unsaturated soil between the dripper lines and the maximum winter groundwater level is not less than 600 millimetres.
- j) A suitable wastewater disposal reserve area equivalent in size to the primary field shall be kept available for future use for wastewater disposal. This reserve area shall remain undeveloped and shall be located within the boundaries of the subject property in accordance with the plan attached to this consent.
- k) The disposal area shall be planted with species suitable for wastewater uptake prior to the exercise of this consent, these plants shall be maintained in good health for the duration of this consent. The disposal area shall only be used for wastewater disposal and the boundaries of the area shall be clearly delineated by vegetation or other type of border.

4. Operation and Maintenance

- a) The consent holder shall enter into, and maintain in force at all times, a written maintenance contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-Ordinator, Compliance Monitoring, prior to the exercise of this resource consent.

- b) The wastewater treatment and disposal system shall be inspected and serviced not less than every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-Ordinator, Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:
 - i) the date the inspection was undertaken and the name of the service provider; and
 - ii) a list of all components of the treatment and disposal systems that were inspected and the state of those components; and
 - iii) any maintenance undertaken during the visit or still required; and
 - iv) a description of the appearance of the filter/s and tanks; and
 - v) the location and source of any odour detected from the system during the inspection; and

- vi) a description of the appearance of the disposal area (ponding, vegetation growth etc).
- c) All tanks of the wastewater treatment system shall be regularly desludged before sludge accumulation reduces the settling volume below 24 hour retention to minimise carryover of solids. Material collected from the desludging of the tanks shall be removed from site for disposal at a facility authorised to receive such material.

5. Monitoring

- a) An accessible sampling point, to allow collection of a sample of the treated wastewater, shall be provided at a point located directly after the final pump-out chamber and before the point where the wastewater discharges to the disposal field. Details of the location of this sampling point shall be forwarded to the Council's Co-Ordinator, Compliance Monitoring prior to the exercise of this consent.
- b) Each year the consent holder, or their authorised agent, shall collect a sample of the treated wastewater from this point and the sample shall be analysed for BOD₅ (five day biochemical oxygen demand), TSS (Total suspended solids), and faecal coliform bacteria. The sample shall be collected by a person experienced in collecting such samples, using standard sampling methodologies and equipment and shall be transported to the laboratory under chain of custody. The sample shall be analysed using standard methodology by an IANZ accredited laboratory. The analytical results shall be forwarded to the Council's Co-Ordinator, Compliance Monitoring within 20 working days of the results being received from the laboratory.

Advice Note:

Notwithstanding the above, the Council has the right to collect additional samples at any other time following and irrespective of whether the conditions of consent are being complied with.

6. 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 and/or number of determinants analysed if the results indicate that this is required and/or appropriate.

- b) Pursuant to Section 36 of the Resource Management Act 1991, the consent 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.

ADVICE NOTES:

1. Any matters not referred to in this application for resource consent or 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 otherwise authorised by resource consent.
3. This discharge consent is deemed to be held by the owner of the land described as Lot 1 DP 320993. This consent relates to proposed Lot 2, which will be created once the subdivision of the parent property is formalised. If the property is sold, the consent holder is responsible for ensuring the transfer of consent to the new owner occurs in accordance with Council requirements and Section 137 of the RMA.
4. The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
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. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-ordinator, Compliance Monitoring.
7. If the site is located within the urban drainage area identified by Council when future reticulation is available, the consent holder will be required to provide connection from the dwelling or on-site treatment system to the sewer line.
8. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g. shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.

DECISION – DISCHARGE OF STORMWATER: RM041283

THAT pursuant to Section 104 and 104B of the Resource Management Act 1991, Council GRANTS consent for Rata View Ltd to discharge stormwater from residential use on Proposed Lot 2.

The consent is granted for a term of 35 years.

The consent is subject to the following conditions and granted for the following reasons.

CONDITIONS:

1. The discharge of stormwater shall be undertaken in accordance with the information supplied with the final amended application by Rata View Ltd dated 28 April 2005
2. The discharge of stormwater shall not cause in any receiving water any of the following:
 - a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - b) any emission of objectionable odour;
 - c) the rendering of freshwater unsuitable for bathing;
 - d) the rendering of freshwater unsuitable for consumption by farm animals; and
 - e) any adverse effect on aquatic life.

3. The discharge of stormwater shall not result in adverse scouring or sedimentation of any watercourse, its bed, banks, or adjoining properties.

Note:

Particular care needs to be taken at the time of earthworks associated with construction and upgrading of accessways, building platforms and effluent disposal systems etc.

4. Sediment controls shall be implemented and maintained in effective operational order at all times.
5. The discharge shall not result in or contribute to flooding on adjoining properties.
6. The consent holder shall contact Council's Co-Ordinator Compliance Monitoring when construction of roading, access, and building platforms commences to enable monitoring of the effectiveness of stormwater sediment and erosion controls to be carried out. The cost of monitoring and any subsequent remedial actions shall be borne by the consent holder.
7. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:
 - a) deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the RMA.

NOTATIONS:

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.

REASONS FOR THE DECISION - SUBDIVISION AND DISCHARGES:

1. The land is mainly within the Mapua Rural Residential Zone under the Proposed Tasman Resource Management Plan but a portion of proposed Lot 1 and all of Lot 3 is within the Rural 3A zone. The minimum lot size for a controlled activity subdivision is 2 hectares according to Rule 16.3.10, thus the application is deemed to be a restricted discretionary activity, as it does not comply with this rule. The land also falls within the Services Contribution Area which was introduced as part of Variation 32. Submissions on these provisions have yet to be heard and decisions yet to be made. The provisions affect the quantum of Service Contribution payable at the time of subdivision and development.
2. The Rural 3A provisions of the Proposed Plan have been the subject of submissions and the decisions on submissions have yet to be released. The Council has released an interim decision regarding the replacement of the Rural 3A zone with Rural 3 and not to construct a reticulated waste water system in the Coastal Tasman Area. In addition the Committee noted that the provisions of the Plan had been varied since the consents for the future dwelling on Lot 1 had been approved such that now no land use consent is required for dwellings in the Mapua Rural Residential Zone unless the standards in the zone cannot be met. Therefore no land use consent for the future dwelling on Lot 2 is necessary.
3. The application has been considered subject to Part 2 of the Act i.e. the purpose and principles of sustainable management of natural and physical resources, and Section 104 which requires the Committee to have regard to:
 - a) any actual and potential effects on the environment of allowing the activity
 - b) the relevant provisions of:
 - Regional Policy Statement
 - Plan or Proposed Plan
 - Any other matter considered relevant and reasonably necessary to determine the application.

4. The Committee noted that the application had received eight submissions; four in support, two in opposition and two suggesting conditions.

The concerns raised were:

- Lot size contrary to Plan requirements
 - Loss of amenity associated with proposed skyline development
 - Adverse effects on Pine Hill Stream catchment
 - Inadequate landscaping and setbacks
 - Sedimentation from earthworks
 - Loss of view from trees growing up and buildings
 - Another dwelling will adversely affect amenity values and natural and physical character of the area
 - Lots size out of character with the others in the area
5. The Committee carefully considered these concerns. The Committee was told that some 30 dwellings could be seen from the site. It was considered that an additional dwelling could be absorbed into the landscape with no more than a minor effect on the character and amenity values. The Committee considered that the lots being created were not out of character with others in the area and that the area was clearly characterised by rural residential development.
 6. The issue of dwelling height and height of vegetation was raised as a concern, and as a result it was considered appropriate to limit the height of new dwellings on Lot 1 and 2 to 5 metres above natural ground level. In addition the height of vegetation along the south-western boundary of Lot 1 should be maintained so that at least 80% of that vegetation did not exceed 4 metres in height. This would ensure there was some screening but that the outlook and amenity of adjoining properties was maintained to a reasonable level.
 7. The Committee was satisfied with the further information provided indicating that the disposal of domestic wastewater and stormwater could take place satisfactorily on the proposed lots and that the existing wastewater disposal system associated with the existing house was satisfactory. However, the Committee noted that the possibility of connecting into Council's reticulated waste water system should be investigated.
 8. In terms of traffic effects, the Committee considered that it would be necessary to upgrade the existing driveway to the normal standards.
 9. In terms of the potential for cross-boundary effects, the Committee was satisfied that the gully bisecting the land would provide a good buffer from the adjacent orchard land. It was considered that the land itself was not of such high productive value that should preclude the opportunity for this rural residential subdivision.
 10. The Committee understood that a discharge consent for on-site domestic wastewater disposal had been granted for the site now shown as proposed Lot 1, however as the land area has been changed by the approval of this subdivision, it will be necessary for the consent holder to seek a variation of that consent in accordance with the new information provided in the Tasman Consulting Engineering report dated 19 August 2005.

11. In summary, the Committee considered that the effects from one additional lot would be acceptable in terms of the effects on the character and amenity of the area and granting the consents would be consistent with the purposes and principles of the Resource Management Act 1991 and the relevant provisions of the Proposed Plan.

CARRIED

Confirmed:

Chair: