

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 12 and Tuesday, 13 September 2005
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Crs E M O'Regan (Chair), T B King and M J Higgins.

IN ATTENDANCE: G Ray (Consultant Insight Limited), R Firth (Montgomery Watson Harza) Manager Consents (J Hodson), Development Engineer (D Ley), Consent Planner (N Tyson), Consent Planner (N Lewis), Administration Officer (B D Moore).

1. **CARTER HOLT HARVEY – HARLEY ROAD, TASMAN – APPLICATION No. RM050251**

Opening submissions on behalf of the applicant were made by Counsel C C M Owen regarding consent for a suite of eight integrated resource consents.

1.1 **Presentation of Proposal**

Application RM050281 - Subdivision and Land Use (Roading):

To subdivide a 200 hectare rural site (zoned "Rural 3" in the proposed Tasman Resource Management Plan) into 61 allotments varying in size between 1,690 square metres and 6.6 hectares in area. This application also includes the creation of allotments to be held in common ownership, reserve land and roading to vest in Council. The Land Use component of this application is to create Access Places with less than seven users.

Application RM050538 – Land Use (Dwellings):

To construct a dwelling on each of the proposed building location areas (nominated house sites) and to allow the construction of farm utility buildings in the locations identified on proposed Lots 14, 25, 32, 24, 40 and 61.

Application RM050282 - Land Use (Earthworks):

To undertake 40,000 cubic metres of earthworks for the purpose of constructing the proposed subdivision, including construction of roads, dams, and building sites.

Application RM050544 - Land Use (Culverts and dam structure):

To construct three detention dams, with a maximum crest height of 5 metres, and culverts on the bed of an unnamed stream located within the proposed subdivision.

Application RM050283 - Water Permit: (Damming water):

To dam water behind dam structures at three locations on an unnamed stream running adjacent and parallel to the east of Harley Road within the proposed subdivision.

Application RM050284 - Water Permit: (Taking water):

To take water from water stored behind three dam structures for irrigation and non-potable use within the subdivision.

Application RM050285 - Discharge Permit (Stormwater):

To discharge stormwater to an unnamed stream from impervious surfaces during the construction phase of the development and from the operation of the stormwater drainage system servicing the proposed residential development.

Application RM050286 - Discharge Permit (Wastewater):

To discharge up to 60,000 litres per day of tertiary treated domestic wastewater to land by trickle irrigation at a rate not exceeding 2 millimetres per day.

The application site is located at Harley Road, Tasman, being legally described as Section 60, Section 851, Section 95a, District of Moutere Hills (NL 32/260).

The applicant sought a 10 year lapsing period. Ms Owen tabled a set of draft volunteered consents on behalf of the applicant.

The presentation of the applicant's evidence was interrupted to allow a submission. Mrs M Gordon expressed concern about the potential lack of availability of water from the stream which goes through the Gordon property and that the subdivision has the potential to affect wells for domestic water.

The applicant's evidence was resumed and a booklet of evidence from seven witnesses was tabled. Mr D J Schwartzfeger, Manager of Property Development for Carter Holt Harvey Forests read a statement of evidence. He said that it would be mandatory for the property owners within the subject site, to participate in the incorporated society. Covenants placed on the title of the property will ensure participation to ensure the smooth management and maintenance of the development.

Mr M M C Flannery, a Civil Engineer of Connell Wagner read a statement of evidence and covered the roading and services issues and responded to relevant matters raised in submissions. A letter from Mr M Malloy, Health Protection Officer of Public Health Service of Nelson Marlborough District Health Board was read to indicate that this officer generally supported the proposed conditions of consent from Council officers.

Mr P C Kennedy, Botanist and Zoologist presented evidence on the environmental setting, conservation values, effects on catchment values, land management and wastewater proposals. He said that based on the nature of the current catchment and flora and fauna present, he considered that the development will have few significant adverse effects on the Harley Road Stream system. He described how the high quality wastewater treatment will be undertaken, at an onsite wastewater treatment plant, which will dispose to adjacent land. He described the two dams which were proposed to be constructed on the Harley Road Stream for water storage. He said fish passage will be provided at culverts and dams.

Mr D D Petrie, Traffic Engineering Specialist, presented evidence on the proposed roading and traffic effects of the subdivision and described the two new intersections which will connect the subdivision to Harley Road. He said it was impracticable to provide access to any residential lots, via Old Coach Road, due to the steep topography. He described how the new intersection would provide safe stopping sightlines and incorporate associated improvements to the existing alignment at these locations, in accordance with a planned future upgrading of Harley Road. Mr Petrie explained 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 other road users.

Mr T F Carter, Landscape Architect, described the proposed landscaping patterns and design of the subdivision outlined within his design report. A landscape review conducted by Mr F Boffa was generally in support of Mr Carter's landscape and subdivision design plan.

Evidence of Mr J D Bealing, Rural Soil and Water Engineering Consulting of AgFirst Consultants was tabled and not read. This provided an assessment of the productivity of the land contained within the application area. The report said about 12 hectares of the land is potential class B land that would enable the planting of a limited range of intensive horticultural crops. The remaining area of about 52 hectares is class E and suitable for pastures or trees. The report said that water limitations are likely to cause significant restrictions in those crops that use a lot of irrigation water, mainly in the drier years.

Resource Management Consultant, Mr M Lile, presented resource management evidence and spoke about the consultation undertaken in relation to the application. He explained how the actual and potential effects of the redevelopment of this site, have been intentionally and carefully avoided, remedied and mitigated, both in the design of this subdivision and through the conditions volunteered. Amended proposed conditions of consent were presented and discussed.

The hearing adjourned at 5.00 pm and reconvened on Tuesday, 13 September at 9.00 am.

1.2 Presentation of Submissions

Mr P Leith, a farmer of Harakeke said that the true costs of this development should be borne by the developer. He was concerned about the potential for cross boundary effects and said that land management, following clearing of the forest on the subject site has been done poorly. Stumps and rubbish are in streams and wetlands and soil has been pushed into gullies. Mr Leith said that the proposed parks and ponds should not be in common ownership. He was concerned that Old Coach Road will require upgrading to provide better access.

Mr W G Wooff said he was a professional forester and that the process to remove the forest had failed to protect the land productivity. He said that topsoil and debris had been bulldozed into a gully. He expressed concerns about the potential for cross boundary effects and said it was idealistic to have a design of cluster urban development in a rural environment remote from services. He claimed that the applicant had scant regard for neighbouring properties. He spoke of the high sediment loading in water contained within a dam on his site and that water drawn by his water right had caused water damage to fruit within the orchard. Mr Wooff said that Old Coach Road should be developed to take the pressure off Harley Road.

Mrs M Johnstone of Harley Road claimed that the applicant company had pushed debris, gorse and top soil into gullies on the subject site. She said that the land is subject to heavy rain showers and that the applicant had blocked creeks and damaged culverts. She said that she lives in a relocated house at the estuary end and this now gets surrounded by floodwater. Mrs Johnstone said that road accidents had occurred on the Harley Road and State Highway intersection.

A submission on behalf of M A and L M Talley and Majac Trust was presented by Mr R D Crosby. The submitters were concerned about potential adverse effects including odour from the proposed wastewater disposal system. The submission provided a list of suggested conditions of consent to help mitigate potential adverse effects from this proposed subdivision. The submission claimed that the wastewater disposal receiving environment is poor and will contribute to major practical problems.

Mr M R Foley, Engineering Geologist of Tonkin and Taylor Limited, presented evidence on the geological aspects of the proposed wastewater disposal on the slopes in the vicinity of the proposed subdivision and said he had been engaged by Mr M Talley for that purpose.

Mr Foley said that at short notice he visited the site on the previous Sunday (11 September 2005). He said he did not have time to seek the applicant's permission for the visit.

Mr Foley concluded that that proposed disposal site is unlikely to be adequate for the disposal of wastewater for a proposed 61 lot subdivision. He said that more could be done to prove the feasibility of the proposal.

Mr C Rush submitted in opposition to the application and expressed his concerns in particular about stormwater disposal from the subject site and the general deterioration of water supply quality and availability of water for domestic purposes. Mr Rush said that effluent disposal is also a concern and said he was concerned about the future removal of trees and the effect on the effluent disposal area. Mr Rush said that the effect of 60 houses and their irrigation take, could deprive downstream users of water.

1.3 Staff Reports

Mr G Ray, Resource Management Consultant, spoke to the staff report contained within the agenda. He referred to the proposed subdivision development as being a staged development with the lots in six clusters. This report referred to the potential to place restrictive covenants on the much smaller residential, rural residential and lifestyle lots, in order to prevent their future subdivision into even smaller allotments. He suggested that a condition of consent require that a landscape management plan is prepared. The staff report contained recommendations and comments from additional Council staff on matters including streetlighting and affects on productive land values.

Ms N Lewis spoke to the application for discharge of domestic wastewater and advised that the further information received from the applicant was not circulated to all parties, but notification sent to all parties that this was available to be inspected at Council offices. She suggested that a review clause be provided that relates to the staging of the development. The report contained within the agenda listed proposed conditions of consent for the proposed discharge of domestic wastewater. Ms Lewis recommended that the consent period for the discharge consent be limited to 10 years but that 15 years would be acceptable if this was linked to the retention of the existing forestry trees to remain standing for the duration of the consent.

The subject of roading and earthworks within the proposed subdivision was addressed by Mr R Firth of Montgomery Watson Harza and Council Development Engineer, Mr D Ley. Mr Ley recommended that Harley Road be upgraded to a six metre width and that the applicant pay development impact levies.

Both Mr Firth and Mr Ley acknowledged that the proposed entrances from Harley Road were preferred to the previously suggested use of Old Coach Road.

Consent Planner, N Tyson, addressed the applications for the damming and taking of water. A low flow release mechanism was recommended so as not to adversely affect downstream users.

Mr R Firth confirmed that Harley Road is not currently included in the Council's Long Term Community Plan for upgrading. He said that the costs associated with upgrading this road may be taken by development impact levy or taken as a contribution from the applicant, but not both. He said that this upgraded work is not required immediately.

Mr Ray concluded that the proposed development is appropriate on this site and the potential adverse effects can be appropriately mitigated.

Cr O'Regan sought that the applicant address evapo-transpiration rates in the right of reply.

1.4 Right of Reply

Cr O'Regan asked Mr Schwartfeger to confirm that the applicant could provide a written reply. Mr Schwartfeger responded that this would be satisfactory and Counsel for the Applicant, Ms Owen, said that the written right of reply would be provided to the Council by 5.00 pm on Tuesday 27 September 2005.

O'Regan said that this hearing panel would undertake a site visit.

The hearing adjourned at 5.10 pm.

**Moved Crs O'Regan / Higgins
EP05/09/13**

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 King / Higgins
EP05/09/14**

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

CARRIED

**Moved Crs Higgins / King
EP05/09/15**

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. CARTER HOLT HARVEY – HARLEY ROAD, TASMAN – APPLICATION No. RM050251

**Moved Crs O'Regan / King
EP05/09/16**

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.

SUBDIVISION CONSENT (RM050281)

CONDITIONS:

General

1. The subdivision and development shall be carried out generally in accordance with the Application Plan by Connell Wagner Project No. 161D 40 CC, Drawing No, C024 Revision 02, dated 17 March 2005, except that:
 - a) The roads to be vested in Council be amended to include only the following sections:
 1. Access from the south access to the "T" at Lots 28 and 29 – i.e. road "C"
 2. The southern access from Harley Road to Lots 40 and 39 – road "B"
 3. The access from the southern access to Lots 12 – 20 – road "D"
 4. The northern access to lot 60 from Harley Road – road "A".

The remaining accessways shall be rights-of-way or access lots (see Plan A attached).

Staging

2. The subdivision shall be completed in the 6 stages as proposed within the application. The proposed stages are identified on the revised 'Concept Plan With Stages', by Connell Wagner Project No. 161D 40 CC, Drawing No, C009 Revision 03, dated 16 March 2005, attached as Plan A.

Advice Note:

The issuing of the Section 224 certificate(s) is linked to the availability of a satisfactory wastewater disposal system complying with the conditions of RM050286.

3. Financial Contributions attributable to each stage shall be payable upon application for Section 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.

Advice Note – Earthworks and Dam Construction:

These matters are controlled under RM050282 and RM050544.

5. A suitably qualified person required under Condition 10 of the earthworks consent RM050282 shall confirm in writing prior to the section 224(c) certification of each state of the subdivision that all the earthworks conditions of this consent have been met.

Roads, Footpaths and Walkways

6. The two main access roads to the subdivision as shown on Plan A (attached) shall each have a minimum legal width of 18 metres but shall include all cuts and batters. The formation surface shall be a sealed carriageway width of at least 6.0 metres, concrete edge restraints, 600 millimetre wide metalled shoulders with grassed swale drains, a maximum grade of 1 in 7 and a design speed of 50 kph and where there is no walkway within the road reserve, a 1.4 metre wide sealed footpath.
7. The cul-de-sacs (rights of way) i.e. six or less users shall have a minimum legal width of 6.5 metres but shall include all cuts and batters, a sealed width of 5 metres, 600 millimetre grassed shoulders, with grass swale drains, a maximum grade of 1 in 6 and a design speed of 30 kph. The seal width shall extend to the back of the edge of road seal.

Advice Note:

The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.

No footpaths are required to be constructed for the cul-de-sacs (right-of-ways).

Where a site has frontage to both an access road and an access place, the vehicle crossing shall be located on the access place, ensuring that the crossing is located as far from the intersection as possible.

8. 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.
9. Street names shall be submitted and approved by Council for the four roads to vest with Council prior to the approval of the Section 223 certificate for Stage 1. Cost of name plates shall be met by the consent holder.
10. Walkways shall be constructed as shown on the 'Land Use Plan' by Tasman Carter Landscape Architects Revision 02 dated 4 April 2005 June 2003.

Public walkways shall have a legal easement width of at least 6 metres (except where the walkway is part of road reserve). The footpaths (as part of road reserve) shall be formed with a chip sealed (minimum) surface and shall be 1.4 metres wide, and the bridal path/public walkway shall be formed to an all weather metal surface and be at least 2.5 metres wide.

Walkway gradient shall not exceed 1 in 5.5 unless approved by Council's Community Services Manager.

Any public footpaths traversing drains or streams shall be designed to 6.67% (Q15) AEP storm criteria and protected from erosion.

Advice Note:

The costs of formation of a public walkway will be credited against the reserve fund contributions (subject to a quote acceptable to Council).

Roading and Intersections

11. That land on the frontage of the site be vested in Council for Old Coach Road and Harley Road to allow for the regularising of the existing road formation and the proposed improvements as per the plan attached as Plan B of this consent. This piece of land shall vest with Council and shall be shown on the title plan.
12. After three years from the date of granting the subdivision consent, Transit NZ will assess the expected start date of the Ruby Bay By-pass. In the event of the By-pass not being due to commence within a further year (i.e. year four from the consent date) then the owner of the balance lot (Lot 900) will be required to install (at no cost to Transit NZ) a new left turn lane at the north bound lane of the Harley Road intersection with State Highway 60. The left turn lane needs only to be the length of the existing fill estuary area adjacent to State Highway 60 and extending north west to Harley Road and does not require filling out into the low-lying area.

Advice Note:

The intersection of Harley Road and State Highway 60 does not form part of this subdivision but it is considered appropriate that the intersection is upgraded to cater for the additional turning traffic as a direct result of this development in the event that the Ruby Bay By-pass does not proceed within the next four years. The consent holder must obtain the approval for the design and the construction from Transit New Zealand as the controlling authority for the State Highway.

13. That the two access road intersections with Harley Road be constructed in accordance with Diagram 3 of Section 16.2 of the PTRMP attached as Plan C to this consent.
14. That improvements are undertaken to the vertical and horizontal curves on Harley Road in the vicinity of the two access intersections as specified in the report of Traffic Design Group (Annexure 6), subject to detailed design. This vertical and horizontal alignment correction requirement is for the Northern and Southern Access to achieve 300 metres of clear sight distance.

Advice Note:

A plan will need to be produced to attach to the consent showing the specific design of the realignment work, and this will need to be checked and approved by the Council's Engineering Department.

Water Reservoir

15. That approximately 30 m² of land adjacent to the road boundary at the northern end of the site be vested for the purposes of future water reservoir. The land shall be at least 50 metres clear of the northern road ("Road A" on Plan A attached to this consent) and clear of the intersection sight lines.

Lighting

16. Full street lighting will be provided for the intersections with Harley Road in accordance with Tasman District Council Engineering Standards. Other street lighting shall be shielded and downward focused and shall be no more than 5 metres in height. The placement of lights shall be to enable safe pedestrian use of the footpaths and will as a result provide some road lighting benefit.

Advice Note:

Street lighting is not required to be provided along the cul-de-sacs (rights-of-way).

Building Site Stability

17. The consent holder shall ensure that each building location area is subject to an investigation, evaluation and report by a chartered professional 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.

Water Supply

18. The subdivision shall be reticulated for water supply for domestic use, non-potable supply, and fire fighting purposes, in accordance with the Connell Wagner Water Supply Concept Plan 161D 40 CC Revision 02 dated 16/03/05. The water supply system and fire fighting storage tanks shall be in accordance with Tasman District Engineering Standards 2004 or to the satisfaction of Tasman District Engineering Manager.

Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 recording this requirement for water supply on the certificates of title.

Limitation on Bores

- 19 No lot owners, with the exception of the owner of Lot 900, shall seek consent to take bore water and no bores may be sunk or drilled within any of the lots 1-61 for the purpose of supplying water (whether potable or non-potable) for the purposes of household use.

Council will issue a Consent Notice pursuant to Section 221 of the Act recording this requirement prohibiting the drilling of bores or the use of bore water on the relevant certificates of title.

Power and Telephone

20. 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. All power and telephone reticulation in the subdivision shall be underground.
21. 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.

Wastewater

22. The subdivision shall be reticulated for wastewater treatment and disposal, in accordance with the Connell Wagner Wastewater Drainage Concept Plan 161D 40 CC Drawing CO20 Revision 02 dated 16/03/05 and Resource Consent RM050286. The wastewater reticulation network shall be designed and installed in accordance with Tasman District Engineering Standards 2004 or to the satisfaction of Tasman District Engineering Manager.

Any discharge of domestic wastewater from dwellings located on Lots 1-61 shall occur to the communal disposal area in accordance with the requirements of Resource Consent RM050286.

23. Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 requiring that any discharge of domestic wastewater from Lots 1-61 shall comply with the requirements of Resource consent RM050286 and that no on-site disposal of domestic wastewater shall occur on Lots 1-61.

Easements

24. Easements are required over any right-of-way, public and communal services (including the wastewater reticulation network, collection, treatment and disposal systems and all associated devices such as pump stations) where these pass through the lots in the subdivision, as shown on the Schedule of Proposed easements on the Application Plan. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense.
25. An easement shall be granted to a Residents Association (see Condition 46) over at least 20 hectares of proposed Lot 900 to make provision for the wastewater treatment system and disposal fields (including reserve areas).

26. An easement for an access strip shall be granted over proposed Lots 800 and 801 for the purpose of allowing public walking access from the legal road at Lot 501 to the southern end of the site.
27. 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 27, 28, 29, 30 and 31) within the subdivision.

Advice Note – Wastewater:

Other issues of wastewater management arising from the subdivision are controlled under RM050286.

Advice Note - Stormwater:

Other issues of stormwater management arising from the subdivision are controlled under RM050285.

Covenants

28. A covenant shall be registered on all residential, rural-residential and rural lifestyle allotments to ensure the future residents are made aware of the rural environment within which the site is located, as volunteered by the applicant.

Building Location Restrictions:

29. The building sites identified on the Tasman Carter Concept Plan (attached as Plan D) shall be shown on the land transfer title plan and the corners of the sites fixed by co-ordinates.
30. All buildings on all lots shall be erected within the 900 square metre building curtilage area for each dwelling site. All other farm buildings on Lots 14, 25, 32, 34, 40, 60 and 61 shall be located within the identified area shown on the Tasman Carter Concept Plan.

Advice Note:

This condition does not apply to any buildings associated with utilities within the subdivision.

31. The maximum height of the buildings shall be no greater than 6.5 metres above natural ground level on allotments numbered 2, 8,9, 14-18, 25-27, 34, 35, 41, 48-52, 55 and 61. For all other allotments, buildings shall be no higher than 7.5 metres above natural ground level.
32. Council will issue a consent notice pursuant to section 221 of the Resource Management Act 1991 noting the requirements of conditions 28 -32 on the subsequent certificates of title.

Landscaping and Planting

33. 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 & 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 for all the plantings shown on the Tasman Carter layout and landscape concept plan entitled 'Land Use Plan' 161DTCL7 Revision 02, dated 4 April 2005.
 - ii) Establishment works required to implement the planting plan.
 - iii) Staging of planting in accordance with the subdivision staging.
 - iv) The plantings shall be in accordance with the Subdivision Landscape Report dated 4 April 2005 and the species in accordance with the "Riparian early planting, Riparian Later Planting, and Amenity Tree Planting" list set out on pages 16 and 17 of that report for vegetation framework planting.
 - v) Pest plant and animal controls and ongoing maintenance schedules.
 - vi) Replacement planting including backdrop 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.
34. The framework planting and amenity plantings for each stage shall be completed for each stage prior to the approval of the Section 224 (c) certificate. A written statement shall be provided from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the above landscaping plan.
35. The consent holder shall be responsible for maintenance, pest control, replacement and management of the planting within the development for a minimum of three years following the signing of the Section 224(c) certificate for each stage. At the end of this three year maintenance period for each stage the consent holder shall also provide certification from a suitably qualified landscape professional that the plantings remain in accordance with the approved Landscape Plan. The responsibilities thereafter devolve to the owners of the lots.
36. Land covenants shall be imposed on all lots detailing the ongoing preservation and management requirements of the Landscape Management Plan. The consent holder shall provide a written 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.
37. Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 recording the requirements of conditions 30 and 31 on each certificate of title.

Future Subdivision - Consent Notice

38. No further subdivision of any of the low density residential and rural lifestyle 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

39. 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. Private services laid in the road to vest shall be to a standard approved by Council's Engineering Manager. The Consent holder shall enter into a lease arrangement with Council regarding the provision of private services within road reserve.
40. "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 for each Stage except Stage 1.
41. The consent holder shall engage a chartered professional engineer 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 engineer is provided and all necessary fees and levies attributable to the stages of the development have been paid.

Maintenance Performance Bond

42. 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 residential lot to a maximum of \$20,000 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.
43. The bond shall cover maintenance attributable to defects and the remedy of defects arising from defective workmanship or materials.

Financial Contributions

44. 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 61 residential and rural lifestyle allotments inclusive. The valuation shall be based on the area of the allotment or a notional building site on each allotment of 2,500 square metres whichever is the lesser.

The costs of the entire public walkway formation on the rights of way shown as E, F and G on the Application Plan (access to the wetlands), and for the public walkway along the valley floors, will be credited against the reserve fund contributions (subject to a quote acceptable to Council).

Lapsing of Subdivision Consent (Section 125)

45. A five year extension is given to stages 1 - 6 of the consent, meaning that the Section 223 certificate for each of these stages will need to be submitted for approval within 10 years of the issue of consent.

Residents Association and Management Plan

46. 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 (wastewater reticulation including the proposed reserve disposal area, and stormwater detention areas including dams) including the management of plant and animal pests on land under the control of the Residents Association to ensure all the consent conditions are complied with. Prior to the issue of the Section 223 certificate a management plan setting out the purpose, responsibilities, accountabilities and procedural policies of the Residents Association shall be submitted for the approval of the Environment & 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.

This management plan shall also make provision for the Consent Authority to require work to be undertaken by or on behalf of the Residents Association in the event the Residents Association fails to meet its obligations to standards identified as appropriate for such purposes, such that a breach of the conditions has occurred or seems likely to occur, and should the work not be undertaken the Consent Authority has the power to undertake the work itself and recover the full cost of the work from the Residents Association and its members.

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 for roading and water supply.
- 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.

CONDITIONS- LAND USE CONSENT: DWELLINGS (RM050538)

General

1. All proposed new buildings shall be within the building site area set down in conditions 29 and 30 of the subdivision consent.

Landscaping Plan

2. Prior to the issue of a building consent for any dwelling on each lot, the owner of that lot shall submit to and have approved by the Council's Environment & 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) The 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 five 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.
3. The landscape plan required under condition 2 shall be fully implemented within two years of the building consent for the dwelling being issued. The completion of the work shall be confirmed in writing by a suitably qualified landscape architect.
 4. The building consent for the dwelling shall be accompanied with a statement from a suitably qualified design professional showing compliance of the building design with the Building Design guidelines in Section 11 of the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District (December 2003)

Lapsing of Consent (Section 125)

5. The consent for each dwelling will lapse five years after the issue of the certificate of title for the respective allotment.

Height of Dwellings

6. The maximum height of the buildings shall be no greater than 6 metres above natural ground level on allotments numbered 2, 8, 9, 14-18, 25-27, 34, 35, 41, 48-52, 55 and 61. For all other allotments, buildings shall be no higher than 7.5 metres above natural ground level.

Water Storage

7. A minimum of 23,000 litres of rain water storage shall be provided with each dwelling. The water storage tanks shall be either incorporated into the structure of each dwelling building or completely or partially buried and screened within the site so as to be not visible from any other lot or road outside of the said allotment.

Domestic Wastewater

8. The dwellings shall be connected to a communal wastewater treatment and disposal system installed in accordance with RM050286 and Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 recording this requirement on each certificate of title.

Colours

9. The exterior of all buildings shall be finished in colours that are recessive and which blend in with the immediate environment. The Consent Holder shall submit to the Council for approval the following details of the colours proposed to be used on the walls and roof of the building:
 - i) The material to be used (e.g. paint, colour steel);
 - ii) The name and manufacturer of the product or paint;
 - iii) The reflectance value of the colour;
 - iv) The proposed finish (e.g. matt, low-gloss, gloss); and
 - v) Either the BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

Advice Note:

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance $\leq 50\%$	A09 to A14 and reflectance $\leq 25\%$
Group B	B19 to B29 and reflectance $\leq 50\%$	B23 to B29 and reflectance $\leq 25\%$
Group C	C35 to C40, reflectance $\leq 50\%$, and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$ and hue range 06-16
Group D	D43 to D45, reflectance $\leq 50\%$, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Setbacks

10. The dwellings shall be setback at least 6.5 metres from any road reserve boundary.
11. The dwellings shall be set back at least 30 metres from any plantation forest.

CONDITIONS-LAND USE CONSENT- EARTHWORKS (RM050282)

1. The earthworks shall be undertaken in general accordance with the details presented in the application, particularly the report entitled "Preliminary Engineering design Report" by Connell Wagner dated 2 March 2005, and further information submitted dated 13 June 2005.
2. Earthworks shall only be undertaken between 7.00 am and 6.00 pm Monday to Saturday.
3. Earthworks shall be undertaken to, as far as is practicable, minimise disturbance of the existing contours, and to minimise the transportation of sediment in water, particularly on the steeper slopes or close to watercourses.
4. No spoil shall be placed in a position where it may enter any watercourse (whether intermittent or continuously flowing).
5. 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 practicable measures" includes measures specified in Auckland Regional Council Technical Publication No.90 Erosion and Sediment Control - Guidelines for Land Disturbance Activities.
7. No earthworks shall commence until an Erosion and Sediment Control Plan (E&SCP), prepared by a suitably qualified and experienced person, has been forwarded to and approved by the Council's Environment & Planning Manager. The E&SCP shall, amongst other things, detail how conditions 5 and 6 will be complied with. All earthworks shall be undertaken in accordance with the approved E&SCP.
8. 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/vegetated.

Advice Note:

The generation of dust should 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.

9. 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.
10. 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 the Council shall be advised of who this person is, in writing, when lodging the engineering plans for the subdivision.

11. 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.
12. The suitably qualified person required under Condition 11 shall provide, in writing prior to the completion certificate issued pursuant to Section 224(c) of the Resource Management Act 1991, sufficient information to enable the Council to determine compliance with Conditions 3, 4, 5 and 8.
13. 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 unexpected adverse effect on the environment which may arise from the exercise of the consent; or
 - b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor plan; or
 - c) when relevant national environmental standards have been made under Section 43 of the RMA.

Lapsing of Consent (Section 125) and Duration of Consent (Section 123)

14. The consent will lapse 10 years after the commencement of the consent and is granted for a period of five years.

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 your 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.

CONDITIONS- DISCHARGE PERMIT- STORMWATER (RM050285)

1. The discharge and/or diversion of stormwater shall not cause in the receiving water beyond the boundary of the property on which the discharge and diversion occurs 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.
2. The stormwater detention dams will be required to detain flows to their pre-developed runoff state and to a 1% AEP (Q100), together with a 500 millimetre freeboard.
3. Secondary flow paths over roads shall be protected from erosion in the form of a concrete surface or rock lined embankment and erosion control upstream and downstream.
4. The discharge and/or diversion of stormwater shall not result in adverse scouring or sedimentation of any watercourse, adjoining properties or the coastal environment.
5. The consent holder shall adopt all practicable measures to avoid the discharge of sediment the discharge and diversion of stormwater at the site. For the avoidance of doubt "all practicable measures" includes measures specified in Auckland Regional Council Technical Publication No.90 Erosion and Sediment Control - Guidelines for Land Disturbance Activities.
6. The discharge shall not result in or contribute to flooding on adjoining properties.
7. 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.
8. 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.

Lapsing of Consent (Section 125) and Duration of Consent (Section 123)

9. The consent will lapse 10 years after the commencement of the consent and is granted for a period of thirty five years.

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 your 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.

CONDITIONS- LAND USE CONSENT- CULVERTS AND DAM STRUCTURE (RM050544)

1. Site and Dam Details:

Location:	Harley Road
Legal Description of Land:	Section 60,85a and 95a contained in CT NL 32/260.
River or Stream Being Dammed:	Unnamed Stream
Zone, Catchment:	Moutere Surface Water Zone, Moutere
Maximum Catchment Area (ha):	70
Maximum Dam Heights (m):	5
Total Storage (m ³):	20,000
Dam Locations: Dam ID Numbers	Location
Pond 3: 266	Easting:2512812 Northing:6001118
Pond 2: 267	Easting:2512732 Northing:6000934
Pond 1: 268	Easting:2512617 Northing:6000586

2. Prior to the commencement of construction or related earthworks, the consent holder shall supply to Council's Consent Planner (Water) two copies of the dam and culvert design and specifications and a site management plan that has been prepared by an appropriately experienced chartered civil engineer and the dam design shall comply with the NZSOLD New Zealand Dam Safety Guidelines (November 2000) and the culverts with TDC's Engineering Standards and Transit NZ Bridge Design Manual, whichever is most applicable. Dam design and specifications shall include a dam discharge pipe through the dam with an adjustable valve.
3. The consent holder shall employ an appropriately qualified and experienced chartered 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 consent holder shall advise the Council's Consent Planner (Water) 72 hours prior to when site works are to commence.
6. 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.
7. The consent holder shall regularly inspect the dams and culvert crossings and maintain all embankment, rock protection, low flow systems and spillways in good condition. In particular, culvert and pipes shall not be obstructed and any damage shall be repaired promptly and fish passage shall not be prevented.
8. The consent holder shall employ an appropriately qualified and experienced chartered civil engineer to inspect and report on the structural stability of the dams no later than 12 months following completion of the dam and thereafter every five years. A copy of the written report(s) shall also be provided to Council.
9. Should any slumping or significant seepage from the dam embankments be observed, the consent holder shall immediately inform the Tasman District Council's Environment & Planning Manager or his agent and shall employ a suitably experienced chartered 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 waterway as a result of the spillway or culvert discharge.
11. Cut slopes within 3 metres of the lake full water edge are to be designed 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 May 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.

Lapsing of Consent (Section 125) and Duration of Consent (Section 123)

14. The consent will lapse 10 years after the commencement of the consent and is granted for a period of thirty five years.

Advice Notes:

- i) The consent holder will need to meet the reasonable costs associated with the monitoring of this consent.
- ii) 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.

CONDITIONS- WATER PERMIT- DAMMING (RM050283)

1. Site and Dam Details:

Location:	Harley Road
Legal Description of Land:	Section 60,85a and 95a contained in CT NL 32/260.
River or Stream Being Dammed:	Unnamed Stream
Zone, Catchment:	Moutere Surface Water Zone, Moutere
Catchment Area (ha):	70
Maximum Dam Height (m):	5
Storage (m ³):	20,000
Dam Locations: Dam ID Numbers	Location
Pond 3: 266	Easting: 2512812 Northing: 6001118
Pond 2: 267	Easting: 2512732 Northing: 6000934
Pond 1: 268	Easting: 2512617 Northing: 6000586

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, including but not limited to requiring a change to the residual flow release downstream of the dams provided it is not more than the rate of flow entering the dams; 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 or eels accessing the dam; or
 - d) to require changes to the spillway to ensure that the dam is adequately protected during storm events.
 - e) 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.
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 shall ensure a constant residual flow below their dam at all times except when there is no flow present in the stream entering Pond 1 (i.e the most upstream dam) and the residual flow shall be 0.5 litres/second (i.e a minimum of 305 cubic metres per week) and the flow shall be maintained between Pond 1 and Pond 2 and downstream of Pond 2 (i.e the middle dam). The consent holder shall confirm with the Environment & Planning Manager how this constant residual flow will be achieved and monitored and shall provide appropriate plans to the Manager's satisfaction prior to construction of the dams commencing.

Note: No abstraction shall occur from Pond 3 (i.e the downstream dam.)

5. The consent holder shall install and maintain a water meter that complies with the Council's Water Meter Specifications and shall record, as a minimum, weekly water meter readings of the volume of water released from the dam each week (to show compliance with condition 4 of this permit.) The consent holder shall supply these weekly metre readings each two weeks to Council for the first two years following dam commissioning and thereafter, provided there has been full compliance with this condition then the metre readings may be monthly and supplied annually to Council no later than 31 May each year.
6. 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 and fish passage shall not be prevented.

7. The consent holder shall employ an appropriately qualified and experienced chartered civil engineer to inspect and report on the structural stability of the dams no later than 12 months following completion of the dam and thereafter every five years. A copy of the written report(s) shall also be provided to Council.
8. Should any slumping or significant seepage from the dam embankments be observed, the consent holder shall immediately inform the Tasman District Council's Environment & Planning Manager or his agent and shall employ a suitably experienced registered civil engineer to advise on appropriate remediation measures.
9. Appropriate rock protection (or similar) shall be provided sufficient to avoid or remedy any adverse erosion of the waterway as a result of the spillway or culvert discharge.

Lapsing of Consent (Section 125) and Duration of Consent (Section 123)

10. The consent will lapse 10 years after the commencement of the consent and is granted for a period of 10 years.

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 RMA Act, the permit holder may be required to pay the reasonable costs associated with the monitoring of this permit.**

CONDITIONS- WATER PERMIT TO TAKE WATER: RM050284

1. Site and Take Details:

Location:	Harley Road
Legal Description of Land:	Section 60,85a and 95a contained in CT NL 32/260.
River or Stream Being Dammed:	Un-named Stream
Zone, Catchment:	Moutere Surface Water Zone, Moutere
Storage (m ³):	20,000
Dam Locations: Dam ID Numbers	Location
Pond 2 : 267	Easting:2512732 Northing:6000934
Pond 1 : 268	Easting:2512617 Northing:6000586
Water Source:	Storage
Area Irrigated:	20.00 hectares
Maximum rates of take authorised:	
<u>Non-potable</u>	<u>Irrigation</u>
<i>4 cubic metres per hour</i>	<i>10 cubic metres per hour</i>
<i>61 cubic metres per day</i>	<i>200 cubic metres per day</i>
<i>427 cubic metres per week</i>	<i>1400 cubic metres per week</i>

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 reduction in the rate of taking from 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 changes to any screens required to avoid the entrainment of fish and eels;
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. This consent shall lapse after a period of five years from the date of issue unless the holder of this consent has substantially exercised the consent.
 5. The permit holder shall keep such 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.
 6. The permit holder shall install and maintain a screen on all intake pipes including their pump intake such that the screening prevents the entrainment or entry of fish and the screen shall, as a minimum, achieve an intake velocity at the outer screen surface of less than 0.7 metres/second - with a screen mesh-size not greater than 5 millimetres.
 7. The application of water to any land shall not exceed the rate of 190 cubic metres per hectare per week.

Lapsing of Consent (Section 125) and Duration of Consent (Section 123)

8. The consent will lapse 10 years after the commencement of the consent and is granted for a period of 10 years.

Advice Notes:

1. **Pursuant to Section 36 of the RMA, the permit holder may be required to pay the reasonable costs associated with the monitoring of this permit.**
2. Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

CONDITIONS- DISCHARGE- DOMESTIC WASTEWATER (RM050286)

Site and Discharge Details

1. Physical Address:	Harley Road, Kina-Upper Moutere
Legal Description:	Sec 95A Moutere Hills DISTRICT
Valuation Number:	1926010700
Map Reference of Property:	East 2513053 North 6000343
Receiving Environment:	Land
Maximum Discharge Volume:	60, 000 litres per day
Maximum Discharge Rate:	2 millimetres per day
Discharge Characteristics:	Tertiary treated domestic wastewater

Discharge Restrictions

2. The maximum daily discharge volume shall not exceed 60, 000 litres.
3. The discharge shall contain only treated domestic wastewater from dwellings, no industrial or tradewaste shall be included.
4. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day).

Advice Note:

For a daily discharge volume of 60, 000 litres per day the primary disposal area will need to be at least 3 hectares, with an additional 3 hectare suitable reserve area.

5. The treated wastewater entering the disposal field, as measured at the sampling point required to be installed by Condition 27, shall comply at all times with the following limits:
 - i) Carbonaceous biochemical oxygen demand (cBOD₅) 20 grams per cubic metre;
 - ii) Total suspended solids 30 grams per cubic metre;
 - iii) Faecal coliforms 1,000 faecal coliforms per 100 millilitres;
 - iv) Total nitrogen 25 grams per cubic metre;
6. The discharge shall not cause any of the following effects on the receiving waters (ground or surface waters) beyond the boundary of Lot 900 on which the discharge occurs:
 - 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.

