

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 19 and Tuesday, 20 December 2005
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

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

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

1. GALEO ESTATE LIMITED, MAISEY ROAD, REDWOOD VALLEY - APPLICATIONS RM050370, RM050405, RM050375, RM050377, RM050378

1.1 Proposal

RM050370 – Subdivision To subdivide an existing 33 hectare property into 29 residential allotments ranging in size from 2,300 square metres to 6,360 square metres, and two rural allotments being 6 hectares and 9.19 hectares in area (these two allotments are to be amalgamated with a residential allotment). The subdivision also includes creation of allotments for utility services, walkways, wetland restoration, open space to be owned communally, and new road to vest in Council. The subdivision is proposed to be developed in three stages.

RM050370 – Land Use (Roads) To construct roads within a subdivision that will not meet the Rural 3 road design standards as set out in the PTRMP.

RM050405 – Land Use (Dwellings and Ancillary Buildings) To construct a dwelling and ancillary buildings on each of proposed Lots 1 to 29 outside of the “building exclusion area” shown on the application plan. The buildings will be subject to design and appearance covenants and will otherwise comply with the bulk and location requirements for the Rural 3 Zone as set out in the PTRMP.

- RM050405 – Land Use (Farm Buildings)** To construct farm buildings within a 700 square metre building curtilage area on each of proposed Lots 30 and 35 to be located where required in conjunction with the productive use of that land (excluding wastewater disposal areas and under electrical transmission lines). The farm buildings are proposed to comply with the bulk and location requirements for the Rural 3 Zone as set out in the PTRMP.
- RM050375 – Land Use (Earthworks)** To undertake up to 20,000 cubic metres of earthworks associated with the construction of roads and filling in of two old piggery effluent treatment ponds.
- RM050377 – Discharge Permit (Wastewater)** To discharge up to 35 cubic metres of tertiary treated domestic wastewater per day to land at a rate of up to 2.85 millimetres per day. A 35 year term is being sought for this consent.
- RM050378 – Water Permit and Discharge Permit (Stormwater)** To divert and discharge stormwater from roadside swales and drains to an unnamed tributary of the Waimea Estuary and to a wetland system located within the subdivision development. A 35 year term is being sought for this consent.

The application site is located at Maisey Road, Redwood Valley, being legally described as Lots 3 and 4 DP 352251, Section 1 SO 15642, and Lot 1 DP 343461 (CT 215329).

1.2 Submissions

Cr O'Regan checked through the list of submitters to the application to determine those submitters that were present and wished to be heard.

Mr McFadden provided a copy of a letter from Knapps Lawyers, on behalf of R and B Gardner, and the letter advised that the submitters did not wish to be heard and were seeking a rural emanations easement. Cr O'Regan obtained the agreement of the applicant to allow one submitter to be heard prior to presentation of the application.

Mr G Henderson of Maisey Road tabled and read a submission and expressed his concerns about the layout of the subdivision which appeared to be lines of houses rather than clusters. The submission addressed additional concerns about the potential effect on rural character, the adequacy of the intersection of Maisey Road and the Coastal Highway and onsite car parking requirements which would encourage additional vehicles. The submitter opposed the proposed footpath through the subdivision and opposed any form of street lighting. The submitter doubted the availability of adequate water from the Redwood Valley Water Scheme to service this subdivision.

1.3 Presentation of Application

Mr N McFadden, Counsel for Galeo Estates Limited, tabled and read an introductory submission and advised that the subdivision is proposed to be developed in three stages over a total completion time of nine years. The applicant proposed to provide buffer strips to avoid use of the proposed subdivision roads by log transport from the neighbouring Carter Holt Harvey land. The applicant sought a waiver of the development impact levies in that regard.

The applicant also sought a waiver of part of the water supply component of the Long Term Council Community Plan, especially regarding the connection fee of \$3,000.00 plus work plus GST per lot. The applicant had already paid a connection fee for the reticulated Redwoods Valley water supply.

The evidence provided by Mr McFadden included a Certificate of Incorporation for Galeo Limited, a copy of the company's constitution and the proposed conditions of consent comparing those conditions provided by Council Officer, Mr R Shirley, and the applicants proposed replacement conditions.

Planning evidence was read by Miss L Gibellini and addressed the concerns of submitters and provided an assessment of effects on the environment. This evidence also commented on proposed conditions of consent and provided a letter of 5 December 2005 from Transit NZ seeking that Council impose a condition requiring the upgrade of the intersection of State Highway 60 and Maisey Road.

Mr C Glasson, Landscape Architect, provided a landscape assessment of the proposed subdivision, to evaluate the visual effects of the proposal on its surroundings and to provide mitigation and enhancement measures. He used plans and photographs to illustrate the proposals. The evidence described how the applicant has attempted to retain as much of the rural character as possible, by retaining large areas of open space. He said that the grouping of sites, in size and convoluted landforms and existing vegetation, all assist to integrate the development and reduce the overall effect within the coastal environment. Mr Glasson said that the clustering of the allotments allows for riparian planting to be protected and enhanced and for pastoral grazing to continue.

Mr R O'Callaghan, Civil Engineer, spoke about the proposed wastewater treatment for the subdivision which would be to construct a conventional reticulation system discharging to a communal wastewater treatment system that would discharge to a single irrigation area. The proposed treatment plan will be a fixed activated sludge treatment system supplied by Smith and Loveless NZ Limited. A proposed ultra violet treatment system would have a self cleaning capability and the pump station adjacent to Lot 28 will also include emergency storage capacity. The submission described the proposed wastewater reticulation system and the proposal and capacity for wastewater disposal. The applicant accepted the proposed monitoring bore to collect samples for testing the concentration of contaminants in the groundwater system. The submission also described the proposed water supply, stormwater disposal and rating system.

Mr E Gill of Smith and Loveless NZ Limited described the proposed wastewater system design and method of operation. He said that the treated effluent can be used for garden irrigation but not cropped for human consumption.

Mr D Petrie, Traffic Engineer, read a submission on the proposed access arrangements to this subdivision and the traffic effects on the road network. He described how the subdivision makes appropriate provision for future roading connections to adjoining property. The evidence described the proposed road formation, footpath provision and parking. Rights of way would be provided to Council standards. The evidence described how street lighting could be provided in a limited way although this was not supported by this evidence. The evidence indicated that the applicant was willing to accept the condition of consent regarding the Maisey Road/State Highway 60 intersection, as agreed with Transit NZ. Mr Petrie also noted that the applicant volunteered to provide a bus lay-by and associated shelter for children using the school bus. This concluded the applicant's presentation.

1.4 Submissions

Mr N Maisey spoke about the design of the subdivision in the Rural 3 Zone and that he opposed the proposal for a cluster of houses. He said he expected consultation by the applicant and said that bigger lots and a less number of lots would be preferable. Mr Maisey said that the traffic generated by the subdivision would have a negative impact in this location. He was concerned about the possible reverse sensitivity and said that he had already had complaints with the odour of organic fertiliser used on his property. In response to a question from Cr King, Mr Maisey said that his fears would be much reduced if the applicant offered him a rural emanations easement.

W and J Clark said their three main concerns were the loss of productive land from the subdivision and the amenity loss and effect on rural outlook. They said that this further development would have an effect of increasing land values.

Mr C Garnett of Redwood Valley said that he opposed proposed Tasman Resource Management Plan Variation 32 and the Rural 3 Zoning. He criticised the plan as being inconsistent and that it lacks definition and said that this application is contrary to the plan. He referred to the application as an urban subdivision and that roading may have to extend into adjacent land and infilling could occur. Mr Garnett said that earthworks have already taken place on the subject site, to more than a minor degree.

Mr Garnett said that the subdivision should be joined to Council reticulated sewerage system and that sludge will still need to be removed from the proposed system. He said that overland water flow would affect the proposed disposal area and that this area is not big enough.

Mr Garnett cast doubt on the ability of the disposal area to absorb the proposed rate of soakage and said that a further storage capacity is needed. He said that a condition of consent should be that kitchen waste disposal units would not be allowed. He challenged the Bealing report which had said that the land was not suitable for agricultural use. The submitter said that street lighting and house lighting will cause a problem and the rural atmosphere will be lost. Mr Garnett said that houses should be placed in the gullies and there is insufficient water supply in dry times for fire fighting.

Ms B Llewellyn said that the proposal is an urban development in a rural setting and the lot size is out of keeping with the predominant lot size in Maisey Road and that the proposal for 27 houses is not protecting rural landscapes. She questioned the ability of the subject land to dispose of wastewater and said that Moutere clay found on this site, was chosen for apple growing by early orchardists. The submitter sought that lot sizes be 4 hectare and that the sites furthest away from Maisey Road be developed first and that sites on the north east side of the ridgeline be deleted from the proposal. She said she would like to see a shelter belt planted on the west side of Lot 1 DP 8851.

Ms Hodson read an email from Carter Holt Harvey which advised that the submitter was unable to attend and sought that its submission remain in force.

The hearing adjourned at 5.50 pm and recommenced at 8.35 am on Tuesday, 20 December 2005.

1.5 Staff Reports

Subdivision Officer, R D Shirley, spoke to his report of 5 December 2005 contained within the agenda. He reminded the Committee that the subdivision proposal is a restricted discretionary activity and the Council may only consider those matters specified in the District Plan listed in Chapter 16.3.9D and any other relevant criteria in Schedule 16.3A. The report discussed the 14 matters listed in Chapter 16.3.9D. Mr Shirley referred to the issues section of his report and recommended that the road buffer strips lots 37 and 38 be transferred to Council at no cost in five years from the date of consent or within one year from the date of Carter Holt land being clear felled, whichever comes second.

Mr Ley tabled plans of an alternative access from the Carter Holt site which he believed would begin at a point close to Maisey Road. Mr Shirley acknowledged that the applicant has purchased 27 units in the Redwood Valley Water Scheme for a service at low flow rates distributed over a 24 hour period. Mr Shirley recommended conditions of consent as contained within his report subject to consideration of all revisions and details tabled at the hearing by the applicant.

Ms Hodson read a further email letter from Carter Holt Harvey which advised that the submitter had consulted with the applicant and wished to withdraw its submission.

Subdivision Engineer, D Ley, spoke to the engineering report contained within the agenda and said that the proposed footpaths will erode on gradients proposed in the application. He said the proposed gravel or dolomite footpaths would allow weeds to grow and suggested that a two coat chip seal be used. He referred to the proposed landscaping plan and questioned the location of a proposed viewing platform located on road reserve. He said that the Council would not be interested in maintaining a footpath to the structure and asked if it could be incorporated into a neighbouring allotment.

Mr Ley said that he did not see that the proposed future road access links were crucial and suggested that the buffer areas be made as road reserve not road to vest. He said that as the District Plan requires provision for future access to adjacent property, he would be happy for this to be at a point at the northeast end of the subdivision near Maisey Road. Mr Ley suggested that street lighting be downward focused and be 5 metres high. He said that the use of bollards is discouraged as they are subject to vandalism and create problems with glare especially in rain conditions. Mr Ley sought that fish passage be maintained under the road through the private pipe where a resource consent has been previously issued.

Senior Consent Planner, J Andrew, spoke to the land use applications for dwellings and ancillary buildings and the report contained within the agenda. Mr Andrew discussed the recommended conditions of consent and consent notices and he recommended that the term of consent for the land use be a period of 10 years from the issue of the certificate of title.

Consent Planner Discharges, N Lewis, spoke to the report in relation to the discharge consent, contained within the agenda. The report and proposed conditions of consent addressed the wastewater treatment plant to be located on proposed Lot 35 and the wastewater disposal field to be located on proposed Lot 30. The report recommended conditions of consent including the imposition of a bond because the proposed discharge is located in difficult soils in a sensitive environment. Ms Lewis said that regular monitoring of this discharge is needed as it could be necessary to have a larger disposal area. She noted that the Council had not received the results of soil permeability tests from the applicant. She recommended that kitchen waste disposal units not be installed as they could affect the effluent disposal process.

1.6 Right of Reply

Mr McFadden responded on behalf of the applicant and confirmed that the Carter Holt Harvey submission had been withdrawn following negotiations with the applicant. He said that the applicant solved the roading connectivity issue. He suggested that Lots 37 and 38 be owned by the applicant and the applicant would carry out roading work at its cost with no claim for compensation. Mr McFadden spoke about the consultation carried out by the applicant with neighbouring property owners and that where agreed to, rural emanations easements had been offered to submitters. He reminded the Committee that these agreements would have to be signed by both the applicants, representatives and neighbouring property owners.

Mr McFadden said that the Council had zoned the subject land Rural 3 and carried out an extensive planning process and the applicant had provided landscaping design to address the matters contained within the Rural 3 Design Guide. He said that the ability to retain views and privacy is well within the hands of the submitter.

Mr McFadden acknowledged that the submitters had said they did not want street lighting in the proposed subdivision and he suggested that the proposed subdivision could have no footpaths and no street lights. The options for shareholding by the management company were described. Proposed conditions of consent were addressed. Mr McFadden said it would be helpful if Council officers were able to agree on Council policies, prior to consent hearings commencing.

The Committee reserved its decision at 2.00 pm.

**Moved Crs King / Kempthorne
EP05/12/05**

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

Galeo Estate Limited

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
Galeo Estate Limited	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs King / Kempthorne
EP05/12/06**

THAT for the purposes of discussing the application of Galeo Estate Limited as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs O'Regan / King
EP05/12/07**

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. GALEO ESTATE LIMITED, MAISEY ROAD, REDWOOD VALLEY - APPLICATIONS RM050370, RM050405, RM050375, RM050377, RM050378

**Moved Crs O'Regan / Kempthorne
EP05/12/08**

DECISION - ALL CONSENTS:

THAT pursuant to Part II and Sections 104, 104B and 104D of the Resource Management Act 1991, consent is **GRANTED** to the applications of Galeo Estates Limited to undertake the above proposals subject to the following conditions.

SUBDIVISION CONSENT (RM050370)

Attached as Appendix 1 (Staig & Smith Overlay 6, Job No. 7958, dated 12/12/2005).

CONDITIONS:

1. Staging and Duration

That the subdivision be completed in accordance with Overlay 6 dated 12-12-05 attached as Appendix 1, except as modified by conditions of this consent and with a maximum of three stages generally as follows:

Stage A

Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 29 – 18 residential plus associated roading, rural, utility and buffer lots.

Stage B

Lots 22, 23, 24, 25, 26, 27, 28 – seven residential plus associated roading and buffer lots.

Stage C

Lots 6, 7, 8, 9 – four residential lots.

Note:

The conditions for each stage are to apply as appropriate.

Duration

The duration for Stage A is five years, Stage B is seven years and Stage C is nine years.

1A. "Road Buffer Strips"

That Lots 37 and 38 be transferred to Council at no cost in five years from the date of consent or within one year from the date of adjoining Carter Holt Harvey Ltd land e.g. Pt Sec 64 Blk 1 Waimea SD being clear felled, whichever comes second.

2. Amalgamation

- a) That Lots 11 and 35 hereon be amalgamated and one certificate of title issue.
- b) That Lots 29 and 30 hereon be amalgamated and one certificate of title issue.
- c) That Lots 31-34 hereon be amalgamated and one certificate of title issue.

Land Information New Zealand reference 522232.

Note:

It is intended that Lots 31-34 be held by the Management Company.

3. Road Construction

That the new road, Lot 36, be designed and constructed to comply with the conditions for a permitted activity under Rule 18.10.3 TRMP unless otherwise provided for by this consent and noting in particular:

- a) sealed traffic lane width of 6 metres with 0.6 metres unsealed shoulders except at cross-section B-B, where standard kerb and channel is to be provided;
- b) maximum grade 1:7;
- c) design speed 50 kilometres per hour;
- d) one 1.4 metre wide footpath finished in concrete, asphaltic concrete or chip seal. The footpath shall be located adjacent to but separate from the carriageway along road to vest and out to Maisey Road via right-of-way G.
- e) Individual driveways to the building areas shall have a minimum sealed width of 3.5 metres for 10 metres from the edge of the carriageway and may be metalled thereafter.
- f) provision for stormwater control and dispersal;
- g) all cut and batter slopes to be stabilised with vegetation as soon as possible after completion of earthworks;
- h) have regard to the geotechnical report submitted with the application;
- i) street lighting – that the intersection of Maisey Road within the subdivision road be lit with a flag light and the narrow area around the cross-section B-B be lit with a bollard light.
- j) That any entrance wall/signage shall be located outside of the area of road reserve.
- k) That the extended road reserve area shown on the application plan in the vicinity of proposed Lot 6 and Lot 30 be incorporated with either of those two adjoining lots so the road reserve is the normal width required.

Note:

The typical cross-sections supplied with the application satisfy the above condition.

4. Road Names

The main road shall be named Redvale Road and the road serving Lots 6-9 shall be named Galeo Road.

Road names and numbers (which will be allocated by Council with Section 223 approval) to be shown on all engineering plans.

The road name plate will be supplied and erected by the applicant to Council engineering standards.

5. Right-of-Way Construction

That rights-of-way A, B and C be designed and constructed to comply with the conditions for a permitted activity under Rule 16.2.2 TRMP for on-site access for two to six users in the Rural 3 Zone, noting in particular:

- a) sealed minimum lane width of 4.5 metres plus 0.5 x 9 metre passing bays at 50 metre intervals plus two 500 millimetre metalled shoulders;
- b) maximum grade 1:5;
- c) sealed turn-outs extending 5 metres into each residential site;
- d) provision for stormwater control and dispersal;
- e) have regard to the geotechnical report submitted with the application.

6. Water Supply

That each residential site be serviced with a reticulated potable water supply as generally shown on Truebridge Callender Beach plan for water reticulation submitted with the application. The reticulation is to include the installation of two 30 cubic metre storage tanks on Lot 32 plus all pipes, valves, hydrants and restrictors

The existing TDC rural main shall be relocated in the road to vest without disruption to supply.

A licence to occupy road reserve for the private services shall be required.

7. Wastewater Servicing

That a wastewater treatment plant, effluent disposal field, reserve disposal field, and reticulation to each residential site be designed and constructed generally in accordance with the Truebridge Callender Beach report and plans submitted with the application and details provided up to and including at the hearing and otherwise in accordance with resource consent RM050377.

8. Power, Telephone, Electricity Sub-station, Bus Shelter area and Fish Passage Facility

- a) That each residential site, Lots 1-29, and utility site Lots 31 and 32 be serviced with underground power and telephone connections to the satisfaction of the relevant authority.
- b) Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "Road to Vest" on the survey plan if adjacent to a road or road to vest.
- c) That the Maisey Road legal road reserve be widened by the vesting of land in Council at no cost to Council, to include the proposed bus shelter and bus bay area as shown on Traffic Design Group Plan dated 17/10/05 number CAD: 8179W1/5.
- d) That the Maisey Road seal be extended to include the area intended for the bus bay and shelter as indicated in the Traffic Design Group Plan dated 17/10/05 number CAD: 8179W1/5. This work shall be completed prior to the issue of the Section 224 certificate for the stage C of the subdivision.
- e) That the fish passage by-pass pipe under the road to vest shall remain the responsibility of the Management Company (Residents Association) and a licence to occupy road reserve shall be entered into.

9. Engineering Plans and Reports

That prior to undertaking any of the works or installation of services required by Conditions 3, 5, 6, 7 and 8, i.e., road construction, right-of-way construction, water supply, wastewater servicing, power and telephone connections, engineering plans are to be submitted to Council for approval. All works to be undertaken in accordance with the approved plans.

The plans required by this condition are to include the following reports:

a) Site Works

A report on the provisions for management of construction and site works, including an environmental management plan to avoid or mitigate any adverse effects from noise, dust, stormwater and silt run-off, and the clearance and disposal of vegetation and other waste.

b) Stormwater

i) General

1. The design of all stormwater systems shall be generally in accordance with the Tasman Resource Management Plan and Engineering Standards and Policies 2004.
2. The developed discharge of stormwater from the site shall be restricted to that of its current undeveloped state.
3. All stormwater systems shall be designed to include 500 mm freeboard except for the Entrance Pond where a 250 mm freeboard shall be provided to the spillway crest level.

ii) Internal Reticulation/Catchments

4. All primary stormwater systems (i.e piped systems) shall be designed to cater for a 20% (1 in 5 year) AEP storm event. The secondary stormwater system, including flood routes, shall be designed to cater for a 2% (1 in 50 years) AEP storm event. Secondary flow paths shall be designed to prevent erosion and in particular damage to roads and footpaths.

iii) External Catchments

5. All culverts located in existing watercourses within the subdivision draining catchments from outside the subdivision shall be designed to cater for 2% (1 in 50 year) AEP storm event . Secondary flow paths shall be created to cater for a 2% (1 in 50 year) AEP storm event and shall be designed to prevent erosion and in particular damage to roads and footpaths.

At completion of works the construction plans shall be updated and a complete set submitted in an "as-built" form for approval.

10. Maintenance Performance Bond

The applicant is to provide a performance bond of \$1,000 per lot (to a maximum of \$20,000) to cover maintenance of roads and services to vest in Council. The bond is to be paid before issue of Section 224(c) certificate for each stage , and shall inure for a period of 24 months from date of issue of the Section 224(c) for the respective stage.

11. Engineering Works, Services, Supervision, Plans and Bonds

Unless otherwise approved within this consent, all works undertaken and services, plans and bonds shall be in accordance with the Tasman District Council Engineering Standards 2004 or to the Engineering Manager's satisfaction.

The applicant is to engage a suitably qualified consultant to observe and test the construction of the work and installation of services. A certificate of supervision for all works together with producer statements are to be submitted to Council with any Section 224 certificate application.

11A. Engineering Certification/ Site suitability

- a) Certification that a site has been identified on each new lot suitable for the erection of a residential building shall be submitted from a CP engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on each lot the area suitable for the erection of residential buildings.
- b) Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced CP engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

- c) At the completion of works, a suitably experienced CP engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required.

11B. Engineering Plans

All engineering works shall be shown on engineering plans and to the requirements as outlined in this consent or as set out in the Tasman District Council Engineering Standards and amendments. A 223 certificate cannot be issued until the engineering plans have been received and approved by Council.

“As-built” plans of services will be required at the completion of the works and approved by the Engineering Manager prior to the issue of a 224C Certificate.

11C. Maisey Road - State Highway 60 Intersection Upgrade

That the intersection of Maisey Road with State Highway 60 be upgraded prior to issuing the Section 224 certificate for Stage 2 of the subdivision, as generally shown on Traffic Design Group Plan 8179W1/A1, Issue B and constructed and delineated to the final approval of Transit NZ.

Note:

That this condition was volunteered by the applicant.

12. Easements

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

An easement in favour of the Management Company shall be created for the protection of the wastewater disposal area and the reserve wastewater disposal area on Lot 30 as required in consent RM050377.

The consent holder shall supply Council with a copy of a letter to the owners of Section 106 (currently N and D Maisey) offering a Rural emanations easement to be registered in favour of that property, and a copy of any reply to the letter. (If no reply is received within one month of the date of the letter, this part of the condition will be satisfied.)

All costs associated with registration of the easement shall be paid by the consent holder.

Note:

Right-of-Way E is not to be shown on the Land Transfer Plan.

Rural emanation easements may be shown as voluntary easements in a schedule on the Land Transfer Plan but are not to be included in any memorandum.

13. Financial/Development Contributions

Payment of a financial contribution in accordance with Chapter 16.5 TRMP assessed as follows:

Reserves and Community Services

5.5% of the assessed market value of 28 residential lots.

In assessing the value of the allotments, the valuation shall be based on the area of the allotment or a notional building site of 2,500 square metres, whichever is the lesser.

If payment is not made within two years of the valuation date, a revised valuation must be made and the contribution recalculated.

The cost of the valuation shall be paid by the applicant.

A credit has been allowed for the one existing certificate of title.

Note:

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

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading and water. If the subdivision is to be staged then payments will be required for each stage.

The current contribution per lot is roading \$7,950, water supply \$9,110, GST inclusive.

Council will discount the water supply contribution payable by the connection fees already paid. The consent holder must supply proof of the amount paid.

14. Building Exclusion Areas

The building exclusion areas shown on the resource consent application plan (Overlay 6, dated 12/12/2005) shall be shown on the Land Transfer Plan of subdivision.

The building exclusion areas shall include a minimum 10 metre setback from all proposed roads.

15. Management Company (Residents' Association)

That the terms and conditions of the Management Company be drafted and submitted to Council for the approval of the Environment and Planning Manager prior to the issue of the Section 224 certificate.

Note:

The general terms and conditions of the Management Company are included in the application as follows:

Each lot owner shall be a member of the Management Company. The purpose of the Management Company is to manage and maintain communal assets and utilities (woodlots, ponds, wastewater disposal systems including the irrigation area and any reserve irrigation area, water reticulation, and riparian area within the utility lots) including the management of plant and animal pests and maintenance of the fish passage on land under the control of the Management Company.

The terms and conditions of the Management Company will be provided to all potential purchasers. It should set out the responsibilities for the members and the developer and how the developer devolves responsibilities as well as control and use of communal facilities. It should also include legal provision for all reticulated communal services (water and wastewater) to be transferred to Council at the time reticulation of the area by Council is completed (although Council has resolved not to reticulate the area for wastewater as part of Rural 3, this may still be a possibility in the future). The landscape plan, riparian plan, weed management plan and water management plan below are to be administered by the Management Company in addition to the wastewater management plan described in the discharge consent application.

16. Landscape, Riparian, Weed and Water Management Plans

That the following plans be drafted and submitted to Council prior to the issue of the Section 224 certificate:

a) Landscape Management Plan

A landscape management plan will be prepared by a qualified landscape architect to ensure that the overall pattern of landscaping proposed and established as part of the development is maintained by the Management Company in the future. All establishment and planting is to be undertaken by the developer who is responsible for implementing this plan for the first five years following issue of consent. After that period the responsibilities will be devolved to the Management Company.

The landscape management plan shall detail the following information:

- i) planting plan specifying the type, number, and size of the plants;
- ii) establishment works required to implement the planting plan;
- iii) staging of planting in accordance with the subdivision/earthworks staging;
- iv) policies for fencing obligations of all landowners in respect of controlling livestock from entering landscape plantings and regenerating gully areas;
- v) pest plant and animal controls and ongoing maintenance schedules;
- vi) replacement planting;
- vii) ongoing maintenance of planted areas (developer and future lot owners);
- viii) landscaping areas to be subject to land covenants between owners to ensure their ongoing existence (this is the area between Lots 11, 12 and 15, 16, 17 subject to a covenant).

The Plan shall be consistent with the riparian vegetation restoration and weed management plans and discharge consents and shall ensure that the visual effect of the proposed dwellings is softened when viewed from adjoining properties.

b) Riparian Management Plan

A riparian vegetation restoration management plan for the waterways within the subdivision catchment will be prepared by a qualified ecologist. The purpose of Plan shall be to define the purpose of planting and the responsibilities of property owners within the catchments. The Plan shall include, but not be limited to, the following:

- i) a definition of riparian zones within the subdivision catchment;
- ii) the objectives of the riparian and restorative planting;
- iii) the manner of fencing along the margins;
- iv) the plant species to be used in riparian planting;
- v) the plant species to be used in restorative planting in the lower wetland catchment;
- vi) the density and management of plantings, taking into account the amenity of surrounding dwellings;
- vii) the maintenance of fish passage.

c) Weed Management Plan

A weed management plan for the waterways within the subdivision catchment will be prepared by a qualified landscape architect or ecologist. The purpose of the Plan is to define the manner by which weeds will be managed within the subdivision. The plan shall include, but not be limited to, the following:

- i) a definition of weeds;
- ii) identification of noxious weeds and key weeds as identified by Tasman District Council;
- iii) the alternatives for weed management including any limitations on the use of chemical weed control;
- iv) the preferred manner by which weeds will be managed.

d) Water Management Plan

A water management brochure and a water management information kit for prospective property owners will be prepared by the developer. The brochure and kit shall provide information in relation to water re-use and the management of water supplies, the water supply system, and water conservation during dry periods within the development. Accordingly, the kit shall include, but not be limited to, the following information:

- i) the sources of water in the catchment;
- ii) local climate and availability of water;
- iii) collection of potable water and use of rainwater tanks;
- iv) use of non-potable water;
- v) water conservation measures on properties;
- vi) the option of treating rainwater to ensure it is potable.

Note:

The various management plans contemplate certain works be undertaken by the developer before responsibility for the plans devolves to the Management Company. The application is unclear as to the extent of the works to be undertaken by the developer prior to issue of the Section 224(c) certificate. This is an important matter as it affects Council's responsibility for monitoring of the various plans.

Therefore, the applicant is requested to specifically identify those parts of the plans that is reasonable, practical and logical to have completed prior to issue of the Section 224(c) certificate. A producer statement certifying that the required works have been completed would then form part of the Section 224 application.

17. Consent Notices

The following conditions are to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and are therefore to be subject of consent notices issued under Section 221 of the Act, such notices to be prepared by the applicant and forwarded to Council for approval.

a) Management Company

The registered proprietor of each allotment shall be a member of the Management Company, the purpose of which is to manage and maintain communal assets and utilities (woodlots, ponds, wastewater disposal systems including the irrigation area), and reserve irrigation area, water reticulation and riparian areas within the utility lots) and such company shall also implement the landscape plan, riparian plan, weed management plan, water management plan, and wastewater management plan.

b) Landscaping

Prior to the issue of a building consent for any allotment, the owner of that lot shall submit to the Tasman District Council Environment and Planning Manager a landscape plan for the 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;
- ii) proposed plantings to develop further and complement the plantings established as part of the development's overall planting plan (Overlay 9) included with the application;
- iii) the identification of the building curtilage area;

- iv) an earthworks plan showing the extent of earthworks required to implement the building on site and mitigation methods proposed to avoid any adverse visual impact;
- v) details of the planting implementation proposals including the establishment, maintenance and management proposal for the first five years following the construction of the dwelling setting out details of regular monitoring and reporting responsibilities of the owner to Council's Environment and Planning Manager.

c) Dwellings and Accessory Buildings

When any building consent is lodged with Council for a residential dwelling and ancillary buildings on Lots 1 to 29 it shall include a statement from a landscape architect or architect that the building forms and materials have the following features:

- i) a clear relationship between the roof form, walls and foundations, with varying roof pitch;
- ii) make use of materials such as coloursteel, plaster, weatherboards, stone and timber;
- iii) roof pitches shall be between 8 degrees and 35 degrees and make use of recenes and verandas;
- iv) The walls and roof of all buildings shall be finished in colours chosen from the following Resene list: The roof colour shall be darker than the walls. Trims may be in brighter colours.

Jumbo	00 A 07
Scarpa Flow	00 A 09
Ship Grey	00 A 11
Baltic Sea	00 A 13
Suva Grey	02 A 07
Friar Grey	10 A 07
Dune	10 A 11
Squirrel	08 B 21
Cork	08 B 25
Cuban Tan	08 B 29
Granite Green	10 B 21
Peat	10 B 23
Birch	10.B.27
Maire	10 B 29
Flax	12 B 21
Kelp	12 B 25
Scrub	12 B 27
Rangoon Green	12 B 29
Trout	18 B 25
Charade	18 B 27
Mulled Wine	22 B 25
Tobago	08 B 27
Siam	12 B 23

- v) Alternative colours may be used provided the prior written approval of the Council has been obtained. The Council will give its approval to alternative colours provided they are recessive colours which blend in with the immediate environment. In the event that alternative colours are to be used, 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:
1. The material to be used (e.g. paint, colour steel);
 2. The name and manufacturer of the product or paint;
 3. The reflectance value of the colour;
 4. The proposed finish (e.g. matt, low-gloss, gloss); and
 5. Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

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

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

- Based on BS 5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes).
 - vi) accessory buildings shall follow the style and appearance and make use of the same materials and complementary colours as the principal building;
 - vii) water tanks shall be either incorporated into the structure of each dwelling building, or partially buried (this obligation shall not extend to potable water supply tanks) and shall be screened within the site;
 - viii) all metal chimney flues and other roof penetrations shall be enclosed or painted;
 - ix) satellite dishes and antennae shall be sited and mounted so as not to be visually prominent;

- x) no residential buildings shall be erected on Lots 30 and 35 and any farm buildings shall not exceed 700 square metres.

d) Height

The maximum building height of any building on any lot shall not exceed 7.5 metres.

e) Location, Daylight Admission Angles and Coverage

All buildings on Lots 1 to 29 shall be located within the identified building site area and:

- i) no building shall project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all boundaries. The angle is calculated according to the elevation calculator in Schedule 17.1A of the TRMP;
- ii) the total area of all buildings on any site, excluding dwellings and glasshouses is not greater than 200 square metres.

f) Outdoor Lighting

Outdoor lighting shall be restricted to hooded or shrouded lights so as to direct light spill downwards from the light source, and external lighting shall be mounted no higher than 900 millimetres from ground level except at doorway entrances.

g) Fencing

There shall be no fencing on any lot in the subdivision except in the following circumstances:

- i) fencing is permitted where it is required for the purposes of containing stock or pets and shall be of a post and wire construction except where integral to any buildings;
- ii) fencing of building curtilage areas is only permitted if it is visually permeable and necessary for the purposes of safety or security, or required by law;
- iii) fencing for the purposes of protecting riparian or landscape areas from stock.

h) Earthworks, Foundation Design, Stormwater and Engineering Certification

- i) The site location of any building shall be investigated, evaluated and reported upon by a Chartered Professional Engineer to ensure the site is suitable for residential building, particularly in relation to any cuts, fills or batters and foundation design.
- ii) The certification of building platforms constructed for residential development shall be in accordance with NZS4404:2004 Schedule 2A.

- iii) Where fill material has been placed on any of the building platforms a certificate shall be provided by a suitably qualified and experienced engineer certifying that the filling has been provided by a suitably qualified and experienced engineer certifying that the filling has been placed and compacted in accordance with NZS4431:1989.
- iv) The engineering report shall also address stormwater run-off on each building platform, with any recommended conditions to ensure that the run-off does not adversely affect stability or cause instability on-site or cause adverse effects off-site.

i) Water Storage

Each allotment to be used for residential purposes shall be provided with a water storage tank of not less than 23,000 litres capacity. Such tank to be for the purposes of storage of potable water and shall have specific design to address the issue of reduced water pressure. Each allotment to be used for residential purposes shall also be provided with an additional 23,000 litre capacity water storage tank for the storage of non-potable water to be used for toilet flushing, laundry facilities and other outdoor use and shall have specific design to address the issue of reduced water pressure, such tank shall include a 50 millimetre Camlock coupling for fire fighting purposes. The tanks shall be installed during the construction of the dwelling and prior to the issuing of the Building Code of Compliance pursuant to the provision of the Building Act 1991.

j) Plumbing

- i) All buildings shall contain separate plumbing for potable and non-potable water use activities within the dwelling to be installed during the construction of the dwelling and prior to the issuing of the Building Code of Compliance pursuant to the provisions of the Building Act 1991.
- ii) No outdoor taps shall be connected to the potable water supply system.
- iii) No garbage grinders/insinkerators shall be installed in any dwelling.

k) Stormwater

All stormwater on individual lots shall be collected and/or disposed of clear of building sites and in a manner that will not result in erosion or sediment run-off. To achieve this permeable surfaces shall be utilised within individual lot landscaping.

l) Car Parking

Each of the dwelling sites on Lots 1 to 29 (inclusive) shall provide all-weather off-road parking ability to accommodate a minimum of three standard passenger motor cars and for the purposes of assessing parking ability, parking space provided in the carports and garages may be counted.

m) Further Subdivision

No further subdivision of any of the lots in the subdivision will be permitted, unless such subdivision constitutes a boundary adjustment or transfer of the farm Lots 30 and 35 to another residential allotment (Lots 1 to 29) where it does not result in the creation of additional lots for a dwelling or is for the provision of a utility site.

n) Transpower

With any building consent application, the applicant must submit to the Tasman District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that any building or structure on Lots 10, 13, 30 and 35 complies with the minimum safe distances from the Stoke-Upper Takaka-A and Stoke-Upper Takaka-B lines as specified in Table 3 of the NZECP34:2001.

Buildings or any part of a building on Lot 30 must not be located within 6 metres of the closest visible edge of any high voltage transmission line support structure foundation.

All machinery and mobile plant operated on Lots 10, 13, 35 and 36 must maintain a minimum clearance distance of 4 metres from the Stoke-Upper Takaka-A and Stoke-Upper Takaka-B line conductors at all times unless written dispensation has been obtained from Transpower New Zealand and submitted to Tasman District Council.

All buildings, structures and vegetation located on Lot 30 must not be located to preclude existing vehicle access to the support structures on site.

In the case of any pole or stay wire supporting any conductor, no person may excavate or otherwise interfere with any land:

- i) at a depth greater than 300 millimetres within 2.2 metres of the pole or stay wire of the line; or
- ii) at a depth greater than 750 metres, between 2.2 metres and 5 metres of the pole or stay wire; or
- iii) in such a way as to create an unstable batter.

Excavated or other material must not be deposited under or near the Stoke-Upper Takaka-A and Stoke-Upper Takaka-B lines so as to reduce the vertical distance from the ground to the conductors to a distance less than:

- i) 6.5 metres vertically, across or along driveways or on any other land traversable by vehicles;
- ii) 5.5 metres vertically, on any land not traversable by vehicles due to inaccessibility; and
- iii) 3 metres in any distance other than vertical on any land.

Note:

That distances specified include an allowance for mechanical creep (i.e., permanent elongation).

CONDITIONS- LAND USE CONSENT: DWELLINGS AND OTHER BUILDINGS (RM050405)**Location**

1. All proposed new buildings on Lots 1-29 shall be outside of the building exclusion areas set down in conditions 14 of the subdivision consent and shown on the titles.
- 1A. That the proposed bus shelter and bus bay be constructed in accordance with the Traffic Design Group Plan dated 17/10/05 number CAD: 8179W1/5.

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.

Landscape Implementation

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.

Design Statement

4. The building consent application for any dwelling or accessory building on Lot 1-29 shall include a statement from a suitably qualified landscape architect or architect showing that the building forms and materials have the following features:

- i) a clear relationship between the roof form, walls and foundations, with varying roof pitch;
- ii) make use of materials such as coloursteel, plaster, weatherboards, stone and timber;
- iii) roof pitches shall be between 8 degrees and 35 degrees and make use of recenes and verandas;
- iv) The walls and roof of all buildings shall be finished in colours chosen from the following Resene list: The roof colour shall be darker than the walls. Trims may be in brighter colours.

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Trout	18 B 25
Charade	18 B 27
Mulled Wine	22 B 25
Tobago	08 B 27
Siam	12 B 23
Mortar	02 A 11

- v) Alternative colours may be used provided the prior written approval of the Council has been obtained. The Council will give its approval to alternative colours provided they are recessive colours which blend in with the immediate environment. In the event that alternative colours are to be used, 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:

1. The material to be used (e.g. paint, colour steel);
2. The name and manufacturer of the product or paint;
3. The reflectance value of the colour;
4. The proposed finish (e.g. matt, low-gloss, gloss); and

5. 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.

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

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Group D	D43 to D45, reflectance value $\leq 50\%$ and hue range 06-12.	Excluded
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Finish	Matt or Low-gloss	Matt or Low-gloss

- Based on BS 5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes).
- vi) accessory buildings shall follow the style and appearance and make use of the same materials and complementary colours as the principal building;
 - vii) water tanks shall be either incorporated into the structure of each dwelling building, or partially buried (this obligation shall not extend to potable water supply tanks) and shall be screened within the site;
 - viii) all metal chimney flues and other roof penetrations shall be enclosed or painted;
 - ix) satellite dishes and antennae shall be sited and mounted so as not to be visually prominent;
 - x) no residential buildings shall be erected on Lots 30 and 35 and any farm buildings shall not exceed 700 square metres.

Lapsing of Consent (Section 125) and Commencement date

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

The commencement date of this consent is the date of issue of the certificate of title for the respective allotment.

Height of Dwellings

6. The maximum building height of any building on any lot shall not exceed 7.5 metres.

Water Storage

7. Each allotment to be used for residential purposes shall be provided with a water storage tank of not less than 23,000 litres capacity. Such tank to be for the purposes of storage of potable water and shall have specific design to address the issue of reduced water pressure. Each allotment to be used for residential purposes shall also be provided with an additional 23,000 litre capacity water storage tank for the storage of non-potable water to be used for toilet flushing, laundry facilities and other outdoor use and shall have specific design to address the issue of reduced water pressure, such tank shall include a 50 millimetre Camlock coupling for fire fighting purposes. The tanks shall be installed during the construction of the dwelling and prior to the issuing of the Building Code of Compliance pursuant to the provision of the Building Act 1991.

Plumbing

8. All buildings shall contain separate plumbing for potable and non-potable water use activities within the dwelling to be installed during the construction of the dwelling and prior to the issuing of the Building Code of Compliance pursuant to the provisions of the Building Act 1991.
 - ii) No outdoor taps shall be connected to the potable water supply system.
 - iii) No garbage grinders/insinkerators shall be installed in any dwelling.

Domestic Wastewater

9. The dwellings shall be connected to a communal wastewater treatment and disposal system installed in accordance with RM050377.

Earthworks, Foundation Design, Stormwater and Engineering Certification

10.
 - i) The site location of any building shall be investigated, evaluated and reported upon by a Chartered Professional Engineer to ensure the site is suitable for residential building, particularly in relation to any cuts, fills or batters and foundation design.
 - ii) The certification of building platforms constructed for residential development shall be in accordance with NZS4404:2004 Schedule 2A.
 - iii) Where fill material has been placed on any of the building platforms a certificate shall be provided by a suitably qualified and experienced engineer certifying that the filling has been provided by a suitably qualified and experienced engineer certifying that the filling has been placed and compacted in accordance with NZS4431:1989.
 - iv) The engineering report shall also address stormwater run-off on each building platform, with any recommended conditions to ensure that the run-off does not adversely affect stability or cause instability on-site or cause adverse effects off-site.

CONDITIONS - LAND USE CONSENT- EARTHWORKS (RM050375):

1. The earthworks shall be completed in general accordance with the amended application by Staig and Smith dated August 2005 , and accompanying geotechnical report by Swanney Geotechnical and Civil Engineering dated April 2005.
2. Earthworks shall only be undertaken between 7.00 am and 6.00 pm Monday to Saturday.
3. Earthworks shall be kept to a minimum to ensure the least disturbance to the existing landform, and to limit the transportation of sediment in water particularly on the steeper slopes or close to watercourses.
4. No spoil shall be placed in any watercourse (or wetland) (whether intermittent or continuously flowing), or to land where it may move or wash into a watercourse (or wetland).
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.
6. No stormwater runoff shall have a suspended sediment concentration exceeding 100 grams per cubic metre of water, as measured at the site boundary.
7. No earthworks shall commence until an Erosion and Sediment Control Plan (EandSCP), prepared by a suitably qualified person, detailing how conditions 5 and 6 will be met has been forwarded to and approved by the Council's Engineering Manager and Compliance Monitoring Officer (Land Disturbance).
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.
9. The generation of dust shall be adequately controlled, such as by watering exposed areas and stockpiles as necessary, so that it does not create a nuisance to adjoining properties or the general public.
10. All exposed ground shall be reinstated, 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.
11. All earthworks and stormwater control measures shall be planned and supervised under the direction of a person experienced in large-scale earthworks and soils engineering and Council shall be advised of who this person is, in writing, when lodging the Engineering Plans for the subdivision.

12. 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.
13. Should waahi tapu or other cultural sites be unearthed during earthworks the operator and/or consent holder shall:-
 - a) cease operations;
 - b) inform local iwi;
 - c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
 - d) take appropriate action, after discussion with the New Zealand Historic Places Trust, Council and iwi to remedy damage and/or restore the site. Note: In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), an authority from the New Zealand Historic Places Trust is required if the site is to be modified in any way.
14. The suitably qualified person required under Condition 11 shall confirm in writing prior to the section 224(c) certification of the subdivision that all the earthworks conditions of this consent have been met.
15. 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.

NOTATIONS

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

4. Pursuant to Section 127 of the Resource Management Act 1991, the consent holder may apply to the consent authority for the change or cancellation of any condition of this consent.
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.

DURATION OF CONSENT:

This consent is granted for a period of five years.

CONDITIONS - DISCHARGE PERMIT- STORMWATER (RM050378):

1. The diversion and discharge of stormwater shall be undertaken in accordance with the information supplied with the amended application by Staig and Smith dated August 2005, and accompanying report by John McCartin dated August 2005.
2. The discharge of stormwater shall not cause in the receiving water any of the following:
 - a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - b) any emission of objectionable odour;
 - c) the rendering of freshwater unsuitable for bathing;
 - d) the rendering of freshwater unsuitable for consumption by farm animals; and
 - e) any adverse effect on aquatic life.
3. The discharge of stormwater shall not result in adverse scouring or sedimentation of any watercourse, adjoining properties or the coastal environment.
4. Sediment controls shall be implemented and maintained in effective operational order at all times.
5. The diversion and discharge shall not result in or contribute to flooding on adjoining properties.
6. The consent holder shall contact Council's Environmental Information Manager when construction of roading, right of ways, and building platforms commences to enable monitoring of the effectiveness of stormwater sediment and erosion controls to be carried out. The cost of monitoring and any subsequent remedial actions shall be borne by the consent holder.
7. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:
 - a) deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or

- b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
- c) when relevant national environmental standards have been made under Section 43 of the RMA.

NOTATIONS:

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. Access by the Council’s officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
4. Pursuant to Section 127 of the Resource Management Act 1991, the consent holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
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.

DURATION OF CONSENT:

The consent is granted for a 35 year period.

CONDITIONS- DISCHARGE- DOMESTIC WASTEWATER (RM050377):

Site and Discharge Details

- | | | |
|----|----------------------------|---|
| 1. | Physical Address: | Maisey Road, Redwood Valley |
| | Legal Description: | Pt Lot 4 DP 8851 Blk 1 Waimea SD (refer Conditions 14 and 19) |
| | Valuation Number: | 1938076700 |
| | Map Reference of Property: | East 2516321 North 5990591 |
| | Receiving Environment: | Land |
| | Maximum Discharge Volume: | 35 cubic metres per day |
| | Maximum Discharge Rate: | 2 millimetres per day |
| | Discharge Characteristics: | Tertiary treated domestic wastewater from residential development authorised by RM050370. |

Discharge Restrictions

2. The maximum daily discharge volume shall not exceed 35,000 litres.
3. The discharge shall contain only treated domestic wastewater from the 29 dwellings authorised by RM050370, no industrial or trade waste 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 35, 000 litres per day the primary disposal area will need to be at least 17, 500 square metres, with an additional 8,750 square metres (ie 50% of the disposal area) suitable reserve area on the south west side of the identified disposal area.

5. The application of treated wastewater shall be at a rate of not more than 100 kilograms of nitrogen per hectare per year by itself or in combination with other sources.
6. The treated wastewater entering the disposal field, as measured at the sampling point required to be installed by Condition 29, shall comply at all times with the following limits:
 - i) carbonaceous biochemical oxygen demand (cBOD₅) 20 milligrams per litre;
 - ii) total suspended solids 30 milligrams per litre; and
 - iii) faecal coliforms 1000 faecal coliforms per 100 millilitres; and
 - iv) total nitrogen 15 milligrams per litre.

Advice Note:

Conditions 5 and 6 have been volunteered by the applicant.

7. The discharge shall not cause any of the following effects on the receiving waters (ground or surface waters) beyond the boundary of Lot 30 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; or
 - v) any increase in concentration of pathogenic organisms in any groundwater bore used for potable water supply.
8. There shall be no objectionable odour from the treatment plant at the boundary of the lot on which it is located. The facilities shall include specifically designed and operated odour treatment systems to minimise the risk of odours at the boundary.

Advice Note:

This consent condition was volunteered by the applicant. Consent has not been sought to discharge contaminants to air in association with the treatment and disposal of wastewater at this site so compliance with permitted activity provisions is required unless subsequently authorised by resource consent.

Collection, Reticulation and Treatment Systems

9. 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 Manager, Environment and Planning prior to the construction of the collection, treatment or disposal systems. This report shall provide evidence of how design requirements imposed by this consent of 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 (including reserve 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) public health matters; and
 - iv) protection of the disposal system from public access and damage; and
 - v) 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;
 - vi) details regarding management of vegetation at the disposal area for the duration of consent; and
 - vii) the measures proposed to minimise stormwater infiltration and inflow into the disposal field; and
 - viii) the proposed method of wastewater treatment including specific design details and evidence of how the contaminant limits required by Condition 6 will be complied with on a consistent basis; and
 - ix) the location of the wastewater treatment plant; and
 - x) inspection programme for the disposal area and monitoring requirements.
10. The construction and installation of the wastewater treatment plant and disposal system shall be carried out in accordance with information submitted with the application for resource consent RM050377 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 12, 14, 15, 16, 17 and 18 (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 generally 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 Management Plan (Condition 20) for periodic replacement.
11. 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.
12. i). All wastewater shall be treated prior to disposal using a primary treatment process, followed by a biological secondary treatment process followed by tertiary treatment for nutrient reduction, followed by filtration of no coarser than 130 microns and an ultra-violet disinfection treatment process to ensure the wastewater meets the standards specified in Condition 6.
- ii) The wastewater shall receive a minimum level of UV disinfection of 45 milli-Watt seconds per square centimetre (mWs/ cm²) prior to the discharge leaving the treatment plant and being disposed to land. The UV disinfection system shall include an automatic self cleaning system capable of maintaining a clean quartz sleeve.
- iii) The treatment plant shall be designed such that it is configured for nitrogen removal as 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.

13. The consent holder shall include in the "Wastewater Treatment and Design Report" required by Condition 9, 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 12. 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 20.

Disposal/Land Application System

14. The disposal areas shall be located on Lot 30 of Overlay 6 and as detailed on the TBC plan 04-427-004-C (attached as Appendix 2).
15. All wastewater shall be discharged to ground by way of pressure compensating dripper lines(s) laid at 100 millimetres below the ground surface and running parallel to the contours of the site.
16. The wastewater disposal area shall be fenced to prevent access by cattle or other large animals (sheep may be allowed to graze the area from time to time) or unauthorised persons and shall be clearly labelled in at least two visible places with visible warning signs which read "Wastewater Disposal Area – Avoid Contact" or equivalent. The details of such signage shall be submitted to Council's Co-ordinator Compliance Monitoring, prior to the exercise of this consent.

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.

17. The disposal areas (including reserve areas) shall not be located on slopes averaging greater than 15 degrees over a 10 metres length and shall not be located within:
 - i) 20 metres of any surface water body; and
 - ii) 50 metres of any bore for domestic water supply; and
 - iii) 10 metres of any adjoining property; and
 - iv) 600 millimetre separation from dripper line to seasonal water table.
18. There shall be no surface flow of wastewater from the disposal areas. Subsurface cut-off trenches shall be constructed up slope of the disposal areas to divert, as far as is practicable, stormwater and shallow groundwater away from the disposal areas. Subsurface cut-off trenches shall also be constructed downslope of the disposal areas to direct any potential surface flows through trenches that shall be backfilled with sawdust or similar carbon material to a depth of at least 300 millimetres.
19. A suitable wastewater disposal reserve area equivalent to not less than 50% the size of the primary disposal area shall be kept available for future use for wastewater disposal and shall be owned by the consent holder or protected by an easement in favour of the consent holder for the treatment and disposal of wastewater on the site. This reserve area shall remain undeveloped and shall be located within the boundaries of the Lot 30 (RM050370) and owned by the consent holder or protected by an easement in favour of the consent holder. The reserve area shall be on the south west side of the disposal field.

Advice Note:

The consent holder is reminded that although this consent prescribes the provision of a wastewater disposal reserve area, the use of this area for wastewater disposal is not covered by this consent and a new consent or variation to this consent would be required to allow this to occur.

Wastewater System Operation and Maintenance

20. 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 consent and shall contain, but not be limited to, the following:
- i) an inspection programme to verify the correct functioning of the wastewater treatment and disposal systems including not less than monthly inspections of the wastewater treatment plant and disposal field; and
 - ii) a schedule for the daily, weekly, monthly and annual operational requirements including monitoring requirements of consent conditions; and
 - iii) a schedule of maintenance requirements for the pumps, septic tanks, recirculation tanks, treated effluent holding tank, flow meters and stormwater control drains; and
 - iv) a schedule of maintenance requirements for the management of vegetation on the wastewater ground disposal area; and
 - 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; and
 - vi) details of how the ground disposal system will be managed; and
 - vii) emergency contact details (24 hour availability) for service provider and consent holder shall be provided.
21. A copy of the "Operations and Management plan" required by Condition 20 shall be submitted to the Council's Environment and Planning Manager prior to the exercising of this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator, Compliance Monitoring prior to them taking effect.
22. 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 and Planning Manager for the ongoing maintenance of the treatment and disposal systems and control of the remote monitoring system as required by Condition 25. This contract shall require the operator to perform maintenance functions and duties specified in the Operations and Management Plan and required by Condition 20. 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 submitted in writing to 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.

23. The collection and treatment tanks shall be inspected not less than once every three 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.
24. The consent holder shall submit an "Asset Management Plan" for the wastewater collection, treatment and disposal system for approval by Council's Environment and 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 submitted to the Council's Environment and Planning Manager prior to them taking effect.

Advice Note:

MfE's Sustainable Wastewater Management, a handbook for smaller communities Section 11.2 would be a useful reference point in preparing this plan.

Contingency Measures

25. 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 20 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.

26. The consent holder shall ensure that the treatment plant 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".
27. The consent holder shall ensure that all pump stations associated with reticulation, collection and treatment systems have a minimum 8 hour on site, sealed emergency storage, based on the average wet weather flow. All mechanical components of the reticulation, treatment and disposal system shall include duty and standby units.
28. 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 20.

Monitoring

29. A sampling point to allow collection of the treated wastewater, shall be provided at a point located directly after the final pump-out chamber (after UV disinfection) 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.
A sample of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 29. 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 six months following plant start up, samples shall be collected weekly when the plant is discharging to the disposal field and then two weekly for the two months following;
 - ii) for the following six 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) provided compliance with the contaminant limits specified in Condition 6. Should these limits not be met, the sampling frequency required in ii) above shall be continued until of compliance with the Contaminant limits of Condition 6 has been achieved over a six month period.
30. Prior to commissioning of the wastewater treatment and disposal system the consent holder or their authorised agent shall collect at least two water samples from the monitoring bore proposed below the disposal site as marked on Appendix 2. The location shall be fixed by Global Positioning System (GPS) and submitted to the Council's Co-ordinator Compliance Monitoring prior to sampling. Thereafter the consent holder or their authorised agent shall collect samples from the same sites quarterly when wastewater is being discharged to the disposal field. These samples shall be analysed to determine the presence and concentration of the following determinants:
 - Faecal coliforms
 - Total ammonia nitrogen (total ammonia)

- Nitrate/nitrogen
 - Nitrite/nitrogen
31. 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 Appendix 3 (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.

Reporting

32. 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.
33. The flow meter required to be installed in accordance with Condition 32 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 38, within one month following the end of the three month period ending 31 March, 30 June, 30 September and 31 December each year.
34. 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.
35. 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.
36. 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.
37. 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.

38. 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, 29 and 30 above, for the past quarter and compliance with discharge limits specified in Conditions 5, 6 and 7; and
 - 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; and
 - 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

39. The wastewater treatment system shall be located, and the surrounding area maintained, so that vehicular access for maintenance is readily available at all times
40. 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; and/or
 - v) reviewing the suitability of the bond required by Condition 39 and inflationary changes.
41. 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.

42. 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)

43. 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, 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 and 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 provisions and has now released decisions but the period for references has not yet closed.

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.

The Council has recently notified Variation 46 which introduces the Wastewater Management Area throughout the Coastal Tasman Area and also confirms that the Council will not be servicing the area with reticulated wastewater disposal and thus all disposal methods must be permanent rather than interim. The standards to be met have also been modified. This Variation has been taken into account in this decision.

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
 - a) 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 application site is located between Appleby and Mapua between the Coastal and Inland Highways. The land is in an area characterised by various land uses including forestry, wood lots, stock grazing, orchards and horticulture and rural residential lifestyle properties. The land is rolling and has previously used for commercial forestry, pig farming and has recently been cleared of weeds and scrub and some planting of native vegetation has taken place particularly around the pond areas. The proposed dwelling sites are located in a large north facing gully and south east facing slope. The proposed access route and some housing will be visible from Maisey Road but a large part of the subdivision will be located in a contained and narrow valley.
4. The Committee noted that the application had received 14 submissions, five in support, six in opposition and three giving conditional support. Prior to the hearing two submissions in opposition were withdrawn.

The concerns raised by submitters in opposition were:

- Loss of productive land
 - Loss of rural amenity, character and privacy
 - Further development leads to increased land prices and marginalises productive land uses
 - Number of proposed lots is too many
 - Concerns about further subdivision
 - Concerns about cross boundary and reverse sensitivity effects on productive land uses
 - Lot sizes not in character with surrounding lot sizes
 - Rural 3 provisions not yet finalised
 - No consultation with neighbours
 - Impact on State Highway intersection (this matter has now been dealt with)
5. 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.
 6. 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. The care taken in the site analysis, plans for landscape and habitat enhancement and wastewater management are acknowledged.

7. In terms of the effect on productive land values, the Committee was satisfied that the land which could be used for productive purposes would be able to be utilised as it was contained within the two 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.
8. 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 35, 000 litres of tertiary treated domestic wastewater per day to land by drip irrigation. In principle the Council favours communal wastewater disposal methods rather than a proliferation of individual systems of each lot and thus there is agreement with the recommended treatment method proposed. 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 disposal area 1.75 hectares on the northern side of the site. The Committee is satisfied that sufficient suitable land is available for the disposal of treated wastewater plus a reserve area of 50% of the area of the disposal field.

The Committee noted the offer made by the applicant to exclude the installation of “garbage grinders” from the future dwellings which is considered to be best practice. The applicant has indicated that a “Fixed Activated Sludge Treatment (FAST) System” will be used which can achieve a high standard of treatment. The Committee appreciates the progress the applicant has made in the process of selecting a system and providing this level of detail. The soils (Moutere clays) have significant constraints and the receiving environment leads to the Estuary so it is vital that a high standard of treatment is achieved and maintained to avoid adverse environmental effects.

The Committee acknowledges the applicant’s agreement to reduce the loading rate to 2mm which is in line with the requirements of Variation 46. The Committee also considers that the volunteered condition relating to the requirement for a self cleaning UV system is appropriate and will ensure a high level of treatment.

9. 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.
10. In terms of the need to supply the subdivision with a potable water supply, the Committee was satisfied with the proposal for supply from the Redwood Valley Scheme. It was noted that individual home owners would collect their own roof water for the purpose of non-potable supply. 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.
11. In terms of stormwater disposal, the Committee was satisfied that this matter had been adequately addressed through the consent conditions.

12. In terms of traffic and roading effects, the Committee noted the agreement between the applicant and Transit New Zealand in relation to the proposed State Highway 60 intersection upgrade. The Committee is supportive of this improvement being undertaken at the applicant's cost.

The Committee was satisfied that the new intersections proposed onto Maisey Road to service the subdivision could be safely constructed. It is considered appropriate to require some vesting of land to ensure that the proposed bus shelter and bus bay can be included on the road reserve rather than on private land. 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 roading would not unreasonably impact on the amenity of surrounding land. Some of the proposed roading would be "hidden" by the contour of the land.

The Committee carefully considered the issue of street lighting and determined that the amenity of the area would be best protected by not requiring street lighting except at the new intersection and a low level bollard type light for pedestrian safety along the narrow part of the proposed road where the footpath is adjacent to the carriageway. It was noted that generally the footpath was not adjacent to the carriageway and thus the issue of pedestrian safety was adequately provided for. The provision of footpaths finished with concrete, asphaltic concrete or chip seal was considered appropriate as it will be more durable than an unsealed surface and will mitigate erosion and future maintenance problems. The Committee considered that unsealed shoulders for the roads would be appropriate except at the narrow part of the main road.

In relation to the issue about Lots 37 and 38, the "buffer strips", generally the Council is not in favour of the creation of such buffer strips as they can compromise efficient roading networks, but in this case they are accepted. The Committee noted that Carter Holt Harvey Ltd did not make a submission regarding the strips and the Committee was told that there was a positive working relationship between the applicant and CHH. However, this did not provide the Committee with sufficient comfort that this situation would continue in the future as land ownership and circumstances may change in the future. It appeared that the greatest certainty that could be brought to this matter was for the strips to be transferred to Council within 5 years of the date of the consent or one year after the felling of the forestry on the adjacent CHH land, whichever comes second. The Committee did not agree that any compensation should be paid to the applicant for the transfer of the strips. The cost of internal road construction falls to the applicant and the need to provide for future road connection to adjoining land is part of the considerations and matters of discretion for Council.

13. It is clear that the Rural 3 character and amenity is expected to be different to that of the other rural areas in the district. The concerns regarding loss of privacy and amenity of adjacent land owners can be adequately addressed by landscaping (both on the adjacent land and the subdivision itself.) The Committee considered that the proposed house sites were sensitively located and would have not more than a minor effect on the overall rural character and amenity of the 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. 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.

14. 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 Management Company(Residents Association) and riparian and wetland areas. Fish passage will be taken into account in the design and construction of structures in waterways.
15. There was no evidence that the land is subject to any significant natural hazards. Engineering certification regarding stable building sites is required as a condition of the subdivision consent. There has been testing for soil contamination and the results are satisfactory. Conditions are imposed designed to mitigate the effects of earthworks.
16. 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.

Appendix 3 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 oxygen demand	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.

CARRIED

Date Confirmed:

Chair: