MINUTES

TITLE: **Environment & Planning Subcommittee**
DATE: **Monday 8 December 2008**
TIME: **9.30 am**
VENUE: **Tasman District Council Chamber, 189 Queen Street, Richmond**

PRESENT: Crs N Riley (Chairman), B W Ensor and S G Bryant

IN ATTENDANCE: Principal Consents Coordinator (J Butler), Consent Planner Subdivision (W Horner), Consent Planner Natural Resources (L Pigott), Planner Community Services (R Squire), Senior Traffic Engineer MWH (M J Murison), Consulting Geologist (Dr M J Johnston), Development Engineer (D Ley), Utilities Asset Engineer (D Stephenson), Administration Officer (B D Moore)

1. ST LEGER GROUP LTD, HIGHLAND DRIVE, RICHMOND - APPLICATION RM080103, RM080182, RM080191, RM080193

1.1 Proposal

The applicant sought the following consents:

Subdivision and Land Use Consent RM080103

To subdivide a 12.20 hectare title to create the following in five stages:

- Proposed Lots 1-12 and Lots 14-31, being rural-residential allotments of between 2,001 and 2,659 square metres in area;
- Proposed Lot 32 containing 1.1362 hectares;
- Proposed Lot 33 containing 1.8552 hectares;
- A Walkway Reserve of 1,720 square metres to vest in Council; and
- Proposed Lot 13 of 8,374 square metres, as Road to Vest.

A 10 year lapsing period is being sought.

A land use consent is also sought to construct a road, being proposed Lot 13 described above, which has gradients of up to 1-in 6.

Land Use Consent RM080182

To construct buildings with setbacks of 5.0 metres from the proposed road (Lot 13) on proposed Lot 2, Lots 9-11, and Lots 22-27 of the subdivision described above (Application RM080103).

Land Use Consent RM080193	To carry out earthworks with cuts and fills in excess of 0.5 metres associated with the formation of the road and construction of the subdivision described above (Application RM080103).
Discharge Permit RM080191	To discharge collected stormwater from buildings, accessways and other hardstand areas to land from proposed Lots 14-21 and Lot 31 of the subdivision described above (Application RM080103).

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Bryant / Ensor
EP08/12/17

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

St Leger Group

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 passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
St Leger Group	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs Riley / Bryant
EP08/12/18

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.
CARRIED

2. ST LEGER GROUP LTD, HIGHLAND DRIVE, RICHMOND - APPLICATION RM080103, RM080182, RM080191, RM080193

Moved Crs Riley / Ensor
EP08/12/19

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to St Leger Group Ltd as detailed in the following report and decision.
CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond

on Monday, 8 December 2008, commencing at 9.30 am

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the application lodged by **St Leger Trust Limited** ("the applicant"), to subdivide one existing title into 32 lots, construct buildings with reduced setbacks, undertake earthworks, and to discharge stormwater to land. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM080103 (Subdivison), RM080182 (Land Use - Building Setbacks), RM080193 (Land Use - Earthworks), and RM080191 (Discharge Stormwater).

PRESENT: **Hearings Committee**
Cr N Riley, Chairperson
Cr B Ensor
Cr S Bryant

APPLICANT:
Mr N McFadden (Counsel)
Mr M Rounce (Applicant)
Mr D Velluppillai (Stormwater Consultant)
Mr J Thorpe (Wastewater Consultant)
Mr M Foley (Geotechnical Engineer)
Mr R Edwards (Traffic and Transportation Consultant)
Ms E Kidson (Landscape Consultant)
Mr M Lile (Planning Consultant)

CONSENT AUTHORITY: **Tasman District Council**
Mr W Horner (Planner, Subdivisions)
Ms M Muirson (Traffic and Roading Witness)
Mr M Johnston (Geotechnical Engineering Witness)
Mr L Pigott (Planner, Natural Resources)
Mr D Ley (Development Engineer)
Mr D Stephenson (Utilities Asset Engineer)
Ms R Squire (Planner, Community Services)

SUBMITTERS: Mr J Heslop
Mr P McRae (Counsel for Mr Williams)
Mr P Williams

IN ATTENDANCE: Mr J Butler (Principal Resource Consents Adviser) – Assisting the Committee
Mr B Moore (Committee Secretary)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

St Leger Group Limited has lodged a number of resource consent applications relating to a subdivision, road formation, residential development, earthworks and stormwater discharge in the Rural Residential Zone.

The subject site is on Lot 1 DP 395563 (CT 382080).

Subdivision consent RM080103

To subdivide one existing title containing 12.20 hectares to create:

- Lots 1 to 12 and Lots 14 to 31, being rural-residential allotments of between 2,001 and 2,659 square meters;
- Lot 32 containing 1.1362 hectares;
- Lot 33 containing 1.8552 hectares;
- A Walkway Reserve of 1,720 square meters to vest in the Council; and
- Lot 13 containing 8,374 square meters as road to vest

Consent is also sought to form the proposed subdivision over a 10 year period in five stages.

Land Use Consent RM080182

To construct buildings with setbacks of 5.0 metres from the proposed road (Lot 13) on Lot 2, Lots 9-11, and Lots 22-27 within the subdivision application RM080103. These reduced setbacks have been applied for to mitigate geotechnical constraints.

Land use consent is also sought to construct an access road with a gradient of up to 1:6, that is proposed to vest in the Council as road reserve.

Discharge Permit RM080191

To discharge stormwater collected from Lots 14 to 18 and the right-of-way that serves them (Lot 21), to land on proposed Lot 16 and consquently to a tributary of Saxton Creek named Trowers Creek.

Land Use Consent RM080193

To undertake earthworks associated with the stabilisation and formation of the subdivision described in application RM080103.

The site is located on the hill slope to the south and east of Highland drive and to the south of Champion Road. The Certificate of Title for this site (CT 382080) contains an area of 12.20 hectares. However the northern part of this title, to the east of Highland Drive, has been granted consent under RM030497 to be subdivided into six lots that leaves an area of 11.10 hectares that is the subject of this application.
The proposed lot sizes are all in excess of 2,000 square metres that is the minimum area required to meet the controlled activity criteria for subdivision in this Rural Residential Zone. This area is within an area known as Richmond East with the subdivision being undertaken on the lower foothills above the already developed Park Drive area.

There are geotechnical risks associated with development on this site with two known fault lines crossing this site as well as some areas of potential instability. Tonkin & Taylor have been involved in the geotechnical investigation of this site, including the area subject to RM030497. Parts of the site are in the Slope Instability Risk Area as defined on the maps of the Tasman Resource Management Plan. Large areas of the site have been found to be suitable for the subdivision. However there are some areas that pose a higher risk that would require mitigation work to make them suitable for development and the access road will need to traverse some of these high risk areas.

Proposed Lots 14 - 18 and the right-of-way on proposed Lot 21 cannot drain to the Council stormwater system in Park Drive and are proposed to drain via a piped system and diffuser into a tributary of Saxton Creek across a short section of land owned by the J C and K E Heslop Family Trust.

All of the proposed lots can be provided with wastewater servicing draining to the Council system. However proposed Lots 14 to 18 will require a privately owned and maintained wastewater pump system that raises the wastewater to a point from where it will drain into the gravity fed Council wastewater system.

A Council water supply can be provided for all proposed dwellings up to RL65. The applicant has proposed a number of options for water supply for the proposed dwellings including providing an auxiliary pump to provide potable water to all lots.

A proposed road gradient of up to 1:6 in places will allow for smaller cuts than those required for a fully complying gradient of 1:7.

Landscaping has been volunteered by the applicant where new plantings will be established to augment the existing plantings. A number of other measures have also been volunteered that will reduce the visual impact of the buildings to be below the permitted activity standards of the Tasman Resource Management Plan.

It is proposed to construct buildings on proposed Lots 2, 9 to 11, and 22 to 27 with reduced setbacks of 5.0 metres from the proposed road boundary (Lot 13) due to geotechnical constraints.

The applicant is proposing to provide a public access walkway within this subdivision that links an existing unformed walkway reserve to the proposed road.

2. TASMAN RESOURCE MANAGEMENT PLAN ("TRMP") ZONING, AREAS AND RULE(S) AFFECTED

According to the TRMP the following apply to the subject property:

Zoning: Rural Residential Serviced
Area(s): Special Domestic Wastewater Disposal Area; Slope Instability Risk Area; Faultline and 100 metre buffer area.

There are no rules that permit subdivision of land in the TRMP and the proposed subdivision does not comply with Controlled Activity Rule 16.3.8.1 due to the gradient of the proposed road, and is deemed to be a discretionary activity in accordance with Rule 16.3.8.2 of the TRMP.

Building within 5 metres of the road does not comply with Permitted Activity Rule 17.8.3.1 of the TRMP and is deemed to be a restricted discretionary activity in accordance with Rule 17.8.3.2 of the TRMP.

The proposed discharge of wastewater does not comply with Permitted Activity Rule 36.4.2 of the TRMP and is deemed to be a discretionary activity in accordance with Rule 36.4.4 of the TRMP.

The proposed earthworks and land disturbance does not comply with Permitted Activity Rule 18.12.2.1 of the TRMP and is deemed to be a controlled activity in accordance with Rule 18.12.2.2 of the TRMP.

Overall, with the application being processed as a package, the status of all activities is discretionary.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 30 August 2008 pursuant to Section 93 of the Act. A total of 17 submissions were received. The following is a summary of the written submissions received and the main issues raised:

	Submitter	Reasons	Decision
1.	Public Health Service	Seeks a potable water supply, with reserve capacity, for all dwellings on the proposed Lots.	**Conditions Required** Does not wish to be heard
2.	Sandra Hunter	Supports the proposal as the land has a suitable zoning and the stability issues can be resolved. Also supports the increased road gradient and reduced setbacks.	**Grant** Does not wish to be heard
3.	Michael Montgomery	Supports the proposal as the land has a suitable zoning and the stability issues can be resolved. Also supports the proposed landscaping and layout.	**Grant** Does not wish to be heard
4.	J C and K E Heslop Family Trust	Supports the proposal in regard to the use of the land and the increased road gradient. Mentions connectivity and servicing for their land and seeks no earthworks or substantial stormwater runoff from Lots 14, 15, 16 & 17.	**Grant** Wishes to be heard.

	Submitter	Reasons	Decision
5.	C W Hart	Supports the proposal including the design and landscaping.	**Grant** Does not wish to be heard
6.	K Brydon	Supports the proposal as there will be strong demand for the proposed lots.	**Grant** Does not state if they wish to be heard
7.	New Zealand Fire Service Commission	Seeks conditions requiring a fire fighting water supply in accordance with SNZ PAS 4509:2008 to be provided for each dwelling.	**If granted seeks Condition** Wishes to be heard
8.	C Hansen	Supports the proposal due to large lot sizes and landscaping provided, with good northerly facing views.	**Grant** Does not wish to be heard
9.	I Kearney	Supports the proposal.	**Grant** Does not wish to be heard
10.	J and D Byrom	Expressed concerns about the stability of the site, restricted building platforms location, future risk to rate payers, construction effects, inadequate stormwater capacity in Riding Grove and traffic effects.	**Decline** Does not wish to be heard
11.	A and L Robinson	Seeks to delay this application until the Richmond East Draft Structure Plan is completed. Expressed concerns over land stability and pedestrian access to the existing play area in Highland Drive. Suggested the upgrading of the Hill Street/Champion Road intersection prior to any construction works.	**Decline** Does not state if they wish to be heard
12.	The Lau Family Trust	Seeks a delay to this application until the tree removal issues with RM030497 have been resolved.	**Decline** Wishes to be heard
13.	J A Cotton	Supports this proposal as a good use of the land considering the minimal productive values with an appropriate (steeper) road gradient. The application meets Section 106 of the RMA and the subdivision is geotechnically feasible.	**Grant** Wishes to be heard
14.	Duke and Cooke Ltd	Supports the proposal as this site is zoned for this development and that the geotechnical, servicing and landscaping is appropriate.	**Grant** Does not wish to be heard
15.	P A and E M Williams	Concerned about construction effects (traffic, noise & dust) and the traffic effects as a result of the steeper 1:6 gradient. Also concerned about the road construction standards for Highland Drive.	**Decline** Wishes to be heard

	Submitter	Reasons	Decision
16.	D Waine	Supports this proposal as it is a good use of the land and that the geotechnical issues can be overcome.	**Grant** Does not wish to be heard
17.	M Gilbert	Supports this proposal as it is a good use of the land and that the geotechnical issues can be overcome.	**Grant** Does not wish to be heard

4. PROCEDURAL MATTERS

Due to the length of the hearing the Chair ruled that a written Right-of-Reply be submitted by the applicant. The Right-of-Reply was received by the Council on Thursday, 11 December 2008.

5. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officers. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Mr N McFadden (Counsel for applicant)

Mr McFadden introduced the applications sought and the principal areas of non-compliance with the TRMP: the increased road gradient and the slope stability issues. Overall, he considered the suite of consents to be discretionary in status.

Mr McFadden summarised the evidence to come as showing that there are no adverse effects that will arise from the proposal. He stated that the land is zoned for development into Rural-Residential lots and the plan does not preclude the use of land for subdivision even if the land involved is in areas of natural hazard or instability.

Mr McFadden stated that the applicant does not accept the recommendation from the Council staff that a walkway linkage should be created from the head of the proposed cul-de-sac as there is no established proven destination for the walkway except for farmland zoned Rural 2.

Mr McFadden referred to a draft structure plan issued by the Council and considered that what is proposed is in accordance with the detail of that structure plan.

Mr McFadden also stated that developments on geotechnically difficult land are prone to emotional responses and "panics", while the adverse effects can be avoided, remedied or mitigated through engineering solutions.

Mr McFadden addressed Section 106 of the Act and stated that the Council may grant consent subject to conditions to address instability issues. He considered that the Council should exercise the discretion provided in Section 106 against declining consent.

Mr M Rounce (Applicant)

Mr Rounce introduced himself and his qualifications.

Mr Rounce expressed concerns with the Council's processing of the application, particularly in relation to timelines and further information requests. He also criticised the Council for second-guessing the experienced professionals he has engaged to design aspects of the subdivision by attempting to redesign the layout of the road.

Mr Rounce then discussed the matter of servicing the application for water supply. He stated that care was taken to check that a Council supply was available. The Council had stated that a supply is available up to the 90 metre contour.

Mr Rounce outlined the applicant's preferred water servicing plan:

Provision of water on Council supply to as higher contour as possible and then provision of a booster pump station to send water to the rest of the subdivision. On-lot booster pumps would also be required to achieve necessary pressure. He compared this plan with that of Mr Ley's (Council's Development Engineer) that sought for a reservoir to be placed on Lot 30 and booster pumps to supply water to all proposed lots. Mr Rounce stated his surprise that water delivery can only be achieved to RL65 metres.

Mr Rounce concluded by saying that the applicant proposes a reticulated water supply to allotments up to RL90 metres. For allotments higher than RL90 the applicant is now proposing onsite rainwater collection systems with accompanying fire fighting storage tanks.

Mr D Velluppillai (Stormwater Consultant)

Mr Velluppillai introduced himself and his qualifications.

Mr Velluppillai stated that low impact design options were considered by found to be inappropriate given the geological and geotechnical constraints on the site. Therefore the primary piped stormwater network has been designed to a 1 in 20 year standard. Overland flow paths in greater than 1 in 20 year events have been identified and retained. The collected stormwater from the reticulation will discharge to a 100 metre long open channel. This channel will be retained in current form. Where the channel re-enters the pipe network there is suitable capacity in the existing pipes.

Mr Velluppillai stated that due to topographical constraints, runoff from proposed Lots 14 to 18 and the right-of-way that serves them cannot be collected. It is proposed that the stormwater from these lots (Lots 14 to 18 and part of Lot 21) be discharged to a common private drainage system in proposed Lot 16 that will discharge to land across the south eastern subdivision boundary into Trowers Creek. This discharge point will be served by an energy dissipater and a gabion basket. The maintenance of the dissipater will be the responsibility of the eventual owner of proposed Lot 16.

Overall, Mr Velluppillai confirmed that the proposed stormwater management plan has been designed in accordance with the Council's Engineering Standards and Policies 2008 and standard engineering practice.

Mr J Thorpe (Wastewater Consultant)

Mr Thorpe introduced himself and his qualifications.

Mr Thorpe stated that conventional gravity reticulation is not practicable from proposed Lots 14 to 18.

He considered the options to include: a single, shared conventional municipal sewage pump station to pump sewage back up to the gravity served system, or individual pump stations on each property discharging to either a common or individual rising mains. Both the Council and the applicant preferred that individual pump stations be installed. The applicant preferred that a single pressure pipe be installed.

There were some discussions about the volume of emergency storage needed for each residential pump system. Mr Pigott advised that the Council would normally require about 2,000 litres storage to accommodate one day's wastewater for an average to large sized dwelling. Mr Thorpe stated that his recommended proprietary system had options of either 600 or 900 litres storage and that these would be suitable since, in the event that the power is off, householders would not be able to use appliances such as washing machines that use large volumes.

Mr M Foley (Geotechnical Engineer)

Mr Foley introduced himself and his qualifications.

Mr Foley stated that he has carried out investigations on the site over several years. Mr Foley explained the geology of the site and described the west-facing midslope as the most geotechnically unstable. He outlined three risk levels with Zone 1 being lowest and Zone 3 being highest risk. (Zone 3 was subsequently subdivided into Zones 3A, 3B and 3C.)

Mr Foley showed maps of the risk zones and how they change once proposed risk mitigation works are carried out. The plan showed that the higher geotechnical risk areas were avoided or mitigated.

Mr Foley considered it geotechnically feasible to provide stable building sites without mitigation on the lots in the Zone 1 area. With ground improvement works, lots on the moderate risk Zone 3A will be mitigated and they too will be able to be built upon.

Mr Foley recommended that a road alignment that minimises earthworks be adopted rather than an option that involved large scale modifications to slope profile by cutting and/or filling. He considered that the road will have to be carefully designed but are feasible with a low level of geotechnical risk.

Mr Foley commented on the necessary mitigation works for provision of services. He stated that pipes should be deepened and that subsoil drainage should be provided. Services should also be located to avoid high risk zones. Flexible couplings and/or high strength pipes would be required.

Mr Foley then outlined his recommendations of the development of the subdivision. He then stated his professional satisfaction that there is no reason why the Council should not exercise its discretion under Section 106 of the Act to grant consent.

Mr Foley then commented on the Mr Ley's proposed alternative road layout ("the Ley proposal"). He considered the Ley proposal to involve a significantly greater scale of earthworks. He compared each area of the road and showed how either greater cuts or greater fills would be required to accommodate the proposal.

Cr Bryant asked what the safe setback between build and no-build areas would be. Mr Foley stated that it varies depending on conditions and stabilisation methods used. Mr Foley stated that soil creep resulting from a down-gradient slip is effectively stabilised by piles. He also stated that soil creep is typically in the top 300-400 millimetres and that services should be buried 2 metres down.

Mr Foley stated that drainage of the soils and underlying geology is one of the most effective measures that can be undertaken and that the subdivision will achieve this by shedding much of the water through stormwater reticulation systems. Mr Foley stated that he has had experience for the Earthquake Commission and insurance companies on old subdivisions. He has found that geotechnical problems have arisen through inadequate drainage and stormwater control and inappropriate cutting and filling. He suggested that modern subdivisions, done under the Act, are much less problematic due to the checks and balances that are in place.

Finally, Mr Foley confirmed that subdivisions now are supervised and checked by geotechnical engineers and that each lot must be signed off. He confirmed that it may be that there are lots in the subdivision that may not be signed off and will therefore not be built on.

Mr R Edwards (Traffic and Transportation Consultant)

Mr Edwards introduced himself and his qualifications.

Mr Edwards described the grades of some roads in Christchurch. He described research undertaken that suggested that low-powered cars, busses and rubbish trucks are able to effectively traverse grades steeper than that proposed for this subdivision. He also stated that he considered the proposed 1 in 6 grade would be easily traversable by pedestrians.

Mr Edwards disagreed with Ms Muirson's points that the current road design needs to be sufficient to provide for additional traffic generated from future subdivision of adjoining land, nor that the existing section of Highland Drive must be widened. Mr Edwards considered that mobility scooters and heavy vehicles would be able to traverse the proposed grades safely.

Mr Edwards considered that Mr Ley and Ms Muirson fail to substantiate their recommendation to require the road to be constructed to a maximum grade of 1 in 7. He considered the proposed road alignment to be entirely consistent with what has been done elsewhere in the country. There is no effects-based reason to preclude the granting of consent to the Option 2 design.

Mr Edwards stated that the proposal will increase the volume of traffic to around 500 to 600 trips per day at the northern end of Highland Drive.

Mr Edwards outlined two options. Option 1 requires greater earthworks but achieving a maximum grade of 1 in 7. Option 2 requires less earthworks but only achieves a maximum grade of 1 in 6. He noted that Mr Foley preferred Option 2.

Mr Edwards considered that 1 in 7 is not, in fact, a definitive maximum grade to which roads should be built. He presented evidence from Christchurch planning documents that allowed steeper grades. He also stated that the Council's Engineering Standards and Policies 2008 allows grades of up to 1 in 6 in the Richmond South development area.

Mr Edwards then considered other road users. He stated that there is no question that heavy goods vehicles would be able to traverse the 1 in 6 grade as they currently do so in Christchurch. He also stated that the road will only accommodate a low number of heavy goods vehicles once the subdivision is completed.

With regard to cyclists, the 1 in 33 to 1 in 20 grades recommended are obviously for provision for cyclists for large distances and can obviously not be achieved on hills. He sees little difference between 1 in 7 and 1 in 6 in providing for cyclists on short sections of road on hills. He stated that the proposed grade will not act as a deterrent to cyclists.

Mr Edwards also considered that the proposed 1 in 6 grade would be acceptable for pedestrians.

Mr Edwards then commented on connectivity to adjoining land. He stated that there is no indicative road shown and that indicative roads are the primary means by which the Council achieves connectivity with other lots. He stated that he understands that the process for creating indicative roads is starting with the Richmond East development plan, but at the present time there is no legal opportunity for the Council to impose a connection with an adjoining Rural 2 area. Even if the connectivity was to be required, he considered the proposed road width to be suitable.

Ms E Kidson (Landscape Consultant)

Ms Kidson introduced herself and her qualifications.

Ms Kidson considered that the subdivision will create an area of high amenity consistent with that anticipated by the Rural Residential Zone.

Ms Kidson considered that the Ley proposal would reduce the amenity from inside the subdivision as well as adverse visual effects towards Champion Road, Stoke and residents to the west in Park Drive.

Ms Kidson suggested that the widening of the proposed public walkway that has been allowed for the subdivision plan is appropriate in landscape terms.

Ms Kidson introduced a planting plan that utilises existing tree species on the site. She considered that the plan builds on existing amenity and allows for the creation of view corridors while maintaining an appropriate level of screening.

Built form is to be kept to single storied buildings on the more elevated sites to settle buildings into the landscape. Cut and fill works will be kept to the minimum required to create safe and workable accessways and lots with the aim being to maintain the integrity of the natural landform. Ms Kidson also outlined a number of other measures that will increase the amenity including low level street lights, restricted fence and hedge heights, a 400 square metre maximum building footprint, low reflectivity and vegetation clearance in accordance with the master landscape plan.

Overall, Ms Kidson anticipates a change from a purely rural backdrop to one of Rural Residential character but that this change will be towards a high amenity environment.

Mr M Lile (Planning Consultant)

Mr Lile introduced himself and his qualifications.

Mr Lile confirmed the status of the application as discretionary due to the requirement for the provision of wastewater servicing, the non-compliance of the access road, and the non-compliance of the stormwater discharge from proposed Lots 14 to 18 and 21.

Mr Lile also confirmed that buildings in the zone are required to be 10 metres from frontage boundaries and that land use consent is sought to allow them to be up to 5 metres away from those boundaries.

Mr Lile stated that both changes to the walkway requested in the Council's staff reports are accepted. However, he stated that the applicant opposes the walkway linkage from the cul-de-sac as requested by the Council. However, he stated that if and when land to the east is rezoned, the applicant would be willing to consider a variation.

Mr Lile did not consider that there are any significant cross-boundary or reverse sensitivity effects.

Mr Lile assessed the proposal against the Natural Hazards section of the TRMP and finds that the objective and policies are met through the engineering work proposed by Mr Foley.

With regard to the gradient of the road, Mr Lile confirmed that the TRMP stated as a matter of assessment "the relationship between road alignment and land form". He stated that the 1 in 6 design better fits the landform and was developed to avoid large scale cuts and fills that may exacerbate instability. With regard to the surfacing of the road he stated that Council staff prefer chipseal (over asphaltic concrete) and the applicant accepts this. Mr Lile continued by saying that the TRMP avoids the application of hard and fast rules to allow flexibility to design around topographical constraints. He stated that the TRMP is effects based and that a 1 in 6 grade in parts of the road is more appropriate.

Mr Lile addressed the Richmond East Draft Structure Plan. He confirmed that under the Draft Plan there is no change proposed for the subject site, and that this confirms its appropriateness for subdivision. However, he stated that as the Council has not completed the process, there is no legal opportunity for the Council to impose a connection with the adjoining Rural 2 area.

Mr Lile stated that his professional opinion the application achieves the outcomes sought in the TRMP. He stated that this is supported by Council staff also.

Cr Ensor asked whether there would be a benefit to the occupants of the proposed subdivision. Mr Lile stated that it would be if there was somewhere to go. At the present time the only destination is Rural 2 land.

5.2 Submitters' Evidence

Mr J Heslop

Mr Heslop read the submission he made on the application.

He confirmed that he supported the proposed 1 in 6 road grade.

He stated that his concern is his block behind the subject site. He had concerns that there are no connections to his land that would allow his land to the east (Lot 1 DP 6202) to be developed in the future.

Mr P Williams (represented by Mr P McRae)

Mr McRae outlined the reasons for his client's opposition to the application. Mr Williams had found the Highland Road area a difficult one in which to build, with several unforeseen requirements arising.

Mr McRae also stated that the development will place an unreasonable load on infrastructure and will have an impact on roading in the immediately adjoining area.

Mr McRae stated that his client is concerned about the amount of traffic on inadequate roading and also about the disturbance of up to ten years of development.

Mr McRae considered that because Highland Drive will have 500 plus vehicle movements per day it should be upgraded to Collector road status. Therefore it will be well below standard and very difficult and costly to upgrade at a later date.

Based on the officer's report, Mr McRae found that the subdivision will be for the young and fit only as it will be too difficult for cyclists, walkers and the elderly to live in.

Mr McRae stated that the Council, when exercising its discretionary judgement, must do so for the single purpose of the Act stated in Section 5. In cases where there is uncertainty the Council should take a risk avoidance approach. Mr McRae submitted that the application does not constitute sustainable management and will detract rather than add to the ability of the community to provide for its wellbeing.

Mr McRae also stated that there are significant areas of doubt and uncertainty, particularly with regard to slope stability and road design, which should be addressed before consent can be granted. He stated that there are problems with the proposed incremental certification approach proposed and that it involves a significant level of risk.

Mr McRae also stated that the Committee needs to be satisfied before granting consent that other effects (dust, noise etc) will be effectively avoided and/or mitigated.

Cr Bryant asked whether the evidence that has presented today has changed Mr McRae's or his client's mind on some issues. Mr McRae stated that they were still concerned and opposed to the subdivision based principally on the road width and standard.

Cr Ensor asked whether widening the road would address their concerns. Mr McRae stated that some concerns would be addressed, but that this could not be done as there are already houses there.

5.3 Council's Reporting Officer's Report and Evidence

Ms Muirson (Traffic and Roading Witness)

Ms Muirson summarised her report.

There was some discussion afterwards about the geometry of the curves and the two options. Ms Muirson stated that more sweeping curves are easier to negotiate than smaller tighter curves. She considered that the proposal did provide for walking and public access.

Mr M Johnston (Geotechnical Engineering Witness)

Mr Johnston summarised the geology of the area.

With regard to the faults, Mr Johnston stated that one cannot design for a rupture of these faults and that the risk has to be accepted.

He considered the level of geotechnical investigation to be high. He stated that there is a large amount of information available and that this is suitable for this stage of the development process.

Mr Johnston stated that it is entirely possible that there will be lots that are found to not be suitable for construction and that some reshuffling of the subdivision may be necessary as a result.

Mr Johnston stated that it is important that consent notices requiring maintenance be placed on the titles as a condition of consent.

He also felt that it is important that there is only one geotechnical firm involved in doing the works and the certification as it is complex and mistakes can be made when there is a plethora of people involved.

Mr Johnston stated that vegetation is very important and that deep-rooting plants should be maintained on the property. However, much of that will come at the Section 224 certification stage.

Mr Johnston presented to the Committee a set of conditions that had been revised from those amended by the applicant.

Cr Bryant asked whether Mr Johnston supported Mr Foley's view that soil creep could be avoided. Mr Johnston stated that any amount of stabilisation could be achieved if sufficient funds are spent. He also stated that while he is concerned about surface creep he believes, with sufficient engineering, that the risk can be minimised. The mitigation measures required are not insurmountable and the site is no worse than many sites around Nelson that have been developed.

Mr D Stephenson (Utilities Asset Engineer)

Mr Stephenson confirmed that booster system is preferred alternative and not the Council's most preferred option.

Mr Stephenson stated that between Selbourne Avenue and the subject site there is quite a constriction and that there is a large head loss through this section of pipe and this may explain the head loss from RL90 metres to RL65 metres. Council staff are of the opinion that a reservoir level of RL122.3 metres is most suitable for Richmond East.

Mr Stephenson submitted a plan showing a new reservoir on proposed Lot 30 at a level of 122.3.

Cr Bryant asked whether the placement of the reservoir on the applicant's land had been discussed with the applicant and whether they in fact want a reservoir on their land. Mr Stephenson stated that he had not been involved in those discussions but that it would cater for up to the 90 metre contour on the subject site and nearly as far south as Queen Street. Mr Ley stated that the plan has previously been provided to the applicant but that he understands they do not accept the placement of the reservoir on the site.

Ms R Squire (Planner, Community Services)

Ms Squire accepts that the applicant has accepted the increase in the width and splay of the walkway and a credit will be given for this.

With regard to the Council's request for a walkway from the cul-de-sac head to the adjacent Rural 2 zoned land, the Community Services department is aware of an increasing demand for walkway linkages to the hills behind Richmond and this is a good opportunity to provide a future linkage. There will be no formation of the linkage until the linkage has a destination. Ms Squire stated that having the linkage now will provide certainty now and there will not be a need to negotiate at a future time with a landowner.

Mr L Pigott (Planner, Natural Resources)

Mr Pigott confirmed his opinion that a part of lot 21 is contributing to the private stormwater discharge and that it should be included as appropriate in the consent requirements.

He confirmed that he is satisfied with the stormwater arrangements, including the provisions for secondary flows.

Mr D Ley (Development Engineer)

Mr Ley stated that he preferred that the subdivision road be extended to the boundary to allow access to a future subdivision to the east. Mr Ley stated that he believed that the subdivision should be designed to fit into the larger picture in terms of linkages with surrounding roading services. The Richmond East Draft Structure Plan and the rezonings proposed in it should be given some weight and provision be made accordingly.

Mr Ley stated that there have been statements in the Engineering Standards and Policies stating that linkages should be made. Indicative roads have only been used relatively recently and that the lack of an indicative road does not mean that a linkage cannot be provided for.

Mr Ley also referred to the road alignment and stated that curves should be smooth. It is difficult to make people negotiate small curves then straights then more curves.

Mr Ley referred to Mr Foley's statement that the road will be constructed as a shear key to support other lots. He stated that he is uncomfortable about a Council asset being used to support other lots, and that Council will thereafter be responsible for lot stability.

Mr Ley commented on the Richmond South variation and the use of 1 in 6 grades. He stated that it was intended that that grade only be used to serve small numbers of dwellings and it was implemented under a community-involvement process.

Cr Ensor asked about safety concerns on the new road. Mr Ley stated that steepness will encourage speed but that traffic calming measures can be installed to control this.

Mr W Horner (Planner, Subdivisions)

Mr Horner stated that many of the controls on building design volunteered by the applicant are positive for urban amenity.

He stated that it is his understanding that the geotechnical works are feasible.

With regard to road gradient, Mr Horner agreed that steeper roads will be more difficult to negotiate but that the provision of the road must be looked at with some regard to other matters such as geotechnical stability and landscape values. He said that it is hard to determine where the limit is and whether a threshold has been crossed.

Mr Horner supported Ms Squire's recommendation that a walkway be provided for from the cul-de-sac head.

Overall, Mr Horner did not change his recommendation that the consents should be granted subject to conditions.

5.4 Applicant's Right-of-Reply

Mr McFadden supplied a written right of reply on behalf of the applicant.

Mr McFadden confirmed that the main differences between the applicant and the Council's staff still remained at the conclusion of the hearing.

Mr McFadden considered that the stormwater matters are agreed between parties.

With regard to wastewater, Mr McFadden stated that it is Mr Thorpe's professional opinion that 600 litre emergency storage is sufficient based on average occupancy and a requirement in the Engineering Standards and Policies 2008 (8.4.1(iv)) that only six hours storage be provided.

With regard to the connectivity of the proposed road, Mr McFadden stated that there is no provision in the TRMP requiring the road to be extended to the adjoining property. He stated that the adjoining land is zoned Rural 2 and there is no formal expectation that that will change. Mr McFadden considered that road alignments must be in accordance with indicative roads and no indicative road is in the TRMP at this location.

With regard to the walkway linkage from the cul-de-sac head, Mr McFadden stated that it is not appropriate as there is nothing for it to serve and it would not benefit either the subdivision or the Heslop property.

Mr McFadden then addressed the submitters' statements. He stated that Mr Heslop appeared to have no concerns with the stormwater discharge proposal.

Mr McFadden stated that it seems inconceivable that Mr Williams would not have known that the subject site is zoned Rural Residential and that it would, at some stage, be developed. Mr McFadden considered that there is no evidence to indicate adverse traffic effects on Mr Williams, including from Council staff and Ms Muirson. Overall, Mr McFadden considered the evidence presented by the applicant to be unchallenged as there was no expert rebuttal brought to the hearing.

Mr McFadden stated that Ms Muirson did not, in any way, respond to address the evidence put forward by Mr Edwards.

Mr McFadden referred to Mr Stephenson's evidence. He said that reticulated supply is not required for this subdivision and that it would be inappropriate for the Council to require that a reservoir be placed on proposed Lot 30.

Mr McFadden stated that, after all the evidence presented, Mr Ley was fixated with his redesigned road when no evidence was provided to support it. He considered that the evidence suggested it is not an appropriate design.

Finally, Mr McFadden presented a set of revised conditions that were completed on a "running dog" basis due to necessary changes and issues arising during the course of the hearing.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

Road Extension

a) Is a road that includes sections at a 1 in 6 gradient appropriate? Are there hazards or problems that may be encountered at a 1 in 6 grade that may not be encountered if a 1 in 7 grade was required? Are there advantages to be gained in this case that warrant a departure from the standards set out in the Engineering Standards and Policies 2008?

b) Will the road alignment proposed by the applicant create an awkward, and possibly dangerous, driving environment on the road as a result of the high number of relatively small curves and adjustments?

c) Should the road be extended to the boundary of the Heslop property to the east of the subject property?

Land Stability

d) Has the level of risk of land instability been adequately avoided, remedied or mitigated by the geotechnical evidence, the proposed engineering works and the conditions that have been volunteered.

Cul-De-Sac Head Walkway

e) In the event that the consent is granted, is it appropriate that a walkway from the head of the proposed cul-de-sac be provided to the Heslop land beyond? Is it more appropriate that such a walkway be negotiated with the relevant landowner at such time as a walkway would have a definite purpose and use?

Water Supply

f) Should a site for a water supply reservoir be required to be established as part of this subdivision to serve the Richmond East area?

Wastewater

g) What is the appropriate volume of emergency storage capacity necessary for the private pump stations to be installed for proposed Lots 14 to 18?

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

a) There are a wide range of physical considerations and constraints on development on the subject property. The grade of the proposed is generally very reasonable and the Committee considers that sections of the road at a 1 in 6 gradient is an acceptable maximum slope. While the engineering standards set the maximum grade at 1 in 7, there must be room to adapt designs to topography and other considerations. The Committee is conscious that the 1 in 6 grades will not be sustained but will be limited to two short locations along the profile of the proposed road.

The Committee was not presented with any evidence that demonstrated that a grade of 1 in 6 would be markedly less safe than 1 in 7, and it accepted the evidence presented by Mr Edwards that such grades are successfully used elsewhere.

The Committee also accepted the advice of the two geotechnical engineers (Mr Foley and Mr Johnston) against the large amount of earthworks necessary to achieve the 1 in 7 maximum gradient, as well as the evidence of Ms Kidson that suggested that the necessary earthworks would have an adverse effect on the landscape values.

b) The Committee did not consider there was any compelling reason to require the length of road to be extended to allow the number of corners to be minimised. Little or no expert evidence was provided to demonstrate that the higher number of smaller corners would be dangerous or unwieldy to road users.

c) Connectivity and good design is an important part of urban and rural residential environments. This often means keeping options open as far as is practicable. The evidence of both the applicant and Council staff referred to the design matters set out in Section 6.2.1 of the Council's Engineering Standards and Policies 2008. While point i) does refer to indicative roads as a tool for implementing planned road layouts, as pointed out by Mr McFadden in his Right-of-Reply, the Committee considers that this does not preclude the need for pragmatic connectivity to be provided. The Committee considers that points c), d) and f) support this consideration. On this basis the Committee considers that it is appropriate that the road be extended to the boundary to allow future connectivity.

d) All expert evidence presented at the hearing stated that it was feasible for land stability to be increased with engineering and ground improvement works. The Committee accepts this evidence cautiously given the statements to the effect that risk can never be eliminated, but can be minimised. The successful development of other areas, principally under the jurisdiction of Nelson City Council, with similar conditions gives some confidence to the Committee. Therefore, the Committee finds that land instability is not a compelling reason to exercise Section 106(1)(a) or (b) of the Act and decline consent.

e) This matter of contention is strongly linked to matter c) above. If the road is extended to the boundary of the Heslop property then there is no need for a walkway to be required as part of this development as the footpath will also be continued to the boundary. It is the consideration of the Committee that the road should be extended to the boundary (see point c) above). However, it is worth noting that, were the road not to be extended to the boundary but formed into a cul-de-sac as proposed by the applicant, it would be the position of the Committee that a walkway should be provided to the boundary to provide options for recreation connectivity to the land beyond. If, as a result of any appeal of this decision, the road is not required to be continued to the boundary, then it would be the opinion of the Committee that provision should be made for a walkway to the boundary to be required.

f) The Committee does not consider that it is appropriate to require land to be vested for the purpose of establishing a water reservoir. Provision of a reticulated water supply is not required for the subdivision and, therefore, as the applicant is unwilling to provide space it is not appropriate that they be forced through the subdivision process. The correct avenue for the Council's Engineering Department to pursue the option is to either purchase an allotment or to initiate the relevant process under the Public Works Act 1981.

g) Given the evidence provided in the hearing and that the Council's Engineering Standards and Policies 2008, under Section 8.4.1 e) iv) requires a minimum of six hours on-site emergency storage, the Committee considers it appropriate that 600 litre emergency storage grinder pumps be provided at the private pump stations on proposed Lots 14 to 18. The Committee is mindful that at times where emergency storage is most likely to be utilised the power will be out and, therefore, high water-use appliances such as washing machines and dishwashers will not be operating.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

a) Tasman Regional Policy Statement (TRPS); and
b) the Tasman Resource Management Plan (TRMP).

The proposed activity contravenes Section 15 of the Act, and therefore the Council has also had regard to the matters outlined in Sections 105 and 107 of the Act.

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B of the Act, the Committee **GRANTS** consents subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

With the subject property being appropriately zoned for this type of subdivision and all lots being greater than the required minimum lot size, what remains are the matters of contention described above that principally include slope stability and road gradient. The Committee is satisfied that most of the adverse effects can be "engineered out" such that they are reduced to an acceptable level.

The Committee heard from two well qualified experts on matters of slope stability. Both agreed that, while there are risks and concerns, with adequate engineering the stability of the slopes can be improved such that certification of building sites is likely to be forthcoming. No evidence was presented to the contrary and therefore the Committee does not consider that slope stability concerns are a valid reason to consider the refusal of consent. Stormwater can be appropriately disposed of from the site and the collection and reticulation of the water off the site will improve the stability of the land in the instability prone areas.

With regard to the gradient of the subdivision road, the Committee does not agree with Mr McFadden's statement that there are no adverse effects as they will all be engineered out. Some adverse effects remain from the steepness of the road. However, the Committee considers that these adverse effects are acceptable given that there are other more significant adverse effects arising from requiring that a 1 in 7 grade be achieved. One such adverse effect is the speed with which drivers may descend the new section of Highland Drive. This is a concern, but traffic calming measures at the bottom of the steep part of the road have been required to address this effect.

The Committee does consider the existing section of Highland Drive adjacent to the new P A and E M Williams Family Trust house (16 Highland Drive) to be somewhat narrow. However, it is not considered that the narrowness of the road is a significant adverse effect and that the noise and dust that will occur during construction of the subdivision should be anticipated by any prospective owner buying at the end of such a road with the land beyond zoned rural residential.

The Committee accepts Ms Kidson's evidence that the subdivision will create a visually attractive environment and will enhance the Richmond backdrop. The proposal will also enhance public access to the area by creating a linkage to an existing public walkway to the south.

The subdivision is not obliged to provide reticulated potable water to each residential lot. Therefore, the lack of reticulated water above the 65 metre contour cannot be considered as an adverse effect that may count against the approval of the subdivision.

Objectives and Policies of the TRMP

The Committee considers the following to be the relevant objectives and policies:

Chapter 7 "Rural Environment Effects"

Objective:

7.2.2 Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.

Policy:

7.2.3.2 To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:

(a) the productive and versatile values of the land;
(b) natural hazards;
(e) servicing availability;
(g) transport access and effects;
(h) potential for cumulative adverse effects from further land fragmentation;
(i) maintaining variety of lot size;
(j) efficient use of the rural land resource;

The Committee is satisfied that the proposal is consistent with this objective and policy for the reasons stated above.

Chapter 11 "Land Transport Effects"

Objective:

11.1.2 A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

Policies:

11.1.3.1 To promote the location and form of built development, particularly in urban areas, that:
(a) avoids, remedies or mitigates adverse effects of traffic generation;
(b) provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreational areas;
(c) avoids an increase in traffic safety risk;
(d) allows opportunities for viable passenger transport services to be realised;
(e) provides a clear and distinctive transition between the urban and rural environments;
(f) segregates roads and land uses sensitive to effects of traffic.

11.1.3.2 To ensure that land uses generating significant traffic volume:
(a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
(b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.

11.1.3.3 To avoid, remedy or mitigate adverse effects of high traffic-generating land uses on the community cost of the road network resource of the District.

11.1.3.4 To avoid, remedy or mitigate adverse effects of traffic on amenity values.

11.1.3.5 To ensure that all subdivision design, including the position of site boundaries, has the ability to provide each allotment with vehicle access and a vehicle crossing sited to avoid adverse effects on the safety and efficiency of the road network.

11.1.3.6 To control the design, number, location and use of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected.

11.1.3.10 To avoid or mitigate likely adverse effects on the integrity of the road network arising from … natural hazards.

Objective:

11.2.2 The avoidance, remedying, or mitigation of adverse effects on the environment from the location, construction, and operation of the land transport system, including effects on:
(a) the health and safety of people and communities;

(e) landscapes and natural features;

Policies:

11.2.3.2 To regulate the effects of traffic generation and traffic speed on the safety and amenity of places of significant pedestrian activity.

11.2.3.3 To promote transport routes, and approaches and methods of design, construction, and operation that avoid, remedy, or mitigate adverse effects on:
(a) the health and safety of people and communities; in particular, cyclists and pedestrians;
(b) amenity values of neighbourhoods and areas of special character;
(e) landscapes and natural features;

11.2.3.5 To protect future road alignments that ensure that roads can be connected where appropriate.

11.2.3.6 To promote choice between using roads, walkways or cycleways for walking or biking.

The Committee is satisfied that the proposal will generally satisfy these relevant objectives and policies of Chapter 11 of the TRMP. While the steepness of the road is greater than that sought by the Council's Engineering Standards and Policies 2008 that may make the road less consistent with the policies stated above, there are physical constraints with the site that make such gradients necessary and appropriate. The steepness may have some adverse effects on safety and accessibility for modes of transport other than private car. However, conditions are placed on the consent that mitigate the adverse safety effects.

Chapter 13 "Natural Hazards"

Objective:

13.1.2 Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk.

Policies:

13.1.3.1 To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, flooding, erosion or inundation, or in areas with high groundwater levels.

13.1.3.4 To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land.

13.1.3.10 To regulate land disturbance so that slope instability and other erosion processes are not initiated or accelerated.

This proposal meets this objective and these policies as the risks of slope instability are to be mitigated through engineering solutions to the point where, based on the expert evidence provided to the Committee, the risks are acceptable.

Chapter 14 “Reserves and Open Space”

Objective:

14.1.2 Adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values.

Policy:

14.1.3.4 To provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves.

The proposed walkway within this proposal will provide a linkage from an existing title owned by the Council that will be formed as a walkway. On this basis it is considered that the proposal meets this objective and policy.

Chapter 30 “Taking, Using, Damming and Diverting Water”

Objective:

30.1.0 (1) The maintenance, restoration and enhancement, where necessary, of water flows and levels in water bodies that are sufficient to:

(a) preserve their life-supporting capacity (the mauri of the water);

(b) protect their natural, intrinsic, cultural and spiritual values, including aquatic ecosystems, natural character, and fishery values including eel, trout and salmon habitat, and recreational and wildlife values; and

(c) maintain their ability to assimilate contaminants.

Policy:

30.1.18 To avoid, remedy or mitigate adverse effects of diversion of water … taking into account effects of the diversion on:

(iii) actual or potential risks of flooding or erosion;

(v) water quality;

Chapter 33 “Discharges to Land and Fresh Water”

Objective:

33.3.0 Stormwater discharges that avoid, remedy or mitigate the actual and potential adverse effects of downstream stormwater inundation, erosion and water contamination.

Policies:

33.3.1 To require all owners, particularly the Council as stormwater asset manager, of all or part of any stormwater network to avoid, remedy, or mitigate adverse effects of stormwater discharges.

33.3.3 To manage the adverse effects of stormwater flow, including primary and secondary flowpaths, and the potential for flooding and inundation.

33.3.4 To avoid, remedy or mitigate the potential for flooding, erosion and sedimentation arising from stormwater run off.

33.3.5 To avoid, remedy or mitigate the adverse effects of stormwater on water quality and the potential for contamination.

33.3.7 To require owners of all or part of any stormwater drainage network to avoid, remedy or mitigate any adverse effects of stormwater discharges.

The diversion and discharge of stormwater will be adequately managed such that these objectives and policies will be met. The piping of stormwater off the subject site, rather than utilising ground infiltration methods, is an important part of improving slope stability. The design of the private diversion and discharge network serving Lots 14 to 18 and 21 is appropriate and will achieve environmental outcomes that are consistent with these objectives and policies.

Purpose and Principles of the Act

Overall, the Committee is satisfied that the proposal is consistent with Part 2 of the Act and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

There are significant geotechnical risks associated with this subdivision. The expert advice provided to the Council has concluded that the risks can be effectively dealt with such that geotechnical instability is not expected to be a problem. However, this requires that a significant number of conditions are put in place to require thorough supervision and certification by a Chartered Professional Engineer practising in geotechnical engineering. Based on evidence from Mr Johnston, it is the Committee's intention that all of the geotechnical supervision, assessment and certification be done by one professional so as to avoid gaps appearing between the responsibilities of multiple geotechnical professionals.

Condition 21.1 provides the Council with an opportunity to review any work done by the Engineer who is overseeing the works. This is an important condition as it allows double checking of the work where appropriate or where concerns exist. There is a large amount of responsibility being placed on the Engineer and it is appropriate that a peer review process be available.

A full stormwater reticulation system is required for this subdivision by Conditions 14.1 to 14.3. Low impact design options should not be considered as the dewatering of the substrate of the site is an important part of increasing its stability. On the site visit undertaken by the Committee concerns were raised about the level of stormwater control on the property where the north western corner of the subject property directly adjoins Park Drive. However, the Committee was satisfied that the stormwater management in the area will need some attention and that this will be done at the Engineering Plan stage between the Council's engineers and the consent holder.

Traffic calming measures have been required on the existing part of Park Drive to reduce the speed of vehicles coming down the hill off this subdivision.

Highland Drive is required to be extended to the boundary of the Heslop land to the east. This is necessary to provide further connectivity. The Committee also considers that it is important that public access be provided to the Heslop land. With the road being extended to the boundary this public access will be provided for.

12. LAPSING OF CONSENT(S)

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then.

A period of 10 years was requested by the applicant. This was accepted by the Committee.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM080103), each stage of the subdivision is given effect to when a Survey Plan is submitted to the Council for each stage of the subdivision under Section 223 of the Act. Once the Survey Plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Land Use Consent, (RM080182 – erect dwellings) will lapse five years after the issue of each of the certificates of title for the respective residential allotments. This is a pragmatic approach to ensure that delays with the subdivision do not compromise the effective 'life' of the land use consent for the dwellings to be erected on the titles created by the subdivision.

13. EXPIRY OF CONSENT(S)

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided and also provided that the use is not discontinued for a continuous period of more than 12 months.

The discharge permit (RM080191 – discharge stormwater) expires in 35 years that is the maximum provided in the Act for such consents and is considered appropriate as the activity is unlikely to change significantly once the development has been completed.

The land use consent for earthworks (RM080193) expires in 13 years that is the maximum time by which the requirements of Section 224 of the Act must be satisfied.

Consents that have a set duration have the relevant date of expiry recorded on each consent.

Issued this 20th day of January 2009

Cr N Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080103

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

St Leger Group Limited
(hereinafter referred to as "the consent holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide a 12.20 hectare title to create 29 rural residential lots, a road and walkway reserve to vest (Lot 13), Lot 32 containing 1.1362 hectares, and Lot 33 containing 1.8552 hectares.

LOCATION DETAILS:

Address of property:	Highland Drive, Richmond
Legal description:	Lot 1 DP 395563
Certificate of title:	382080
Valuation number:	1961035400
Easting and Northing:	2527565E 5984519N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

Subdivision Plan

1.1 The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan entitled *Proposed Subdivision for St Leger Group Ltd, Highland Drive, Richmond* Job No. 7081(9), dated February 2008, prepared by Verrall and Partners Limited, and attached to this consent as Plan A. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

1.2 Notwithstanding Condition 1.1, the survey plan submitted for the purposes of Section 223 of the Act shall be amended as follows:

a) The walkway reserve shall be a minimum of 7.0 metres in width and splayed to connect to the full width of Lot 3 DP375320;
b) The road reserve shall be extended to the boundary shared with Lot 1 DP 6202; and
c) The minimum width of the road shall be 16.8 metres.

1.3 The servicing of the subdivision shall be in general accordance with the plan entitled *Indicative Mains for St Leger Group Ltd Subdivision Highland Drive, Richmond* Job No. 7081(9b), dated September 2008, prepared by Verrall & Partners Ltd, and attached to this consent as Plan B, unless inconsistent with the conditions of this consent in which case the conditions shall prevail.

Lapsing of Consent:

2.1 This consent shall lapse in 10 years from the date of issue, unless the requirements of either Section 125(a) or (b) of the Act are satisfied.

Amalgamation Condition

3.1 Lots 32 and 33 shall be amalgamated and one certificate of title issued.

Staging of Subdivision

4.1 The subdivision shall be staged in five stages as follows:

Stage 1: comprising Lots 1 to 6 and Lots 32 and 33. Prior to a completion certificate for this stage being issued pursuant to Section 224(c) of the Act all conditions of this consent must be complied with.

Stage 2: comprising Lots 7 to 12 including the Walkway Reserve shown on Plan A dated February 2008 (attached). Prior to a completion certificate being issued pursuant to Section 224(c) of the Act all conditions of this consent must be complied with.

Stage 3: comprising Lots 14 to 18. Prior to a completion certificate for this stage being issued pursuant to Section 224(c) of the Act all conditions of this consent must be complied with.

Stage 4: comprising Lots 19 to 25. Prior to a completion certificate for this stage being issued pursuant to Section 224(c) of the Act all conditions of this consent must be complied with.

Stage 5: comprising Lots 26 to 31. Prior to a completion certificate for this stage being issued pursuant to Section 224(c) of the Act all conditions of this consent must be complied with.

The formation of the road to vest and or rights of way and including the installation of all services required by the Conditions of this consent shall extend along the full frontage of all lots contained within each stage.

Vesting of Ownership

5.1 The survey plan that is submitted for the purposes of Section 223 of the Act shall show:

a) Lot 13 as vesting in the Council as road (except the unformed section which shall vest as road reserve); and
b) The walkway to be vested in the Council as walkway reserve.

Easements

6.1 Easements are to be created over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the Section 223 certificate and shown in a memorandum of easements on the survey plan required by Section 223 of the Act.

Advice Note:
Any services located within the Council's road reserve will require a License to Occupy to be obtained. In addition, any services located on land administered by the New Zealand Transport Agency may require additional permissions.

Landscape Plantings

7.1 Prior to any application for certification of a stage pursuant to Section 224(c) of the Act written confirmation shall be provided to the Council's Environment & Planning Manager from a qualified Landscape Architect that the landscaping has been established for that stage in accordance with the plans entitled *Masterplan – The Highlands, Richmond*, dated 29 February 2008 drawn by Meadow Landscape Architecture (attached to this consent as Plan C) and *Planting Scheme Plan – The Highlands, Richmond* dated 29 February 2008 drawn by Meadow Landscape Architecture (attached to this consent as Plan D)

7.2 Any plantings on the road to vest (Lot 13) shall be approved by the Council's Engineering Manager.

Roading

8.1 The road(s) to be vested in the Council shall be formed to the minimum specifications set out in the Appendix 6.2 of the Council's Engineering Standards and Policies 2008, or as otherwise approved by the Council's Engineering Manager. With reference to Appendix 6.2, the roads shall be classified as:

Road	Road Type (see Appendix 6.2 of Engineering Standards and Policies)
Lot 13	Type 4

The construction of the roads in accordance with their respective Road Type classifications stated above shall include (but not be limited to) the following:

a) kerb and channel or swales;
b) footpaths and berms;
c) batters, suitably planted or hydroseeded;
d) vehicle crossings;
e) stormwater drainage and control;
f) vegetation planting and stock control for mitigation of stormwater run-off and erosion;
g) planting and landscaping;
h) pram crossings;
i) street lighting; and
j) street name signs, road marking, delineation and traffic signs.

8.2 Notwithstanding Condition 8.1, if written confirmation from the same Chartered Professional Engineer practising in geotechnical engineering that is overseeing the earthworks pursuant to Conditions 19.4 and 19.5 is provided to the Council's Engineering Manager stating that, taking into account the underlying ground conditions of the site, that it is not appropriate to construct the road at a lower gradient, the road may vary from specifications set out in Appendix 6.2 of the Council's Engineering Standards and Policies 2008 as follows:

The maximum road gradient may be exceeded in accordance with *Road Long Section Highland Drive, Richmond*, dated October 2008, Job number 7081-1a drawn by Verrall & Partners Limited and attached to this consent as Plan E. For the avoidance of doubt, Plan E authorises a road gradient of up to 1 in 6. The locations and lengths of those gradients greater than 1 in 7 shall be as shown in the plan referred to above.

8.3 Notwithstanding Condition 8.1, the width of the formed carriageway may be a minimum of 7 metres in width. The lane widths and road parking requirements may be amended to allow for this reduced road width.

8.4 Stormwater from the road shall be directed to a stormwater reticulation system as approved by the Council's Engineering Manager.

8.5 The consent holder shall install traffic calming measures on the existing section of Highland Drive to reduce the speed of traffic heading toward the Park Drive roundabout. The location and design of the traffic calming measures shall be in accordance with the Council's Engineering Standards and Policies 2008 or as otherwise approved by the Council's Engineering Manager.

Right(s)-of-Way

9.1 The right(s)-of-way shall be formed to the minimum specifications set out in the Appendix 6.2 of the Council's Engineering Standards and Policies 2008, or as approved by the Council's Engineering Manager. With reference to Appendix 6.2, the right(s)-of-way shall be classified as:

Right-of-way	**Road Type (see Appendix 6.2 of Engineering Standards and Policies)**
Right-of-way 1 (585 m^2)	Type 17
Right-of-way 2 (1112 m^2)	Type 16

The construction of the right(s)-of-way in accordance with their respective Road Type classifications stated above shall include (but not be limited to) the following:

a) kerb and channel or swales;
b) footpaths and berms;
c) batters, suitably planted or hydroseeded;
d) vehicle crossings;
e) stormwater drainage and control;
f) vegetation planting and stock control for mitigation of stormwater run-off and erosion;
g) planting and landscaping;
h) pram crossings;
i) street lighting; and
j) street name signs, road marking, delineation and traffic signs.

Advice Note:
The Council's Engineering Standards and Policies 2008 allow some flexibility in the type of kerb and channel installed along rights-of-ways. There is nothing in this condition that prevents the use of mountable kerb along rights-of-ways.

9.2 Stormwater from the right-of-way 1 shall be directed to a stormwater reticulation system as approved by the Council's Engineering Manager. Stormwater from right-of-way 2 shall be directed to a discharge point that is authorised by discharge permit RM080191.

9.3 The right(s)-of-way shall be formed so that they extend to, and smoothly adjoin, the road carriageway.

Street Lighting

10.1 The consent holder shall provide low level street lighting to the satisfaction of the Council's Engineering Manager.

Advice Note
Low level lighting is required to retain the night-time amenity of the area and Richmond as a whole.

Access to Lots

11.1 The vehicle access crossings for each of the lots that gain access directly from the road shall be designed and constructed in accordance with either Diagram 615 (where the footpath is remote from the kerb) or Diagram 616 (where there is no footpath or it is not remote from the kerb), and each crossing shall:

i) be a formed, 3.5 metre wide, surface between the edge of the seal of the carriageway of the new road to at least 6 metres from the edge of the carriageway;

ii) be sealed with concrete; and

iii) for the first 6 metres in from the vehicle access carriageway formation have a maximum grade of not more than 1 in 9.

11.2 "As built" plans of all new access crossings shall be provided to the Council's Engineering Manager prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Street Name(s) and Numbers

12.1 Prior to lodging the Section 223 survey plan, the consent holder shall, for each road in the subdivision, submit at least three names along with the reasons for each name to the Council's Environment & Planning Manager. The Environment & Planning Manager will advise of the selected street name(s) and the name(s) shall be shown on the Section 223 survey plan.

Advice Note
The consent holder should lodge a road/street numbering application at the time the survey plan is lodged pursuant to Section 223 of the Act.

Electricity and Telephone

13.1 Full servicing for underground power and telephone cables shall be provided to the boundaries of the rural-residential lots. The consent holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

13.2 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.

Stormwater

14.1 A full stormwater reticulation system shall be installed complete with all necessary manholes, sumps, inlets and a connection to Lots 1 to 12 and Lots 19 to 31 (excluding a section of Lot 21 that is formed as a right-of-way and from which stormwater may be discharged in accordance with discharge permit RM080191). This may include work outside the subdivision.

Advice Note:
The design and construction of the stormwater discharge system for Lots 14 to 18 and 21 shall be in accordance with the conditions of the associated stormwater discharge permit, RM080191.

14.2 The site shall be contoured as necessary to ensure that:

a) No fill shall be placed that interferes with the natural run-off from neighbouring land. Where filling of the site obstructs the natural run-off from an adjoining property then provision shall be made for the drainage of that property.

b) Surface stormwater shall not be diverted or discharged onto any adjacent residential property.

14.3 Stormwater secondary flow paths (both public and private) shall be protected by suitable easements where required and constructed to comply with the Council's Engineering Standards and Policies 2008.

Sewer

15.1 Full sewer reticulation shall be installed complete with any necessary manholes and a connection to each lot. Lot laterals shall terminate at the building site and be capped off to prevent infiltration. All reticulation shall be installed in accordance with the Council's operative Engineering Standards and Policies.

Advice Note
The Council will not accept any new wastewater pump stations to vest with the Council.

15.2 For Lots 14 to 18 a privately owned rising main shall be laid through the right-of-way. The rising main shall discharge to a manhole at the start of, but within the right-of-way adjacent to Highland Drive. A gravity pipe shall drain this manhole to the nearest sanitary sewer manhole in Highland Drive. Council ownership shall commence at the boundary between the right-of-way and Highland Drive.

Maintenance Performance Bond

16.1 The consent holder shall provide the Council with a bond to cover maintenance of any roads or services that will vest in the Council. The amount of the bond shall be $1,100 per lot to a maximum of $25,000 or a figure agreed by the Engineering Manager and shall run for a period of four years from the date of issue of 224C certification for each stage of the subdivision.

Commencement of Works and Inspection

17.1 No works shall begin on-site until the Engineering Plans, required pursuant to Condition 18.1, have been approved.

17.2 The Council's Engineering Department shall be contacted at least five working days prior to the commencement of any engineering works. In addition, five working days' notice shall be given to the Council's Engineering Department when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

Advice Note
Prior to the commencement of work the consent holder and its representatives may be invited to meeting with Council staff to discuss the work to be undertaken including (but not limited to) roles and responsibilities, timing of the works and reporting.

Engineering Works and Plans

18.1 Engineering Plans detailing all works and services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works on the subdivision. All Plans shall be in accordance with either the Council's Engineering Standards and Policies 2008 or else to the satisfaction of the Council's Engineering Manager. The Plans shall include (but not necessarily be limited to):

a) all roading and associated works;
b) all reticulation of services such as water, wastewater and stormwater;
c) all geotechnical and land stability improvement works;
d) all secondary flowpaths; and
e) any other relevant engineering matter.

Advice Note
In particular there are considerable improvements in stormwater management that will require upgrades and engineering designs to the satisfaction of the Council's Engineering Manager.

18.2 All works shall be done in accordance with the approved Engineering Plans.

Engineering Certification

19.1 At the completion of works, for each stage, a suitably experienced Chartered Professional Engineer or Registered Professional Surveyor shall provide the Council's Engineering Manager with written certification that all works have been constructed in accordance with the approved Engineering Plans, drawings and specifications (including any Council approved amendments) and the conditions of this consent.

19.2 Where the two strands of the Waimea Fault have been identified, building sites shall be set back a minimum of 10 metres from the projected plane of future fault movement.

19.3 If any mitigation works such as, but not limited to, drainage and construction of bund walls, require ongoing monitoring and/or maintenance above that normally undertaken by the Council for its roading network and drainage systems then this shall be the responsibility of the owners of the respective lots that benefit from the mitigation works. A consent notice informing future owners of these responsibilities shall be entered on the titles of the relevant lots prior to certification of the stage pursuant to Section 224 of the Act.

19.4 Certification from a chartered professional engineer practising in geotechnical engineering and/or an experienced engineering geologist that all building platforms and nominated building sites on all residential lots (Lots 1 to 12 and Lots 14 to 31) are suitable for the erection of residential buildings shall be submitted to the Council's Engineering Manager. The certificate shall define on each residential lot the area suitable for the erection of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering. The certification shall also list any development conditions pertaining to the lot and the site. Any development conditions or limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Act prior to the issue of the Section 224(c) certificate.

Advice Note
Any limitations identified in Schedule 2A may, at the discretion of the Council, be the subject of a consent notice pursuant to Section 221 of the Act prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the consent holder's solicitor at the consent holder's expense and shall be complied with by the consent holder and subsequent owners on an ongoing basis.

19.5 The building sites certifier specified in Condition 19.4 shall be responsible for the design, implementation and supervision of all mitigation measures undertaken as part of the building site certification and also for the subdivision as a whole, including construction of the access road and rights-of-way.

19.6 Any of Lots 1 to 12 and Lots 14 to 31 that a certified building site has not been defined shall prior to any application for s224(c) Certification be amalgamated with an adjacent lot.

19.7 Where fill material is, as part of developing this subdivision, placed on any part of the subdivision, the same professional as that who certified the building sites under Condition 19.4 shall provide certification that:

a) the filling does not have an adverse impact on slope stability; and

b) the filling to form or support roads, rights-of-way, building sites, or accesses to building sites, has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification shall, as a minimum, be in accordance with Appendix A of that standard.

The certification shall be provided to the Council's Engineering Manager.

19.8 Prior to any application for certification of a stage pursuant to Section 224(c) of the Act the consent holder shall forward to the Council's Environment & Planning Manager as-built plans of the earthworks for the subdivision. The plans shall be certified by the same professional referred to in Condition 19.4 above, that:

a) the earthworks have been satisfactorily completed;

b) the earthworks have been appropriate for the prevailing ground conditions; and

c) there is a low risk of damage or disruption from slope instability to the access road, rights-of-way, stormwater, wastewater, water supply reticulation works and other services installed as part of the subdivision.

19.9 "As built" plans of all engineering works (all services, lighting, roading earthworks etc.) shall be provided to and approved by the Council's Engineering Manager prior to the lodgement of a Section 223 Survey Plan so that easement areas can be accurately determined.

Earthworks

20.1 Wherever a "Chartered Professional Engineer practising in geotechnical engineering" is referred to in Conditions 20.2 to 20.7 below, this shall be the same engineer as is used for the certification of building sites and overseeing the earthworks pursuant to Conditions 19.4 and 19.5.

20.2 The earthworks to form the subdivision, including the access road, rights-of-way and all mitigation measures implemented as part of the subdivision shall be designed and constructed under the supervision of the Chartered Professional Engineer practising in geotechnical engineering.

Advice Note:
The above does not preclude work, such as kerbing, sealing, installation of services, and other finishing touches being supervised by a chartered professional engineer practising in civil engineering provided the work has been specifically assessed by the Chartered Professional Engineer practising in geotechnical engineering.

20.3 No earthworks authorised by resource consent RM080193 shall commence unless specifically approved by the Chartered Professional Engineer practising in geotechnical engineering.

20.4 Any cut and fill faces within the lots constructed as part of the subdivision shall be retained unless, in the professional opinion of the Chartered Professional Engineer practising in geotechnical engineering who is supervising the works, this is not necessary to ensure the stability of the faces and slopes generally.

20.5 Any cut and fill faces within or bounding the access road and the rights-of-way shall be retained unless considered unnecessary by the Council after consultation with the Chartered Professional Engineer practising in geotechnical engineering who is supervising the works.

20.6 Retaining walls shall be designed and constructed under the supervision of the Chartered Professional Engineer practising in geotechnical engineering who is supervising the works.

20.7 The earthworks shall be appropriately staged. The contractor's earthworks program shall be reviewed and approved in advance in writing by the Chartered Professional Engineer practising in geotechnical engineering who is supervising the works.

Geotechnical Review

21.1 Prior to any construction works commencing the developer shall appoint a chartered professional engineer practicing in geotechnical engineering and/or an experienced engineering geologist, and recognised as such by the Council's Environment & Planning Manager, to submit a programme of investigation, monitoring and reporting and certifications, including the certifications required by Conditions 19.1, 19.4, 19.7 and 19.8, that addresses the geotechnical risks and mitigation measures proposed for the development. The geotechnical consultant shall outline the level of peer review proposed (such peer review may be covered by an ISO accredited company's internal systems).

If at any time the Council considers that the level of peer review is lower than that approved they may request additional information and/or review by the consultant, and if the consultant is unable to provide this to the satisfaction of the Council, the Council may appoint an independent peer reviewer. Any recommendations arising from the peer review shall be implemented by the consent holder unless the geotechnical consultant acting for the consent holder provides documentation acceptable to the Council that this is not necessary or provides an alternative satisfactory to the Council.

Consent Notices

22.1 The following consent notice shall be registered on the certificate of title for Lot 2, Lots 9 to 11 and Lots 22 to 27 pursuant to Section 221 of the Act. The consent notice shall be prepared by the consent holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notice shall be paid by the consent holder.

a) The construction of buildings on Lot 2, Lots 9 – 11 and Lots 22 - 27 shall be a minimum of 5.0 metres from the road reserve boundary, except that this does not apply to any buildings solely associated with utilities within the subdivision.

22.2 The following consent notice shall be registered on the certificate of title for the appropriate lots pursuant to Section 221 of the Act. The consent notice shall be prepared by the consent holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notice shall be paid by the consent holder.

a) Any recommended conditions resulting from the engineering certification required under Condition 19.4 of this consent.

22.3 The following consent notice shall be registered on the certificate of title for Lots 14 to 18 pursuant to Section 221 of the Act. The consent notice shall be prepared by the consent holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notice shall be paid by the consent holder.

a) A private pumped wastewater system that discharges to the Council's gravity drained wastewater system in Highland Drive is required to be installed, repaired, replaced and maintained by the owners, entirely at their cost. The system shall:

i) Involve the installation of a recognised proprietary pressure pump system such as the Mono, E-one, Barnes or equivalent; and

ii) be a progressive cavity pump capable of delivering between 0.4 – 1 litre per second flow at 6om pressure head; and

iii) provide a minimum of 600 litres of emergency storage.

Approval of the system will be required as part of the Building Consent obtained for the construction of a dwelling. It is the lot owner's responsibility to installation and maintain the pump system.

22.4 The following consent notice shall be registered on the certificate of title for Lots 14 to 18 and Lot 21 pursuant to Section 221 of the Act. The consent notice shall be prepared by the consent holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notice shall be paid by the consent holder.

a) The management of stormwater shall be carried out in accordance with the conditions of the discharge permit referenced as RM080191. Lot owners are required to maintain the stormwater drainage system across their respective lots and also maintain the stormwater system within the right-of-way. This will include the maintenance of the sumps within the right-of-way. Each property will be responsible for the maintenance and upkeep of the stormwater system and keeping all parts of the system in good operational order. Each property will pay an equal share of the costs of this maintenance.

22.5 The following consent notice shall be registered on the certificate of title for Lot 16 pursuant to Section 221 of the Act. The consent notice shall be prepared by the consent holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notice shall be paid by the consent holder.

a) At such time as the lot is transferred to a new owner the discharge permit RM080191 that authorises the discharge of stormwater to land on this lot shall also be transferred to the new owner. The lot owner shall be responsible for meeting the conditions of that consent, unless it can be shown that any non-compliance with the conditions of that consent are caused by the owner of any one or more of the owners of the other lots who contribute to the private stormwater reticulation and discharge system.

Financial Contributions (based on 30 new sites)

23.1 The consent holder shall pay a financial contribution for reserves and community services in accordance with following:

a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of the total size of each allotment or, where allotments are greater than 2,500 square metres in area, of a notional 2,500 square metre building site, less the value of the walkway to vest. Contributions may be paid at each stage of the subdivision, with one credit being available at stage one.

b) The consent holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.

c) If payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with b) above, with the exception that the cost of the new valuation shall be paid by the consent holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Notes:
A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the consent holder.

The Council will not issue a completion certificate for each stage pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with the Council's Development Contributions Policy under 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 that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on thirty (30) lots in respect of roading, water, wastewater and stormwater.

ADVICE NOTES

1. The applicant shall meet the requirements of the Council with respect to all Building Bylaws, Regulations and Acts.

2. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

3. This resource consent only authorises the reduced setback of buildings from the road boundary described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

4. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions that are required to be complied with on an ongoing basis.

5. The consent holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

   The Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with the Council's Development Contributions Policy under the Local Government Act 2002.

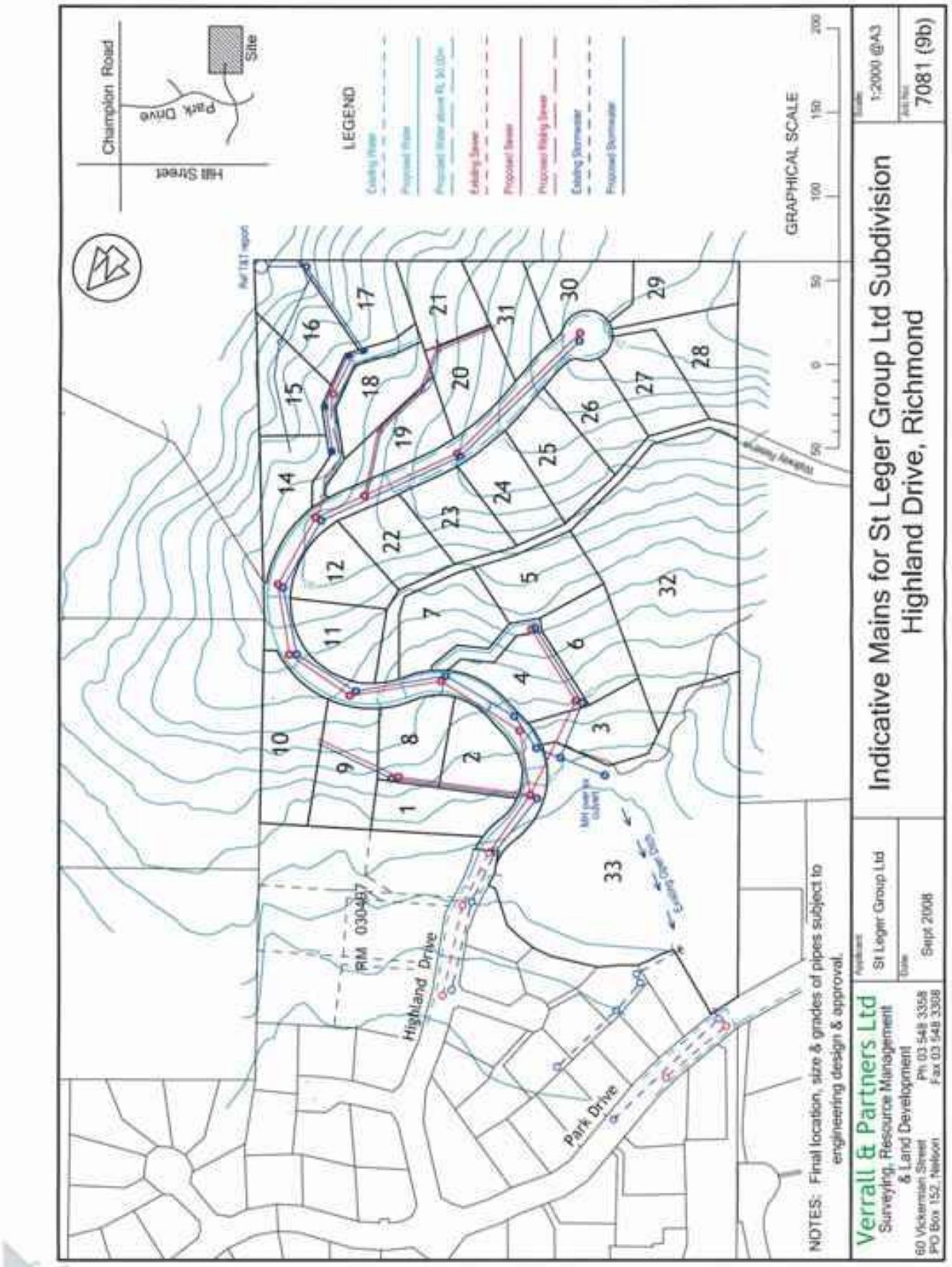
6. The Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic 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.

Issued this 20th day of January 2009

Cr N Riley
Chair of Hearings Committee

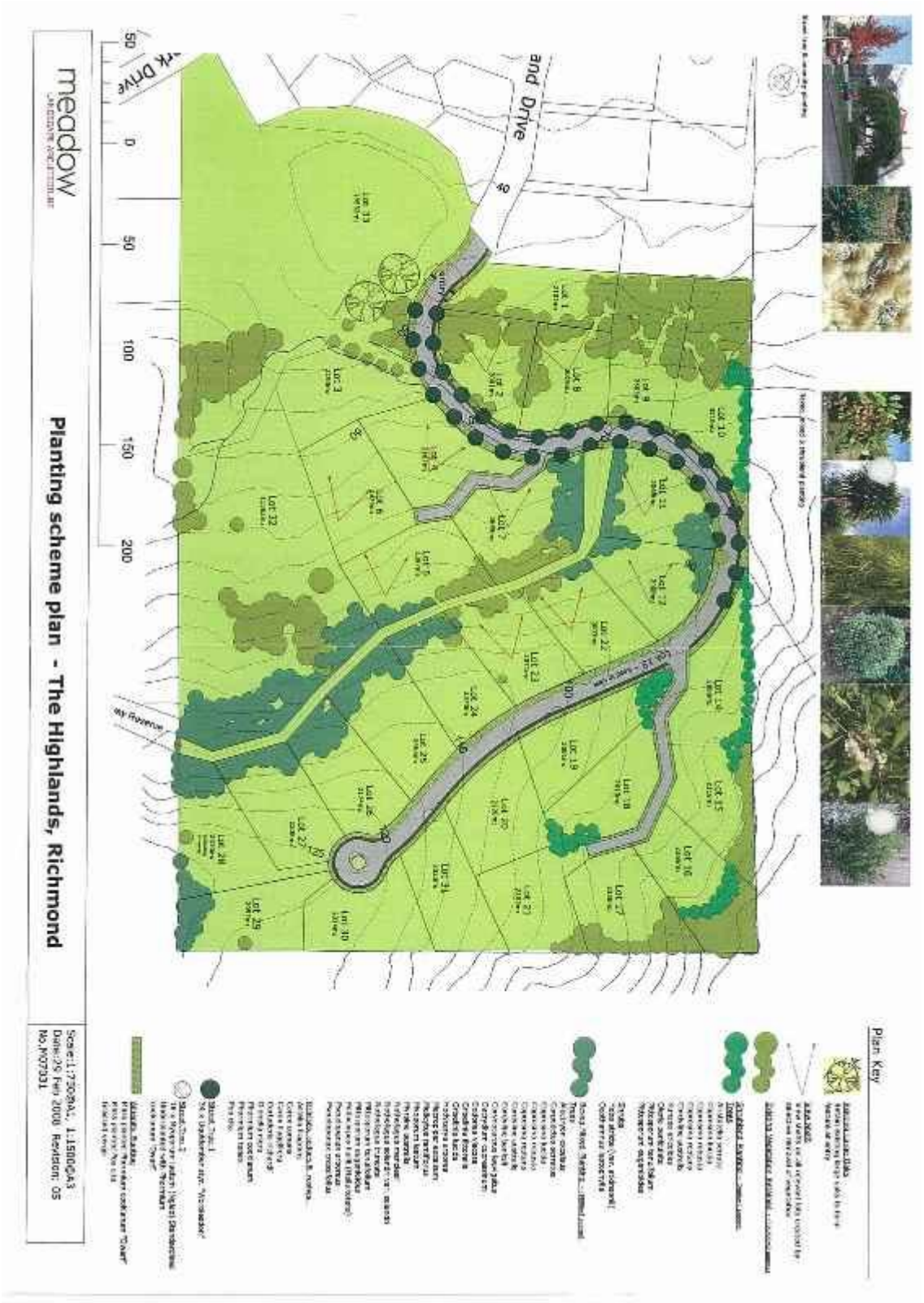
Plan A – RM080103
Subdivision Scheme Plan

Plan B – RM080103
Indicative Servicing Mains

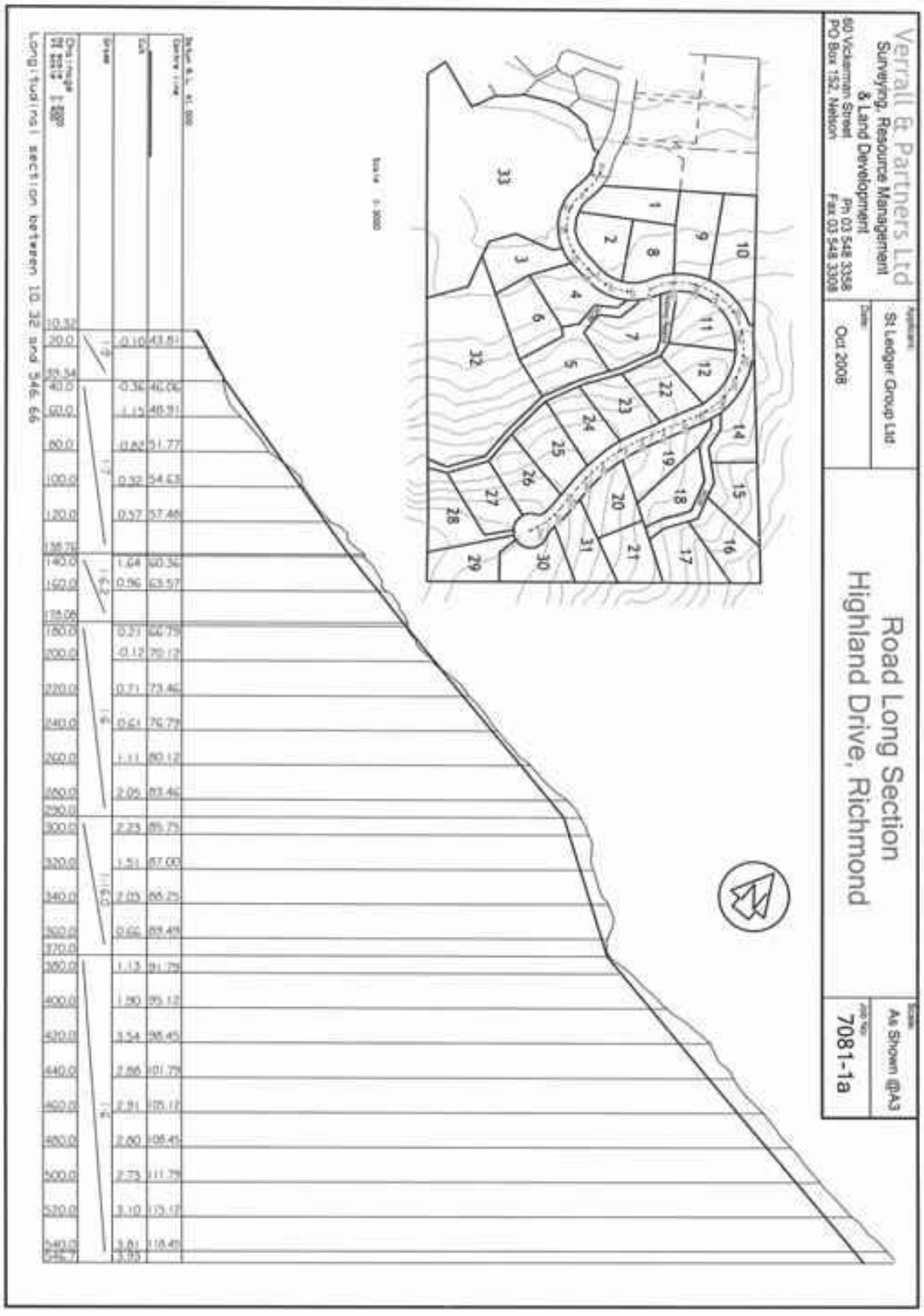


Plan C – RM080103
Landscape "Masterplan"

Plan D – RM080103
Planting Scheme Plan



Plan E – RM080103
Road Gradients 1:6



RESOURCE CONSENT NUMBER: RM080182

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

St Leger Group Limited
(hereinafter referred to as "the consent holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct buildings with setbacks of 5.0 metres from the road (Lot 13) on Lots 2, 9 to 11, and 22 to 27 of the subdivision authorised by RM080103.

LOCATION DETAILS:

Address of property:	Highland Drive, Richmond
Legal description:	Lot 1 DP 395563
Certificate of title:	382080
Valuation number:	1961035400
Easting and Northing:	2527565E 5984519N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

1. The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotments.

2. This consent will lapse five years after the issue of the certificate of title for the respective allotments, unless the requirements of either Section 125(a) or (b) of the Act are satisfied.

3. Where the two strands of the Waimea Fault have been identified, building sites shall be set back a minimum of 10 metres from the projected plane of future fault movement.

4. The construction of buildings shall be a minimum of 5.0 metres from the road reserve boundary, except that this condition does not apply to any buildings solely associated with utilities within the subdivision.

ADVICE NOTES

1. The applicant shall meet the requirements of the Council with respect to all Building Bylaws, Regulations and Acts.

2. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore

familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

3. This resource consent only authorises the reduced setback of buildings from the road boundary described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

4. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions that are required to be complied with on an ongoing basis.

5. The consent holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

   The Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with the Council's Development Contributions Policy under the Local Government Act 2002.

6. The 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.

Issued this 20th day of January 2009

Cr N Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080191

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

St Leger Group Limited
(hereinafter referred to as "the consent holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge stormwater collected from Lots 14 to 18 and Lot 21 to land.

LOCATION DETAILS:

Address of property:	Highland Drive, Richmond
Legal description:	Lot 1 DP 395563
Certificate of title:	382080
Valuation number:	1961035400
Easting and Northing:	2527565E 5984519N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

1. The discharge of stormwater shall be carried out in accordance with the details contained in the report prepared by Verrell & Partners Limited dated 28 February 2008 submitted with resource consent application and further information prepared by Tonkin and Taylor dated 25 September, 13 and 21 November 2008, and with the design provided by Tonkin & Taylor, job number 870037.004-SK1 dated December 2008 and attached to this consent as Plan A. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.

Stormwater Discharge

2. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain.

3. The stormwater discharge across the boundary between Lot 16 of the subdivision authorised by resource consent RM080103 and Lot 1 DP 6202 shall not exceed the predevelopment peak discharge or the predevelopment volume.

4. The stormwater may be discharged into land or onto land where it may enter water.

5. The discharge or diversion shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.

6. Bare ground shall be revegetated as soon as practical to minimise the generation of sediment.

Maintenance

7. All systems associated with the discharge (such as the interceptors, connecting drains, swales, water tables, tanks and soak pits) shall be maintained in effective, operational order at all times.

8. All systems shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.

   Advice note:
   A consent notice has been placed on all the properties that contribute stormwater to the stormwater discharge on lot 16. Lots 14 to 18 and lot 21 all contribute stormwater either via the right-of-way or discharges off their site. These properties will be responsible for the maintenance and upkeep of the stormwater system and keeping all parts of the system in good operational order. Each property will pay an equal share of the costs of this maintenance.

Detailed Design

9. Prior to undertaking any activities authorised by these consents, the consent holder shall prepare a Stormwater Design and Management Plan (See Condition 12). This plan shall be submitted to the Council's Engineering Manager for approval before works commence.

10. The Stormwater Design and Management Plan shall ensure compliance with the conditions of this consent. Any amendments to the Plan shall be supplied to the Council's Engineering Manager.

11. This consent shall be exercised in accordance with the most recent version of the Stormwater Design and Management Plan.

Stormwater Design and Management Plan

12. The Stormwater Design and Management Plan required by Condition 9 shall set out the practices and procedures to be adopted in order that compliance with Conditions 1 to 8 can be achieved and the effects of the activity are minimised as far as practicable. The Plan shall as a minimum include the following:

    a) Design plans for the components of the stormwater system;

    b) Design calculations;

    c) A construction-phase sediment management plan that identifies how sediment will be controlled;

    d) A maintenance plan that describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection and sediment control measures of all the stormwater system.

Review of Consent Conditions

13. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents by serving notice during the month of April each year, and for any of the following purposes:

    a) to deal with any adverse effect on the environment that may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage;

    b) to require the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;

    c) to allow, in the event of concerns about the quality or quantity of stormwater discharged, the imposition of compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or

    d) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, National Environmental Standard, or Act of Parliament.

14. This consent shall expire 35 years from the date of issue.

ADVICE NOTE(S)

1. This consent is a discharge permit and is, therefore, not subject to Section 134 of the Act and does not "attach to the land". Therefore, when the ownership of the lot(s) that this consent pertains to changes, this water permit should also be transferred to the new owners as there are ongoing consent requirements that must be met.

2. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.

3. The consent holder's attention is drawn to permitted rule 36.2.4 that permits the discharge of sediment or debris to water. No consent to breach the conditions of this rule has been applied for and therefore the consent holder must meet the conditions of this consent during land disturbance activities or else a separate resource consent must be obtained. See Resource Consent RM080193 for more details.

4. The 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 Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

5. This resource consent only authorises the activities described above. Any matters or activities not referred to in these consents or covered by the conditions must either:

    1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);

    2. be allowed by the Resource Management Act; or

3. be authorised by a separate resource consent.

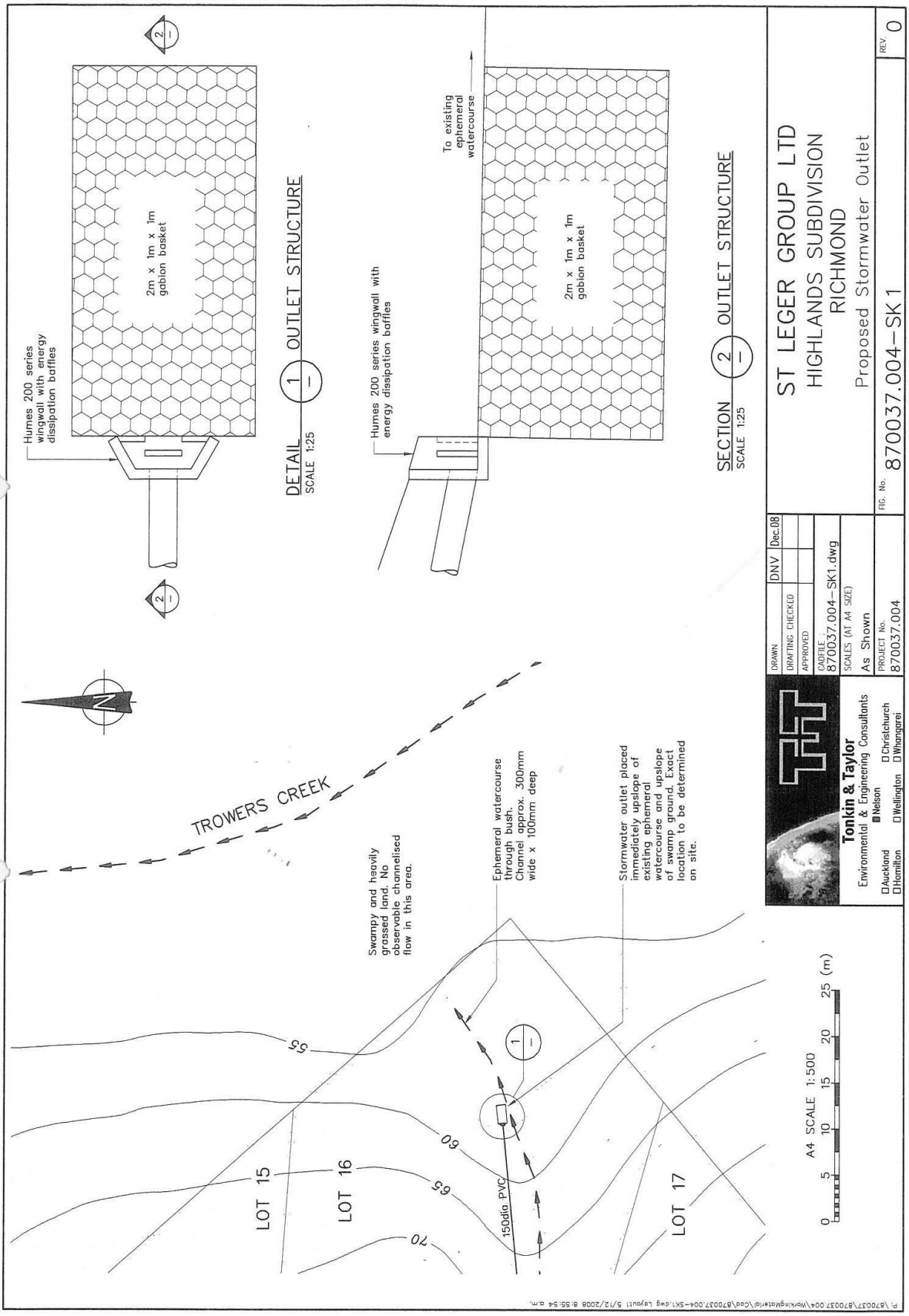
6. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.

7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 20th day of January 2009

Cr N Riley
Chair of Hearings Committee

Plan A – RM080191
Stormwater Outlet Design



RESOURCE CONSENT NUMBER: RM080193

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

St Leger Group Limited
(hereinafter referred to as "the consent holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To carry out earthworks associated with the formation of the road and construction of the subdivision authorised by RM080103.

LOCATION DETAILS:

Address of property:	Highland Drive, Richmond
Legal description:	Lot 1 DP 395563
Certificate of title:	382080
Valuation number:	1961035400
Easting and Northing:	2527565E 5984519N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

1. The consent holder shall comply with Conditions 20.1 to 20.7 of resource consent RM080103.

   Advice Note
   To avoid repetition, Conditions 20.1 to 20.7 that relate to the engineering aspects of the earthworks required to form the subdivision are not repeated in this consent but must nevertheless be complied with as though they are a part of this consent.

Erosion, Dust and Sediment Control

2. Prior to earthworks commencing on site the consent holder shall forward to the Council for review and certification an Erosion Management Plan for the control of soil erosion during earthworks for the subdivision. The Plan shall show the limits of areas to be disturbed and the measures to avoid, remedy or mitigate the effects of erosion and sedimentation to the satisfaction of the Council. The Plan shall include, but not necessarily be limited to, the following:

   a) Measures to minimise sources of sedimentation from areas disturbed by earthworks activities to achieve compliance with Conditions 5 and 7. Such measures may include re-vegetation, cut off drains, bunds, barriers and fences located on the lower side of soil disturbance;

   b) Measures to ensure that areas disturbed by earthworks activities are promptly stabilised from localised erosion using methods such as, but not limited to, re-vegetation and landscaping;

c) Measures to minimise sources of dust from areas disturbed by earthworks activities to achieve compliance with Conditions 3 and 4. Such measures may include re-vegetation and the use of water carts to damp down the soil;

d) Reporting and auditing; and

e) Complaints handling and reporting procedures.

3. The earthworks shall not create an offensive or objectionable discharge of dust beyond the boundary of the site unless a resource consent authorising such a discharge is obtained.

4. The applicant is to use all effective measures to ensure that dust or sediment is not tracked or otherwise taken off the site. The methods of controlling this shall be addressed in the Plan required by Condition 2.

5. The consent holder shall take all practical measures to avoid the discharge of sediment with stormwater run-off to water or land where it may enter water during the construction period.

6. Any material stockpiled on site shall have an appropriately sized cut-off drain or bund on the uphill side to minimise the risk of erosion of the stockpile.

7. There shall be no discharge from the site that results in any of the following effects in any water body:

a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

b) Any conspicuous change in colour or visual clarity;

c) Any emission of objectionable odour;

d) The rendering of freshwater unsuitable of consumption by farm animals; and

e) Any significant adverse effects on aquatic life.

8. All exposed ground, excluding the roadway and right-of-way, shall be revegetated within six months of the excavation so that erosion/downhill movement of soil is avoided as much as is practical.

General Conditions

9. Earthworks shall only be undertaken between 7.00 am – 6.00 pm Monday – Friday and 8.00 am – 1.00 pm on Saturday. No work shall be undertaken on Sunday or any public holiday.

10 All erosion, sediment and drainage control measures and devices shall be regularly inspected, particularly after high rainfall events to ensure they are maintained in good working order.

Advice Note:
Maintenance works include the cleaning of sediment traps, regular checking of sediment fences etc.

11. The consent holder shall contact the Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.

12. The consent holder shall stop construction in heavy rain when the activity shows sedimentation that is more than minor in the view of the Council's Co-ordinator, Compliance Monitoring.

13. All machinery on the site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that there is no residual potential for contamination of land and surface water. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the consent holder shall immediately inform the Council's Co-ordinator Compliance Monitoring.

Review of Consent Conditions

14. The Council may, during the month of April 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:

    a) to deal with any adverse effect on the environment that 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

    b) 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

    c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or

    d) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Expiry

15. This resource consent expires on 31 January 2022.

ADVICE NOTES

1. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:

    a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);

    b) be allowed by the Resource Management Act; or

c) be authorised by a separate resource consent.

2. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

3. The consent holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.

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 this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.

6. The 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 Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 20th day of January 2009

Cr N Riley
Chair of Hearings Committee

Date Confirmed: **Chair:**