Collection, Reticulation and Treatment Systems

7. The Consent Holder shall submit a detailed "Wastewater Treatment and Disposal Design Report", prepared by a person who is suitably experienced in designing wastewater treatment and disposal systems, to the Council's Environment & Planning Manager for written approval prior to the construction of the collection, treatment or disposal systems. This report shall provide evidence of how design requirements imposed by this consent on the treatment and disposal systems shall be met and shall include, but not be limited to, the following information:
- i) certification that the selected disposal areas are of suitable topography and soil type and are suitable for the loading rates proposed and sufficiently stable for wastewater disposal; and
 - ii) the location and dimensions of disposal areas (including reserve areas), including setbacks from neighbouring properties, watercourses and domestic bores, depth of unsaturated soils beneath dripper lines and avoidance of slopes greater than 15 degrees; and
 - iii) details of how the disposal system will be operated and criteria to be used to determine the timing, period and rate of application. The criteria shall be based on, amongst other things, climatic data, soil moisture status, and groundwater levels within the disposal areas.
 - iv) details regarding management of vegetation at the disposal area for the duration of consent; and
 - v) the measures proposed to minimise stormwater infiltration and inflow into the disposal field; and
 - (vi) the proposed method of wastewater treatment including specific design details and evidence of how the contaminant limits required by Condition 5 will be complied with on a consistent basis; and
 - vii) the location of the wastewater treatment plant.
8. The construction and installation of the wastewater treatment plant and disposal system shall be carried out in accordance with the approved "Wastewater Treatment and Disposal Design Report" (as required in Condition 7) and 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 Conditions 10-16 (inclusive) and shall also confirm the following:

- i) that the wastewater system (including the collection system, treatment plant and the disposal area) is capable of treating the design flows and that it 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 area) have been inspected and installed in accordance with standard engineering practice, the manufacturer's specifications; and
 - iii) that the components used in the facility are in sound condition for continued use for the term of this resource consent or are listed in the "Operations and Management Plan" (required by Condition 19) for periodic replacement.
9. 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. 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.
10. All wastewater shall be treated prior to disposal using a primary treatment process, followed by a secondary treatment process, and ultra-violet tertiary treatment process to ensure the wastewater meets the standards specified in Condition 5.

The wastewater shall receive a minimum level of UV disinfection, defined as the 10 minute average received UV light dose, of 45 milli-Watt seconds per square centimetre (mWs/cm²) prior to the discharge leaving the treatment plant and being disposed to land.

Advice Note:

The treatment plant shall be designed such that it is able to be configured for nitrogen removal should that be required to meet conditions of consent.

Advice Note:

The Consent Holder has proposed that an ultra violet light disinfection system will be used to provide tertiary treatment of wastewater. The specific design of the disinfection system has yet to be determined, but it is expected that the Consent Holder will provide sufficient technical information to the Council for it to be confident that the required viral reduction can be consistently achieved. For clarification, if monitoring of the treatment system shows that the minimum ultraviolet dose has not been met, then the Council may undertake additional microbiological sampling to verify compliance with Condition 5 (iii).

11. The Consent Holder shall include in the "Wastewater Treatment and Design report" required by Condition 7, two copies of a monitoring methodology that is proposed to be used to continuously measure the effectiveness of the disinfection system required to be installed in accordance with Condition 10. This monitoring methodology shall be designed to provide sufficient data to allow the Council to confirm that the wastewater has always received the prescribed minimum level of disinfection. The approved monitoring methodology shall be incorporated into the "Operation and Management Plan" required by Condition 19.

Disposal / Land Application System

12. The disposal areas shall be located in accordance with the conditions of this consent and as specified in the application for discharge consent RM050286. Where specifications differ, the conditions of this consent shall be adopted.

13. All wastewater shall be discharged to ground by way of pressure compensating dripper lines. The consent holder shall, at all times, ensure that the dripper lines used for the disposal of wastewater are located within an area having a predominant cover of trees (whether by way of commercial forestry or amenity plantings) and have no less than a 50 mm cover of soil, bark or an appropriate alternative. This shall be as per the approved report required under condition 7.
14. There shall be not less than a 600 millimeters separation maintained between the dripper lines and the seasonal water table at all times.
15. The disposal areas (including reserve areas) shall not be located on slopes averaging greater than 15 degrees over a 10 metre length and shall not be located within:
 - i) 20 metres of any surface water body;
 - ii) 20 metres of any bore for domestic water supply;
 - iii) 10 metres of any adjoining property.
16. 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.
17. The *pinus radiata* within the actual disposal area shall remain in place for the exercise of this consent unless the field is rotated and a new disposal field is prepared. The wastewater disposal area shall be fenced to prevent access by stock or unauthorised persons and shall be clearly labelled in at least two clearly visible places with clearly visible warning signs which read "Wastewater Disposal Area – Avoid Contact" or equivalent. The details of such signage shall be submitted for approval by the Council's Co-Ordinator Compliance Monitoring, prior to the exercising of this consent.

Advice Note:

There is no need to keep the trees in place if they are not within the current wastewater disposal field.

Advice Note:

The Consent Holder is advised to discuss the signage proposal for the wastewater disposal area with the local Medical Officer of Health before submitting them to Council for approval.

18. A suitable wastewater disposal reserve area equivalent to not less than 100 % the size of the primary disposal area (3 hectares) shall be kept available for future use for wastewater disposal. This reserve area shall remain undeveloped and shall be located within the boundaries of Lot 900.

Advice Note:

It is important that the reserve is located in an area that can be used if required in the future should be protected from built development.

Wastewater System Operation and Maintenance

19. A Chartered Professional engineer or suitably qualified consultant experienced in wastewater engineering shall prepare an "Operations and 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 Consent Holder shall be provided.
20. A copy of the "Operations and Management plan" required by Condition 19 shall be submitted to the Council's Environment & Planning Manager for approval prior to the exercising of this consent. Any changes to this plan shall be in accordance with the conditions of this consent and approved in writing by the Council's Environment & Planning Manager prior to them taking effect.
21. The consent holder shall enter into, and maintain in force, a written maintenance contract with an experienced wastewater treatment plant operator suitably trained in wastewater treatment plant operation by the system designer, approved by the Council's Environment & Planning Manager for the ongoing maintenance of the treatment and disposal systems and control of the remote monitoring system as required by Condition 24. This contract shall require the operator to perform maintenance functions and duties specified in the Operations and Management Plan and required by Condition 19. A signed copy of this contract including full contact details for the service provider shall be forwarded to the Consent Authority, prior to the exercising of 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 Co-Ordinator, Compliance Monitoring prior to them taking effect.

In addition, the Consent Holder shall provide the Council with a copy of a written report that details the maintenance that has been undertaken on the wastewater treatment and disposal system during the previous three month period in accordance with the requirements of the Operations and Management Plan, every three months from the date of exercising of this consent.

Advice Note:

For compliance purposes, a suitably qualified person would be either a person employed and trained by the manufacturer of the treatment and disposal system, or someone who can provide evidence of satisfactory experience in maintaining such wastewater treatment and disposal systems.

22. 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 facility authorised to receive such material.
23. The Consent Holder shall submit an "Asset Management Plan" for the wastewater collection, treatment and disposal system for approval by Council's Environment & Planning Manager prior to the exercise of this consent. This plan shall be prepared by a suitably experienced person and shall detail financial asset management requirements (including depreciation considerations) of the wastewater collection, reticulation, treatment and disposal systems for the duration of the consent. Any changes to this plan shall be in accordance with the conditions of this consent and approved in writing by the Council's Environment & Planning Manager prior to them taking effect.

Contingency Measures

24. A telemetered 24 hour remote advance warning system shall be installed and operated that is capable of warning of any failure within the collection, treatment or disposal systems (i.e. pump failure, mechanical blockage or UV disinfection system failure).). This warning system shall be configured to be remotely monitored by the wastewater treatment plant operator for all systems and to activate an audible and visual alarm system located adjacent to the treatment plant or other prominent place on the site for the central treatment plant. The details of the alarm and monitoring systems shall be included in the "Operations and Management Plan" required by Condition 19 and shall achieve as a minimum the following:
 - i) Notify operators of any alarm; and
 - ii) Monitor and record daily flow readings from all water meters (or pump station pump hours); and
 - iii) Store and transmit daily reports to the operator of the discharge volume meter reading and system status from each site; and
 - iv) 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.

The Consent Holder shall maintain clearly visible 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.

25. The Consent Holder shall ensure that the system is designed and maintained so that wastewater can be retained within the treatment 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 "Operations and Management Plan".

26. Should power disruption result in the 24 hour storage capacity at the treatment plant being utilised 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 "Operations and Management Plan" required to be prepared in accordance with Condition 19.

Monitoring

27. A sampling point to allow collection 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.
28. A sample of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 27. Samples shall be analysed for five day carbonaceous biochemical oxygen demand (cBOD₅), total suspended solids, total faecal coliforms, total nitrogen, pH, temperature. The frequency of sampling shall be as follows:
- i) For the first three months following plant start up, samples shall be collected weekly when the plant is discharging to the disposal field for first month and then two weekly for two months;
 - ii) For the following nine months samples shall be collected monthly;
 - iii) Following the first 12 months samples shall be collected at least every two months (a total of at least six samples a year).
29. Prior to the exercise of this consent the Consent Holder or their authorised agent shall collect two water samples from the stream traversing Lot 900 at a site above and below the wastewater disposal area. The location shall be fixed by Global Positioning System (GPS) and submitted to the Council's Co-Ordinator Compliance Monitoring for approval prior to sampling. Thereafter the consent holder or their authorised agent shall collect samples from the same sites four times per year when wastewater is being discharged to the disposal fields and there is flow in the stream. Samples shall be collected at no closer interval of one month between sampling. These samples shall be analysed 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

30. 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, using standard sampling methodologies and equipment and shall be transported to the laboratory under chain of custody. The detection limits specified in the table below (Applicable Detection Limits) shall apply. The samples 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 10 working days of the results being received from the laboratory.

Applicable Detection Limits

Parameter	Detection Limits ¹	Units
pH	NA ²	-
Dissolved Oxygen	NA	g/m ³
Temperature	NA	°C
Conductivity	NA	mS/m
Carbonaceous biochemical demand	oxy ₂	g/m ³
Total Suspended Solids	3	g/m ³
Escherichia coli (E coli)	10	MPN or cfu/100 mL
Total faecal coliforms	10	MPN or cfu/100 mL
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.

Reporting

31. 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.

32. The flow meter required to be installed in accordance with Condition 31 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 Co-Ordinator Compliance Monitoring quarterly in the Quarterly Monitoring Report required by Condition 37, within one month following the end of the three month period ending 31 March, 30 June, 30 September and 31 December each year.
33. Any exceedance of the permitted discharge volume shall be reported to the Council's Co-Ordinator Compliance Monitoring 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. This data shall be securely stored electronically for at least two years.
34. 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.
35. The consent holder shall report all complaints to the Council's Co-Ordinator Compliance Monitoring in writing within 48 hours of receipt and the log shall be made available to the Council upon request.
36. The consent holder or their authorised agent shall notify Council's Co-Ordinator Compliance Monitoring of any wastewater discharge to ground or water from the treatment plant or sewage reticulation system which is not authorised by this consent in writing as soon as practicable (but no more than 24 hours) after the discharge commenced.
37. The consent holder shall present a Quarterly Monitoring Report every three months for the duration of the consent 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 Conditions 28 and 29 above, for the past quarter and compliance with discharge limits specified in Condition 5 and Condition 6;
 - 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.

General Conditions

38. The wastewater treatment system shall be located, and the surrounding area maintained, so that vehicular access for maintenance is readily available at all times
39. 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.
40. 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.
41. The Consent Holder shall administer the responsibilities and obligations of all persons 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.

Lapsing of Consent (Section 125) and Duration of Consent (Section 123)

42. The consent will lapse 10 years after the commencement of the consent and is granted for a period of twenty years.

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 Consent Holder 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 Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts. Building Consent will be required for the installation of any part of the wastewater treatment and disposal system.
4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by Council shall be made in the first instance to the Council's Co-Ordinator Compliance Monitoring.
6. 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.
7. The Consent Holder 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.
8. If the site becomes part of an urban drainage area identified by Council when future reticulation is available, the consent holder will be required to provide connection from the dwellings or on-site treatment system to the sewer line.
9. 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 & Planning Manager, and the New Zealand Historic Places Trust.

REASONS FOR THE DECISION (all consents)

1. The land is within the Rural 3 Zone under the Proposed Tasman Resource Management Plan. The minimum lot size for a controlled activity subdivision is 50 hectares according to Rule 16.3.9C(b) for Rural 3, thus the application is deemed to be a restricted discretionary activity, as it does not comply with this rule. Council has heard the submissions on the Rural 3/3A proposed provisions but has only released interim decisions in relation to the combination of Rural 3 and 3A into just Rural 3, and the decision not to provide reticulated wastewater throughout the area.

Under the Transitional Plan (Waimea Section) the land is zoned Rural B and the minimum lot size for subdivision is 15 hectares, thus the application falls (technically) to be considered as a non-complying activity. However, the Committee considered that it was appropriate to place greater weight on the Proposed Plan provisions compared to those of the Transitional Plan, given the extent of community consultation undertaken by the Council prior to the notification of Variation 32, which introduced Rural 3 and that the work was done within the framework of the Resource Management Act 1991. The Committee was clear that reference could not be made to the previous zoning provisions of the land under the Proposed Plan.

2. 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.

3. The Committee noted that the application had received twelve submissions, six in opposition, three giving conditional support and three neutral or non-specific. The concerns raised by submitters in opposition were:
 - Notification procedures inadequate
 - Adverse effects from on site disposal of effluent and stormwater
 - Scale of development too large
 - Lack of provision for protecting and increasing native birdlife, and amphibians (frogs, skinks)
 - Restrict public access to wetlands and gullies, provide bridges
 - Extra traffic on Harley Road
 - Site clearance practices, sediment run-off
 - Unclear on future management responsibilities for wastewater and sewage disposal
 - Contrary to District Plan zoning
 - This and other subdivisions will undermine the District Plan
 - Lack of demand for sections in the area
 - Adverse effects on rural character
 - Lack of consultation
 - Downstream effects on water supply and from sewage and stormwater runoff
 - Rainwater supply of drinking water inadequate
 - No details on the sewage treatment system have been provided, and further measures are required
 - Lighting
 - Intersection of Harley Road/SH60 needs to be upgraded
 - Sedimentation and silting of the stream, causing downstream flooding

4. The Committee considered the application in terms of the 11 discretionary matters which are listed below, (alongside the matters raised in submissions):
 - Rural land productivity
 - Effluent disposal
 - Water supply
 - Stormwater disposal
 - Traffic effects
 - Rural character and amenity values
 - Ecosystem values
 - Natural hazards
 - Pesticide residues
 - Actual and cumulative effects
 - Financial contributions
 - Other matters eg esplanade reserves, walkways.
5. As a general comment, the Committee considered that the proposed subdivision had been thoughtfully and sensitively put together and that the design was consistent with the spirit and intent of the Design Guide for the Rural 3 area. It was noted that only a portion of the 200 hectares was proposed to be subdivided and that a large balance area of 132 hectares would remain in pine trees, with 20 hectares of that intended to be set aside by way of easement for wastewater disposal.
6. In terms of the effect on productive land values, the Committee was satisfied that the productive land (Class B) would be able to be protected and made available for on-going productive use as it was contained within the three larger lots. The Committee was clear that ensuring land was available for productive use was not the same as having to ensure the land use was necessarily viable in economic terms. The Committee agreed with the comments given by the staff, that “the proposed development was a reasonable response to the productivity considerations in the context of the Rural 3 zone.”
7. The issue of domestic wastewater disposal associated with the subdivision was the subject of considerable discussion and detailed evidence was presented to the Committee who considered that this was a significant matter. The proposal is to discharge up to 60, 000 litres of domestic wastewater per day to land by trickle irrigation. Wastewater is to be collected and delivered to a communal treatment plant by an internal sewerage network.

At the treatment plant, wastewater is to be treated to a tertiary standard prior to being discharged at a rate not exceeding 2 millimetres per day to a designated forested disposal area of 20 hectares on the south eastern side of the site. The Committee noted that there was a wetland area downstream of the proposed disposal area which would provide further buffering in terms of the prevention of potential contamination of surface water. There was some concern (from both submitters and the Committee) regarding the suitability of the proposed area for the disposal in terms of slope, stability, soil characteristics and tree cover. However, the Committee is satisfied that sufficient suitable land is available for the disposal of treated wastewater, although it is acknowledged that until the detailed design of the system is undertaken, the exact layout and configuration of the system would not be known.

The Committee noted that no detailed design of the waste water disposal system was provided but at the same time, is aware of the reasons for that and in the circumstances the Committee was satisfied that requiring a detailed "Wastewater Treatment and Disposal Design Report" to be approved by staff, as a condition did not represent improper delegation of Council's decision making duties. The parameters to be met by the report are detailed in the condition and no wide unfettered approval powers are part of this process.

The setting aside of 20 hectares protected by an easement is noted as a condition volunteered by the applicant. The Committee was satisfied that the monitoring conditions of the discharge consent would ensure that the discharge would be able to continue for the long term without having any adverse effects on the receiving environment or downstream activities. The Committee was satisfied that the secondary and tertiary (ultra violet radiation) treatment and the low loading rate would ensure that there would be little risk to the environment. The Committee considered the issue of the term of consent and it was agreed that a term of 20 years would be appropriate. The Committee accepts the volunteered condition relating to the prevention of private bores being sunk as a means of ensuring water supply and use is limited thus limiting the amount of discharge.

The Committee considered that it was not necessary in this case to require a bond to ensure satisfactory performance of the wastewater system as the conditions of the consent itself are robust enough to ensure there will be no adverse effects on the environment.

In the right of reply from the applicant, legal issues were raised about the content of a submission from Mr and Mrs Talley and the Majac Trust. One matter relates to the extent of submissions presented at the hearing allegedly going beyond that which was originally made. The Committee considered that the submission and evidence presented at the hearing was within the scope of the original submission and is therefore legally admissible. The concern expressed in the original submission related to the effects of wastewater and stormwater and this was also the content of the material presented at the hearing, albeit in more detail. If the submitter had gone into a different area such as provision of reserves or roading alignment, this would have been outside the scope of the submission.

In addition, there was a question about whether the material provided by Mr Foley was acceptable at the hearing as there was reportedly no permission given by the landowner for Mr Foley to access the land. The Committee considers that it is most unfortunate that Mr Foley did not seek permission to go onto the subject land but the Committee considers "trespass" to be a civil matter and there are avenues outside of the Resource Management Act 1991 which would need to be explored by the landowner if this was considered necessary. In this case the material provided to the Committee by Mr Foley and Mr Crosby was considered by the Committee but did not persuade the Committee to decline the subdivision or associated discharge consents.

8. In terms of the need to supply the subdivision with a potable water supply, the Committee was satisfied with the proposed system of water supply and treatment until the reticulated Council system was available. It was noted that it would be up to individual home owners to treat their own rainwater until the Council's reticulated potable water supply system is available. The Committee noted that there would be sufficient storage of water for fire fighting purposes. The Committee noted that the system being established would be satisfactory for the long term irrespective of whether or not the Council system becomes available.

9. In terms of stormwater disposal, the Committee noted the concerns of downstream landowners but they were satisfied that the proposed storage dams would mitigate the effects of additional storm water and would lead to an enhancement of the amenity of the area.
10. In terms of traffic and roading effects, the Committee noted the written agreement of Transit New Zealand in relation to the proposed State Highway 60 intersection upgrade, in the event that construction of the Ruby Bay Bypass is delayed by more than four years. The Committee is supportive of this improvement being undertaken at the applicant's cost.

The Committee was satisfied that the two new intersections proposed onto Harley Road to service the subdivision could be safely constructed. It is considered appropriate to require some vesting of land to ensure that future road upgrades (and a future water reservoir) can be accommodated within the legal road reserve. The Committee did not consider that any upgrading of Old Coach Road along the subdivision frontage should be a condition of this consent.

The Committee considered that the consent holder should pay the full Development Contribution for roading but not be required to upgrade Harley Road, except in relation to the intersections.

In relation to the issue about the status of the ends of the cul-de-sacs within the proposed subdivision, the Committee considered that the standard for cul-de-sacs in the Proposed Plan was the appropriate guide and therefore any minor road servicing seven or more users should vest as road and any serving less than seven should be rights-of-way.

The Committee considered that low impact lighting to ensure pedestrian safety at night should be provided. Street lighting at the new intersections with Harley Road would also be required in accordance with the normal standard.

It is clear that the Rural 3 character and amenity is expected to be different to that of normal urban subdivision and therefore the street lighting does not need to be up to urban standards. It was considered that the speed of traffic within an area such as this does not call for a high level of street lighting. The Committee acknowledged that a high level of street lighting could result in unwanted light spill/sky lighting which could adversely affect the rural amenity of the surrounding area and this point was raised by both the applicant and submitters.

This decision and requirements are consistent with the roading and lighting standards imposed on the other two Rural 3 subdivisions approved to date. It is the Committee's view that where footpaths are provided on public roads there should be a minimum level of lighting provided to ensure pedestrian safety.

The Committee considered that the roading pattern was generally well planned and that the level of earthworks and visual impact as a result of the road would not unreasonably impact on the amenity of surrounding land. Some of the proposed roading would be "hidden" by the contour of the land.

11. The Committee considered the proposed walkway system would enhance the amenity and recreation value of the area for future residents and it was reasonable to allow a credit for the cost of the construction of the walkways. With regard to reserves, the Committee noted the proposed vesting of two reserves and the creation of two lots to be owned by the “residents association” as neighbourhood parks and some additional bridal paths and walkways which will not be vested in the Council but some of which will have easements for public access. Overall the Committee was supportive and accepting of this arrangement which was generally in line with prior consultation at a staff level. It is noted that the walkway design will enable future linkages to be created and this is supported.
12. In terms of the effect of the proposed subdivision on the character and amenity of the surrounding area, the Committee noted the suite of conditions offered by the applicant which would assist in mitigating the visual effect of the development. These conditions were accepted and include controls on buildings such as height, location, colour, reflectivity and landscaping. The Committee agreed with the advice from Mr Boffa Landscape Architectural Consultant for the Council; *“the siting of the clusters of development and the lot arrangements, size and number are appropriate in the context of the overall site.”* The Committee agreed that the layout and density should be protected by way of a “no subdivision” consent notice on the residential and rural residential titles but they did not agree that this should be imposed on the large balance lot (Lot 900). It is accepted that the subdivision will lead to an increase in effects such as vehicle trips, noise, traffic safety, lighting associated with an intensification of development and housing, but this is an expected outcome within the Rural 3 zone.
13. The Committee considered that the application contained sensitive and appropriate measures to protect and enhance existing wetland and riparian areas. It is important to ensure the implementation of the landscape plan is carried out effectively and managed in the future, particularly in the areas to be owned by the “residents association” and riparian and wetland areas. Fish passage will be taken into account in the design and construction of structures in waterways. The recommended approach to the issue of residual flow for amenity and instream habitat reasons is accepted by the Committee. It is noted that the height of Pond 3 is intended to be reduced and that area to essentially become a wetland from which there will be no water abstraction, however the structure that is proposed still requires a consent as the catchment area is greater than 20 hectares and thus it does not comply with Rule 31.2.1. The term of the consents for the damming and taking of water have been set at 10 years as this is consistent with other damming consents but it is noted that “renewals” of existing consents are considered as “controlled activities.”
14. There was no evidence that the land is subject to any significant natural hazards or soil contamination through pesticide use. Potential flooding associated with severe rain fall events will be mitigated by the construction of the dams to deal with peak downstream flows. Other “soft” engineering methods are supported to deal with stormwater (i.e grass swales, filter strips and secondary flow paths into existing gullies.) Conditions are imposed designed to mitigate the effects of earthworks and to ensure stable building sites are provided.

15. In summary, the Committee was satisfied that this proposal was consistent with the policies and objectives relating to the Rural 3 zone and was also consistent with the purpose and principles of the Resource Management Act 1991.

CARRIED

Confirmed:

Chair: