

MINUTES

TITLE: Environment and Planning Committee
DATE: Monday 23 August 2010
TIME: 10.05 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Crs N Riley (Chair), G A Glover, S J Borlase

IN ATTENDANCE: Consent Planner (I Holst-Stoffregen), Consent Planner - Natural Resources (M Mackiggan), Principal Resource Consents Adviser (J Butler), Administration Officer (J A Proctor)

1. P HELMS, TUKURUA ROAD, TUKURUA, GOLDEN BAY - APPLICATION RM100110, RM100112

The application seeks the following:

RM100110 – Land Use Consent

To construct a second dwelling on a rural residential site within 50 metres of mean high water springs, to construct a bunkhouse over the site of an existing garage, to erect a replacement shed, and to relocate the existing dwelling.

RM100112 – Discharge Permit

To discharge domestic wastewater in a wastewater management area via secondary treatment.

The application site is located at 98 Tukurua Road, Tukurua, being legally described as Lot 1 DP 8869.

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 Borlase / Glover
EP10-08-32

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

P Helms

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
P Helms	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Borlase / Glover
EP10-08-34**

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

CARRIED

**2. P HELMS, TUKURUA ROAD, TUKURUA, GOLDEN BAY - APPLICATION
RM100110, RM100112**

**Moved Crs Riley / Glover
EP10-08-33**

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to P Helms 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 23 August 2010
Site visit undertaken on 20 August 2010
Hearing closed on 23 August 2010**

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the application lodged by **Pamela Helms** ("the Applicant"), to construct a second dwelling and breach the setback from mean high water springs, and to discharge wastewater to land. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM100110 (land use) and RM100112 (discharge permit).

HEARING COMMITTEE: Cr Noel Riley, Chairperson
Cr Glenys Glover
Cr Stuart Borlase

APPLICANT: Mr Graham Allan (Counsel)
Ms Pamela Helms (Applicant – not present)
Mr Richard Walker (Wastewater Engineer)
Mr Tom Carter (Landscape Architect)
Ms Jane Hilson (Consultant Planner)

CONSENT AUTHORITY: **Tasman District Council**
Ms Ina Holst-Stoffregen (Consent Planner, Land)
Mr Mike Mackiggan (Consent Planner, Natural Resources)

SUBMITTERS: Mr Robert Perriam

IN ATTENDANCE: Mr Jeremy Butler (Principal Resource Consents Adviser) -
Assisting the Committee
Ms Julie Proctor (Committee Secretary)

1. SUMMARY

The Committee has **GRANTED** resource consents subject to conditions to construct a second dwelling and breach the setback from mean high water springs, and to discharge wastewater to land.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The application is for the following activities:

- relocation of an existing three bedroom dwelling to a new location on the site, 25 metres west of its current location, now achieving the 50 metre setback from mean high water springs;
- the construction of a 266 square metre single-storey second dwelling with four bedrooms plus studio, study and a two car internal garage sited over the general footprint of the existing dwelling and within the 50 metre setback from mean high water springs;
- a 56 square metre sleep-out with two verandas sited over an existing garage within the 50 metre setback from mean high water springs;
- a 50 square metre replacement shed for storage in the Coastal Environment Area;
- a discharge permit to discharge secondary treated wastewater to land.

The application site is located at 98 Tukurua Road, Tukurua, Golden Bay, being legally described as Lot 1 DP 8869, all land contained in the Certificate of Title NL4A/1274. The subject site is accessed via a right-of-way access road. The parent title of the right-of-way is part of the Tukurua Holiday Park and campground. The right-of-way access road serves approximately 14 properties.

The 4.23 hectare site is long and narrow with a 100 metre frontage to the Tukurua Beach and has access to the beach via a short track down the bank in front of the dwelling. The site occupies part of a coastal strip developed with a mixture of baches, holiday accommodation providers and permanent homes that is zoned Rural Residential. The property adjoins the Tukurua Holiday Park on the north-western side and adjoins a property owned by the Koed Family Trust on the south-eastern side.

The site is situated within a wider area of archaeological significance to local iwi. The site has been owned by the Brown family since the early 1980s. It was first home to the applicant's parents and subsequently to her sister Sally Brown. Since Mrs Brown

has moved to Nelson, the house is primarily used for family holidays during the summer months and for grazing horses. The existing dwelling is an older three bedroom residence that is situated within a rural garden setting and paddocks. The developed area is elevated approximately 6 metres above the beach. Accessory buildings include a barn/implement shed and an old garage. The site is surrounded by amenity plantings and screened to some extent from the beach by existing vegetation. A screen of eucalyptus and macrocarpa forms a dense hedge along the southern boundary.

3. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED

Zoning: Rural Residential

Areas: Coastal Environment Area (CEA), Land Disturbance Area 1 (LDA1), Special Domestic Wastewater Disposal Area (SDWDA)

With regard to the land use component of the application, the proposed activity does not comply with the following TRMP Rules:

Activity	Relevant Permitted Rule	Applicable Rule	Status
Relocating an existing dwelling;	18.11.2.1 (b) - new building in CEA; 18.11.3.1 (b) (iii); reducing the setback to MHWS	18.11.3.2	Restricted Discretionary
Second residence in a Rural Residential Zone within 50 metres of MHWS and exceeding the permitted height limit in the CEA;	17.8.3.1 (b) - more than one dwelling on site in the Rural Residential Zone; 18.11.2.1(b); 18.11.3.1 (b) (iii); 18.11.3.1 (f) (ii) - exceeding permitted height	17.8.3.2 (a) 18.11.3.2	Restricted Discretionary
Sleepout within 50 metres of MHWS and exceeding the maximum size permitted of 36m ² ;	17.8.3.1(d)- exceeds permitted size for sleepouts of 36m ²); 18.11.2.1 (c) (i) - increase floor area by more than 50%; 18.11.3.1 (b) (iii)	17.8.3.2 18.11.3.2	Restricted Discretionary
Construction of a shed within the CEA;	18.11.3.1 (b) 18.11.3.1 (b) (iii)	18.11.3.1	Controlled
Discharge of wastewater in a Special Domestic Wastewater Disposal Area;	36.1.5	36.1.14A	Discretionary

As the consents are linked and the land use consents cannot be given effect to without the discharge permit, the applications have been “bundled” and are all considered as discretionary activities.

4. NOTIFICATION AND SUBMISSIONS RECEIVED

Prior to notification written approvals were received from the Koed Family Trust at 62 Tukurua Road. Pursuant to Section 104(3)(a)(ii) of the Act we must not have any regard to any effect of the activity on this party.

The application(s) was limited notified on 22 June 2010 pursuant to Section 95 of the Act. One submission was received from Mr Robert (Bob) Perriam who is the immediate neighbour and owner of the Tukurua Holiday Park. The concerns set out in his submission are summarised as:

- Development is too close to the camping ground boundary;
- Concerns regarding the effluent disposal;
- Concerns regarding the stormwater run-off;
- Sees future improvements on the camping ground to be at risk;
- Extra height of new dwelling is not necessary and is visible from camping ground;
- Tree plantings to mitigate the effects of the development will be hampered by existing powerlines;
- Increased traffic volume on the Tukurua private road;

5. EVIDENCE HEARD

We 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 Graham Allan (Counsel)

Mr Allan explained the legal background the right-of-ways and how the subject property has developed through subdivision over time. He said that the right-of-way has been established ever since the Title for the camp was created. He said that maintenance costs appear to be a major problem for the submitter, but that there is a process for apportioning maintenance and costs where they cannot be agreed.

Mr Allan said that stormwater runoff will not be increased and may be decreased by the greater roof area. He said that, in essence, the application changes nothing on the site that will alter the stormwater situation.

Mr Allan said that the 3 metre setback of the wastewater discharge system will be plenty to avoid any effects on Mr Perriam.

Mr Allan also said that there will be a negligible effect on Mr Perriam from the over height roof of the new dwelling.

Mr Allan reminded us that expert evidence will be presented and that we must have very good reason not to accept such evidence.

Ms Pamela Helms (Applicant)

Ms Hilson read a statement from Ms Helms who is an architect and lives in the United States.

She said that she is nearing retirement and would like to return to New Zealand and be able to live at Tukurua.

Ms Helms explained that architecturally, structurally, and aesthetically it is necessary for the roof to be over-height. She said that they have moved the house back 8 metres from the beach to offset this increase in height.

Ms Helms said that there will not be any increase in traffic as a result of the new dwelling. Family members used to stay in caravans and tents and now they will stay in one of the dwellings.

Mr Richard Walker (Wastewater Engineer)

Mr Walker described the proposed wastewater system and emphasised the conservatism of the design. He said that the soils are poorly drained but that the best soils are in the location proposed for the discharge. He considered the separation distance from the boundary to be sufficient.

Mr Walker said that only a small portion of the applicant's land slopes towards the campground. He recommended that a stormwater cut-off drain be constructed to divert surface water away from the discharge field and avoid the potential for any stormwater to become contaminated and flow onto Mr Perriam's land.

Mr Tom Carter (Landscape Architect)

Mr Carter supported the development as appropriate.

He found that when viewed from the beach the proposed over-height roof would not create adverse effects either individually or cumulatively. He said that there will not be a significant loss of coastal amenity within the Tukurua area.

With regard to the sleep-out, he said that there will not be any effects that are not anticipated in the Rural Residential Zone.

Mr Carter had some recommendations about enhanced vegetation on the coastal scarp and for plantings on the property to screen any increase in building density when viewed from the campground.

Ms Jane Hilson (Consultant Planner)

Ms Hilson said that the new residence will only be visible from the beach directly in front. She said that it will be further back from the coast and partially screened by a prominent oak and by pohutukawas.

She said that the other breaches of the plan are very minor and will have no effect given the topography, lack of coastal erosion and screening by vegetation.

Ms Hilson reviewed the New Zealand Coastal Policy Statement (NZCPS) and the TRMP. She concluded that the proposal was consistent with both planning documents.

5.2 Submitter's Evidence

Mr Robert (Bob) Perriam

Mr Perriam stated that he was concerned that the run-off from additional hard surface areas would increase flooding in the campground.

Mr Perriam said that in times of heavy flood a pond forms in the campground that was known locally as "Lake Tukuruua"; B block was particularly at risk of flooding.

Mr Perriam reported a conversation with a local contractor, Mr Merv Solly, who had suggested that the cut-off drain above the proposed discharge area should be channelled around the back of the property and discharge to the gully on the south side of the applicant's property. Mr Perriam said that the existing proposed location was not acceptable.

Mr Perriam stated that the wastewater disposal field had shallow soils and he was concerned that these would become saturated and surface water would pour downhill towards his boundary. The fall of the swale was critical as it improved the flow; however, it was not ideal for the water to accumulate on Mr Perriam's boundary where it may overflow into his camp.

Mr Perriam advised that he had installed a sump and pipe just inside the boundary of his property to take away the water that goes down the drain.

Mr Perriam suggested that stormwater could be disposed of via the beach and out to sea.

Mr Perriam stated that he was concerned about the height of the proposed buildings. He continued that he had gone to great lengths to mitigate the impact from the new units installed at the campground. He was concerned about the view point from the water with regards to the proposed new building and high roof.

Mr Perriam questioned the need for something so visual in the coastal area and requested that the panel ensure that the development if approved was kept appropriate to the zoning.

Mr Perriam stated that it was difficult to visualise what the main building would look like, but he acknowledged that the roof-line of the existing implement shed was a little over six metres high.

Mr Perriam said that any planting close to the boundary was positive and that the suggestion to place a conservation order on the pohutukawa and oak tree did help.

Mr Perriam discussed the issue with the right-of-way road. He acknowledged that it was outside the realms of the application before the panel. Mr Perriam stated that he owned the road and paid for the last major maintenance to take place. He had been threatened by right-of-way users regarding its state and would welcome the opportunity to discuss the situation with the Council's engineering staff and Councillors. Mr Perriam could not comprehend why the Council approved resource consents that attracted further traffic to his road without being notified.

Mr Butler explained the process of deciding on notification vs non-notification and the process of deciding who was an affected party when new resource consent applications were received. He was unable to provide Mr Perriam with a guarantee that he would be notified on each occasion. But that as an underlying landowner to the road, there was a high likelihood that he would be considered should applications which may increase traffic volumes be received by the Council.

5.3 Applicant's Supplementary Evidence

Following discussions between the Mr Allan and Mr Walker for the applicant and Mr Perriam (see Section 6 below for comment on this procedural matter), Mr Allan volunteered a number of conditions to be imposed on the consents. He told us that these conditions had been agreed to by Mr Perriam. Mr Allan dictated the following to Ms Proctor to record:

"That the Resource Consent (Land Use) RM100110 and (Discharge Permit) RM100112 is amended by deleting [the recommended condition] and substituting a covenant for the protection of the pohutukawa and oak trees and enhanced planting in accordance with Sheet 5a annexed to the report of Tasman Carter Limited be entered on the title. A covenant under section 108 of Resource Management Act be entered into the title NL4A/1274. The covenant is to be registered by the Applicant's solicitor with all costs being met by the Applicant. Evidence that the covenant has been registered shall be forwarded to the Tasman District Council at the time of the application for building consent affecting the property."

Mr Allan volunteered that in the wastewater land application area blackwood, pin oak and English oak trees were to be excluded.

Mr Allan also volunteered the following conditions:

- *"all rainwater collected from roofs will be directed to rainwater storage tanks. The outflow from which shall be directed away from the adjoining property of Parks and Camps Ltd and directed to the sea or to the south. Run off from any new hard standing area shall also be directed away from Parks and Camps Ltd property."*
- *"A stormwater cut off drain shall be provided up slope of the effluent land application area and the drain will meet the north boundary approximately 150 m from the north eastern corner of the applicant's property. The design and construction shall be supervised by a chartered engineer. The outlet for this drain before it meets the boundary shall have rock protection at its outfall to prevent scouring. The drain and rock protection shall be maintained in perpetuity."*

- *“The clearance between the northern boundary of the applicant’s boundary and the effluent land application area shall be 5 metres.”*

Mr Allan then volunteered that the following Advice Note be included in the consent document:

- *“It is recorded that the applicant has acknowledged that insofar as assessment of contribution towards cost for maintaining the right-of-way is based on Household Units, the applicant will bear two of those units.”*

Mr Perriam stated that these conditions were a fair representation of what had been discussed during the adjournment. Mr Perriam stated that the area at the end of the swale where it met his property was still troubling; he feared that water would gush out at such pace as to flow over his camp access road and into the camping area. He requested that an agreement be drafted that if the situation deteriorated, that action be taken. Mr Butler stated that it could be a review condition matter which would enable further conditions to be imposed if it was triggered.

5.4 Council’s Reporting Officer’s Report and Evidence

Ms Ina Holst-Stoffregen (Consent Planner, Land)

Ms Holst-Stoffregen stated that the height of the proposed new dwelling had not been adequately debated and that it may be wise for us to give this issue further consideration as the building will be visible from the sea and beach.

Ms Holst-Stoffregen made no amendment to her recommendation but accepted the conditions volunteered by Mr Allen.

Mr Mike Mackiggan (Consent Planner, Natural Resources)

Mr Mackiggan clarified that the word “subdivision” was an error and should be removed from his report as no subdivision is proposed.

Mr Mackiggan said that recommended Condition 3 should read “The maximum loading rate at which the wastewater is applied to land shall not exceed 2.8 millimetres per day...”

Mr Mackiggan said that recommended Condition 17 which limits the consent to a term of 15 years is standard practice as this the approximate life of many package wastewater treatment systems. Thereafter, the treatment system should be reassessed.

He clarified that recommended Condition 10 did not restrict stock from grazing as long as it is not on the disposal field.

Mr Mackiggan advised that the volunteered conditions may necessitate an additional consent application under 36.4.4 for discharge to the sea depending on how they are done, but that this could be applied for subsequently.

Mr Mackiggan was not opposed to the increase in separation from 3 to 5 metres from Mr Perriam’s boundary.

5.5 Applicant's Right of Reply

Mr Allan stated that concerns relating to stormwater would be reduced by the applicant's proposal. Run off from hard stand areas would be captured and the creation of a swale would alleviate Mr Perriam's concerns. Mr Allan stated that the applicant had made concessions well beyond what was legally required.

Mr Allan spoke about the issue of the height of the building and advised that Ms Helms was an architect. The integrity of the design was crucial and flat roofs were of a modern design. Ms Helms sought a more historical design which required a steep pitched roof. The intention was to create a light and airy home with exposed rafters to create an illusion of space. Mr Allan stated that it was an insignificant breach and the roof would be no more prominent than the barn had been. The angle of the roof would be consistent with the side portions of the building. Mr Carter's evidence had shown that there would not be any impact on amenity values.

6. PROCEDURAL MATTERS

During the course of the hearing it became clear that there were issues and/or disagreements between the applicant and submitter which were potentially resolvable and that would benefit from a mediated discussion to get mutually acceptable outcomes.

The Chair consequently adjourned the hearing and directed that the two parties, with Mr Butler as mediator, hold discussions to attempt to get a resolution to some or all of the issues.

Agreement was reached and the applicant drafted some volunteered conditions which were presented to us (see Subsection 5.3 above). Mr Perriam agreed to these conditions, but still sought to be heard on a number of non resource management matters. The Chair agreed to hear Mr Perriam's concerns.

7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

a) **To what extent with the proposal worsen the stormwater problems experienced by Mr Perriam?**

From Mr Perriam's submission we understand that he has significant problems with stormwater and we sympathise with this. However, this is an existing situation and we agree with Mr Allan and Mr Mackiggan that a down-gradient landowner must accept drainage water from upslope.

To some extent we agree with the applicant that the effects of the proposal (as it stood prior to the volunteering of conditions by Mr Allan) are likely to be unchanged, however we did have concerns about the matters that Mr Perriam referred to such as the potential for more hardstand areas that may increase runoff. Therefore, with Mr Allan's conditions we have a greater level of confidence that the stormwater runoff will be the same or less than the existing pattern of runoff. Indeed, with all hardstand and roofed areas directed away

from Mr Perriam's property, and the planting of trees along the boundary, we think that the Mr Perriam's stormwater situation could improve somewhat.

From our brief site visit we also note that the "weakest link in the chain" in Mr Perriam's stormwater disposal system appears to be his relatively shallow stormwater drain which has little storage potential, and the quite small pipe taking the water from the seaward end of the drain to the coast. A deepening of the drain and an increase in the volume of the culvert may improve matters for him.

b) To what extent will the proposed wastewater discharge cause adverse effects on Mr Perriam's property and business?

We accept the evidence of Mr Walker that the loading of the secondary treated wastewater is very conservative. At peak discharge only 2.8 millimetres of wastewater will be applied over the area per day. We are satisfied that this quantity will be absorbed very quickly with no effect. Indeed, during the summer when there is probably the only chance of this peak rate being achieved the evaporation potential from the soil will likely be higher than 2.8 millimetres. We are also aware that wastewater of this quality is already low in disease causing organisms, and that these are reduced to negligible levels after a very short passage through the soil.

With the cut-off drain diverting stormwater flow away from the field we are satisfied that no wastewater will be flushed out by stormwater flows onto Mr Perriam's property.

c) To what extent will the proposal cause an increase in traffic along the Tukurua right-of-way?

No party provided any evidence to suggest that the volume of traffic on the right-of-way will be increased above the current volume. We are satisfied that the patterns of traffic movement will be largely unchanged.

d) To what extent will the proposal and the height of the new dwelling cause adverse effects on Mr Perriam and the amenity of the coast?

We accept Mr Carter's evidence that the adverse effects of the high roof are acceptable and fit into the Tukurua built environment. We also agree that the removal of the large shed and the greater setback from the coast than what currently exists will offset the greater height.

We understand Mr Allen's submission that the higher roof is for architectural purposes and, with the circumstances of this site, we see a dispensation from the height requirements as being appropriate. We do not consider that the second dwelling or the higher roof will adversely affect Mr Perriam's interests.

The effect of the higher roof will be offset by the greater setback of the building from the coast. This will lessen the visual impact of the roof. We also believe that the retention and covenanting of the trees that will surround and frame the house will also lessen the visual impact.

Further, we consider that the enhancement of the vegetation on the coastal scarp is important to increase the naturalness of the site as viewed from the coast to offset the increased bulk of the house. The coastal enhancement recommended by Mr Carter is therefore supported.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

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

- a) the New Zealand Coastal Policy Statement;
- b) Tasman Regional Policy Statement (TRPS); and
- c) the Tasman Resource Management Plan (TRMP).

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

8.2 Part 2 Matters

In considering this application, we have 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, we **GRANT** consent, subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

We are satisfied that the adverse effects on the environment are less than minor when balanced against the positive effect of the wider set back from mean high water springs. While high buildings close to the coast are not normally desirable, in this case there is an existing house that is well within the 50 metre coastal setback and increasing the setback by 8 metres will improve the amenity from the coast.

The retention of the trees that will partially screen and soften the edges of the building is also an important consideration. The covenanting of the trees gives us confidence that a high level of integration and screening will occur into the future. The volunteered enhancement of the coastal vegetation on the coastal scarp will improve the naturalness of the site and help the building to integrate into the landscape. We consider this to be appropriate and necessary.

With the adoption of the conditions volunteered by the applicant we are satisfied that the effects on Mr Perriam will be negligible and, in the case of stormwater run-off, will be positive.

Objectives and Policies of the TRMP

We accept and, pursuant to Section 113(3), adopt Appendix 2 of Ms Holst-Stoffregen's report and Section 5.3 of Mr Mackiggan's report which identify the relevant objectives and policies of the TRMP. We also agree with the officers that the proposal is not inconsistent with these objectives and policies.

New Zealand Coastal Policy Statement

This proposal gives effect to Policy 1.1.1 of the NZCPS by allowing development where the natural character of the coast has already been compromised. This development will not further extend development into previously undeveloped areas, nor is it ribbon development. Rather it is a minor intensification in an already settled area. The proposed planting on the coastal scarp will also give effect to the intent of the NZCPS.

Purpose and Principles of the Act

The proposal is not inconsistent with the matter of national importance 6(a) being to preserve the natural character of the coastal environment. Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

As detailed above, a number of conditions were volunteered by the applicant during the hearing to address concerns of the submitter. We have accepted these conditions and included them with only very minor amendments which do not change their effect.

We have made significant changes to strengthen the requirement to enhance the coastal scarp vegetation as we see this as a valuable positive effect offered by the applicant to offset the effect of the breach of roof height in the Coastal Environment Area.

12. EXPIRY OF CONSENT

Pursuant to Section 123 of the Act, the land use consent has no expiry provided it is given effect to within the lapse period provided.

The Discharge Permit (RM100112) expires in 15 years. We accepted Mr Mackiggan's argument that wastewater systems often have a lifespan. Performance of the system may start to decline. We consider it appropriate, and not overly onerous, that the consent holder should seek another consent at that time to allow an assessment of the appropriateness of the discharge.

Issued this 22nd day of September 2010



Councillor Noel Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM100110

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

Pamela Helms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To construct a second dwelling within 50 metres of Mean High Water Springs and exceeding the permitted height in the Coastal Environment Area; to construct a sleep-out on the site of an existing garage; to erect a replacement shed in the Coastal Environment Area; and to relocate the existing dwelling on the site.

LOCATION DETAILS:

Address of property: 98 Tukurua Road, Tukurua
Legal description: Lot 1 DP 8869
Certificate of title: NL4A/1274
Valuation number: 1862045236
Easting and Northing: 2484797E 6052363N

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

CONDITIONS

General

1. The development shall be undertaken in accordance with the documentation submitted and as shown on the attached plans marked RM100110 (A-F) and dated with the decision date. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.
2. The Consent Holder shall advise Council when building work on the second dwelling commences so that monitoring of conditions can be programmed.

Iwi Monitor

3. The Consent Holder shall engage the services of a representative of Manawhenua ki Mohua to be present during any earthworks arising from the activities authorised by this consent or discharge permit RM100112. The Consent Holder shall contact Manawhenua ki Mohua representative Chris Hill, Washbourne Road, Onekaka, on

03 5258760 at least ten working days prior to commencing any earthworks and advise it of the commencement date of the earthworks. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery.

Height

4. The proposed new sleepout and storage shed shall not exceed the 5 metres in height above existing ground level. The maximum height for the new dwelling shall not exceed 6.5 metres.

Setbacks

5. All buildings shall be set back no closer to mean high water springs (MHWS) than indicated on the plans submitted. The new dwelling shall be no closer than 48 metres and the new sleepout no closer than 40 to MHWS.

Existing Buildings

6. The existing barn shall be demolished and replaced with a shed as shown on the site plan not exceeding the proposed 50 square metres floor area. The relocated dwelling shall be repositioned as indicated on the Site Plan dated 16 March 2009 (attached).

Stormwater

7. All rainwater collected from roofs will be directed to rainwater storage tanks. The outflow from which shall be directed away from the adjoining property of Parks and Camps Ltd and directed either to the sea or to the south. All runoff from any existing and new hard standing areas within the cartilage of the buildings shall also be directed away from Pt Lot 1 DP 7561 (the Parks and Camps Ltd property) and discharged either to the sea or to the south.

Advice Note:

This condition was volunteered by the applicant.

Colours

8. The exterior of the buildings, including the new dwelling, the sleepout, the relocated house and the shed, shall be finished in colours that are recessive and blend in with the immediate environment. The Consent Holder shall submit to the Council for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the buildings:
 - (a) the material to be used (eg, paint, Colorsteel);
 - (b) the name and manufacturer of the product or paint;
 - (c) the reflectance value of the colour;
 - (d) the proposed finish (eg, matt, low-gloss, gloss); and

- (e) either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

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

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

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 15 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$, and hue range 06-12.	
Group E	Excluded	
Finish	Matt or Low-gloss	Matt or Low-gloss

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

The Consent Holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long-term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

Carparking

9. Each of the dwellings shall be provided with at least two on-site car parks formed to an all-weather surface in accordance with Council's Engineering Standards 2008 or to the satisfaction of the Council's Engineering Manager.

Financial Contributions

10. The Consent Holder shall, no later than the time of uplifting the building consent for the proposed development, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent component in accordance with the following:

Financial Contribution - Building	
Component	
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%

Notes:

- (1) The financial contribution is GST inclusive.
- (2) The building consent value is GST exclusive.
- (3) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings
- (4) The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.

Water Supply for Firefighting

11. The proposed development shall be provided with on-site water storage of not less than 23,000 litres and fitted with an accessible 100mm female thread coupling to enable connection with firefighting equipment. The dwellings and sleepout shall be connected to a reticulated supply that is capable of supplying a potable water supply, or if such a supply is not available, the dwelling is supplied from a rainwater supply, a surface water source or a groundwater source that is both reliable and potable.

Vegetation and Landscaping

12. During the period of three years immediately following the date that building consent for the second dwelling is issued the following shall be implemented:
 - Over the three years all exotic vegetation from the coastal scarp on the property shall be removed gradually.
 - The consent holder shall at least once annually for the three years engage an appropriately qualified or experienced landscape architect, ecologist or botanist to provide a native planting plan for the forth-coming year. The planting plan shall include a recommended maintenance schedule.
 - Within two months of receiving the planting plan each year the planting shall be implemented and a brief report shall be provided to the Council's Coordinator Compliance Monitoring which includes the planting plan, confirmation that the planting has been implemented, any modifications made and the reasons.

The criteria by which the landscape architect, ecologist or botanist shall recommend species and layout shall be:

- To provide a substantial cover to avoid or minimise the invasion of weed species;
- Consistent with the Tasman Carter Limited Sheet 5a dated 9 June 2010 (attached);
- To provide natural coastal margin vegetation; and
- To provide habitat and food for native fauna.

In general the plants used shall be either from the Plant List A (attached) or from the Native Plant Restoration List compiled by Shannel Courtney entitled "Golden Bay Sandy Coast - Native Plant List" dated July 2008. The plants shall all be eco-sourced.

13. The consent holder shall undertake planting identified as "3" on the Tasman Carter Limited Sheet 5a dated 9 June 2010 (attached) using the plant list B attached, except that blackwoods, pin oaks and english oaks shall not be used within 5 metres of wastewater drip irrigation lines.
14. A covenant shall be entered on the title for the protection and enhancement of the following vegetation:
 - The existing pohutukawa trees near the eastern corner of the property;
 - The existing oak tree shown on the Tasman Carter Limited Sheet 5a dated 9 June 2010 (attached);
 - The "proposed planting" identified as "3" on the Tasman Carter Limited Sheet 5a dated 9 June 2010 (attached); and
 - The coastal enhancement vegetation shown as "1 & 2" on Tasman Carter Limited Sheet 5a dated 9 June 2010 (attached).

The covenant shall be entered into the title NL4A/1274. The covenant is to be registered by the Applicant's solicitor with all costs being met by the applicant. Evidence that the covenant has been registered shall be forwarded to the Council's Coordinator Compliance Monitoring prior to the issuing of building consent for the second dwelling.

Covenant - Second Dwelling

15. A covenant under Section 108 of the Resource Management Act 1991 be entered into and registered against the title on CT NL4A/1274.

The covenant shall state that:

- (a) the use of the buildings is limited to residential activity only;
- (b) the buildings shall not provide a future basis for subdivision of the property.

The covenant is to be registered by the applicant's solicitor, with all costs being met by the applicant. Evidence that the covenant has been registered shall be forwarded to the Council's Coordinator Compliance Monitoring prior to the issuing of building consent for the second dwelling.

ADVICE NOTES

1. It is recorded that the applicant has acknowledged that, insofar as assessment of contribution towards cost for maintaining the right-of-way is based on Household Units, the applicant will bear two of those units.
2. This consent is issued pursuant to the Resource Management Act 1991 and the Tasman Resource Management Plan. It does not constitute building consent and if the project involves any form of building, consent should be sought pursuant to the Building Act 2004.
3. Monitoring of this resource consent will be undertaken by the Council, as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should monitoring costs exceed the initial fee, Council reserves the right

to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

4. 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: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
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.

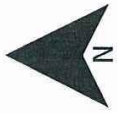
Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

6. 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.
7. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Issued this 22nd day of September 2010

A handwritten signature in black ink, appearing to read 'Noel Riley', written in a cursive style.

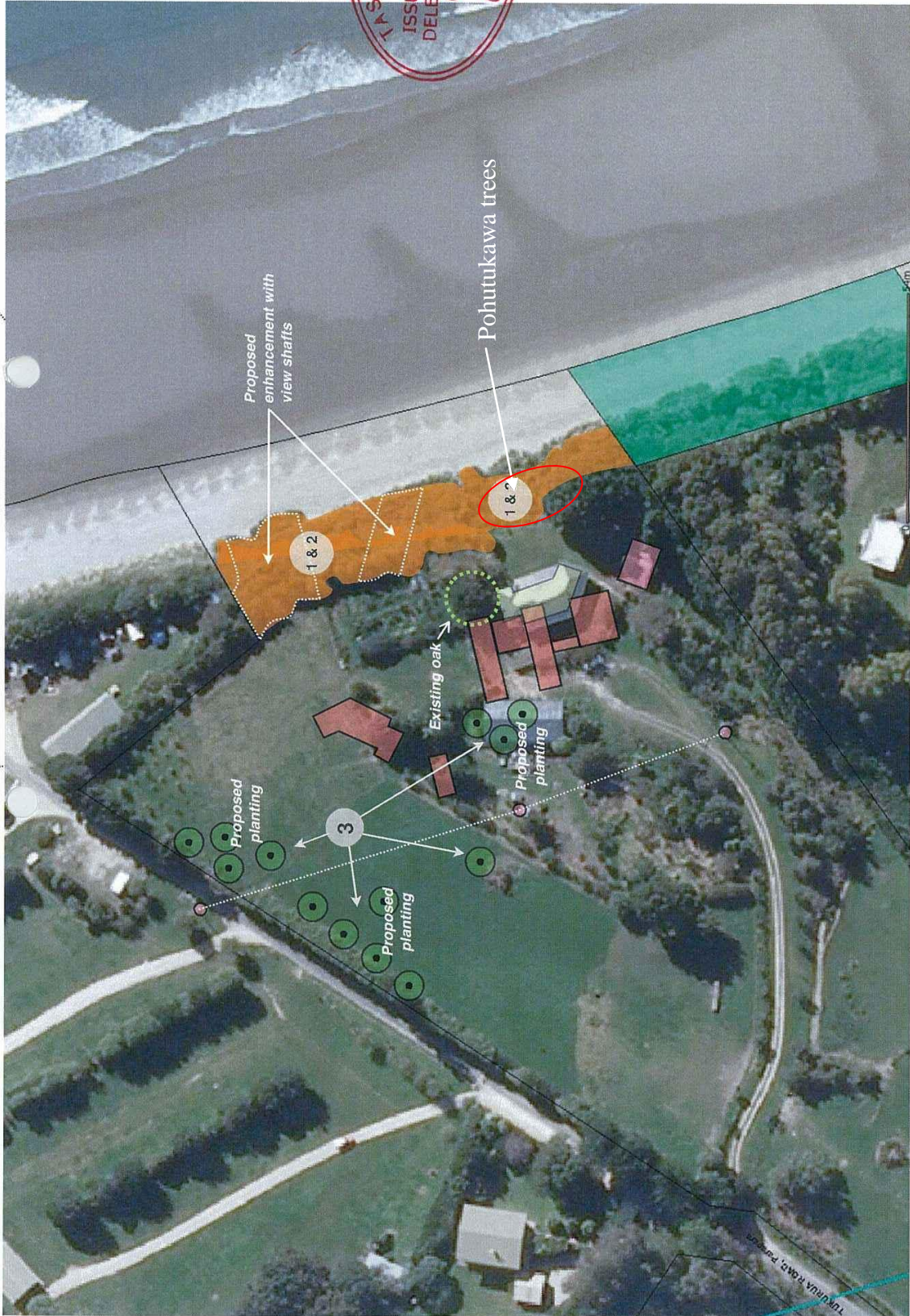
Councillor Noel Riley
Chair of Hearings Committee



TASMAN DISTRICT
ISSUED PURSUANT TO
DELEGATED AUTHORITY
ON BEHALF OF
COUNCIL

[Handwritten signature]

RM 100110/F



Coastal Vegetation Enhancement and View Shafts

P Helms

9.6.10 Not to scale

Plant list A – Revegetation of Coastal Escarpment

Coprosma lucida	shining karamu
Coprosma repens	taupata
Coprosma robusta	karamu
Cordyline banksii	ti ngahere
Kunzea ericoides	Kanuka
Myrsine divaricata	weeping mapou
Myoporum laetum	Ngaio
Pittosporum tenuifolium	kohuhu
Pseudopanax crassifolius	horoeka, lancewood

Plant list B – Planting Within the Site

Acacia melanoxylon	Blackwood
Olea spp.	-
Kunzea ericoides	kanuka
Metrosideros excelsa	pohutukawa
Quercus palustris	Pin Oak
Quercus robur	English oak



1 WEST ELEVATION
1:100

TASMAN DISTRICT
ISSUED PURSUANT TO
DELEGATED AUTHORITY
ON BEHALF OF
COUNCIL

RM 1001101A
2A



2 SOUTH ELEVATION
1:100

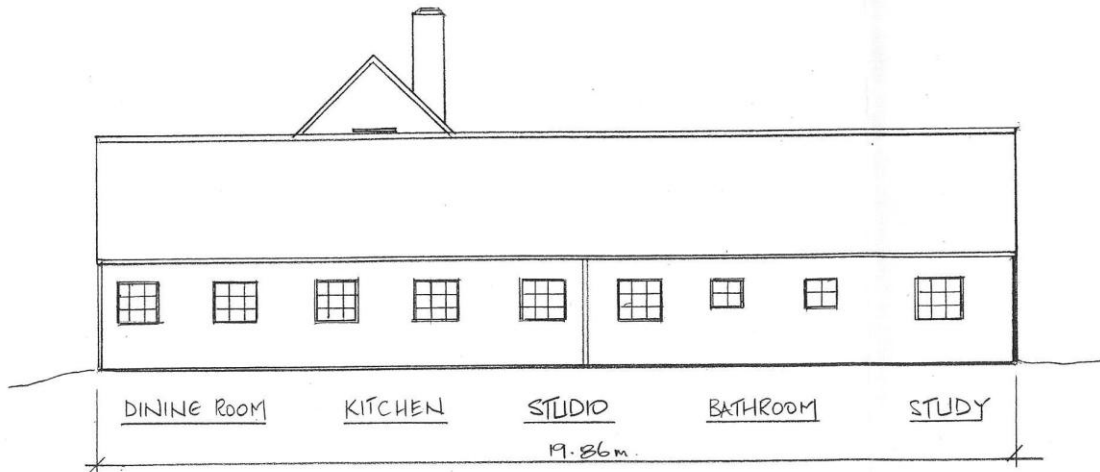
A PROPOSED HOUSE FOR
BROWN FAMILY PROPERTY,
TUKURUA ROAD,
GOLDEN BAY.



3 EAST ELEVATION
1:100

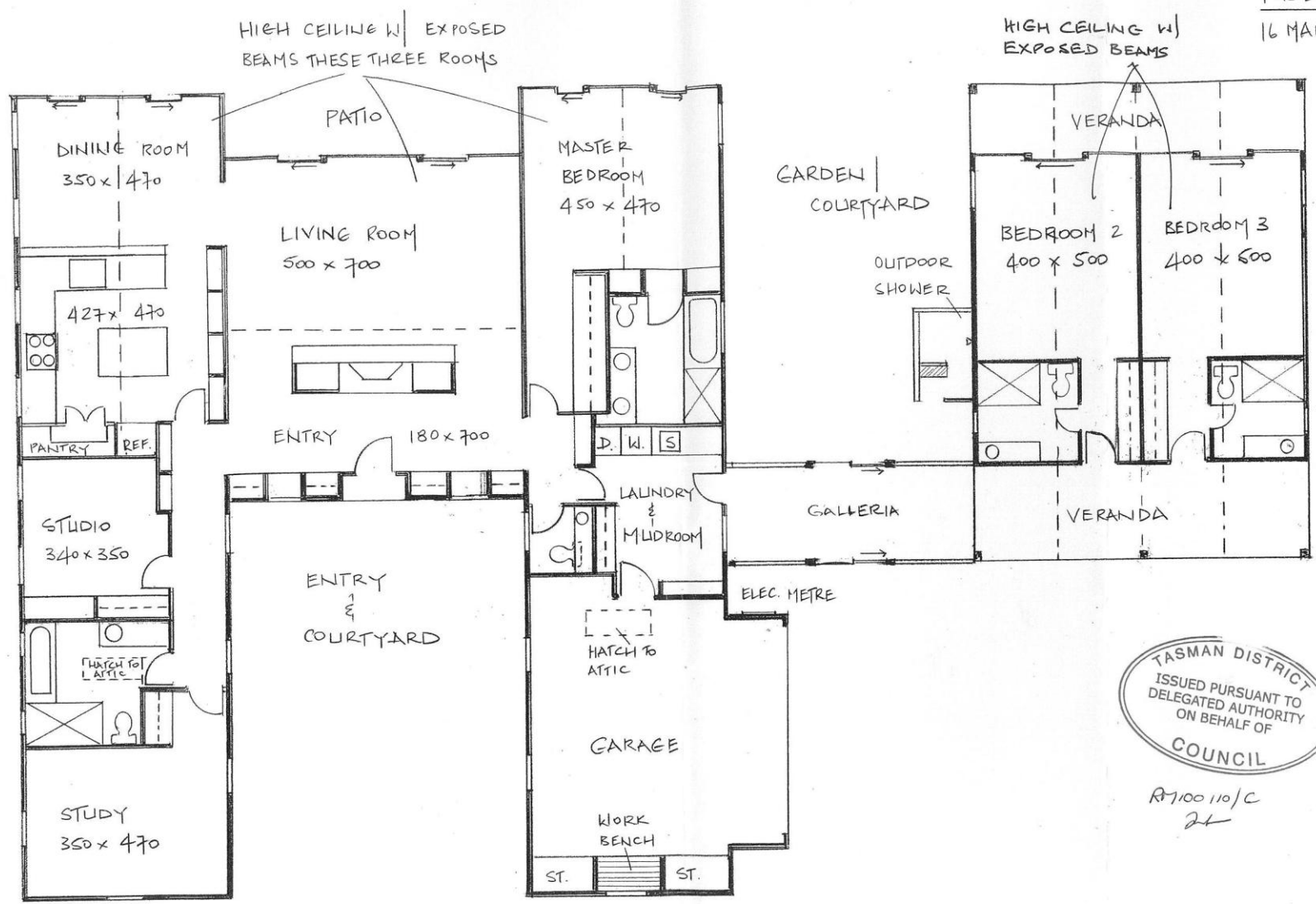
TASMAN DISTRICT
ISSUED PURSUANT TO
DELEGATED AUTHORITY
ON BEHALF OF
COUNCIL

RM 100110/B
21



4 NORTH ELEVATION
1:100

A PROPOSED HOUSE FOR
BROWN FAMILY PROPERTY,
TUKURLIA ROAD,
GOLDEN BAY



TASMAN DISTRICT
ISSUED PURSUANT TO
DELEGATED AUTHORITY
ON BEHALF OF
COUNCIL

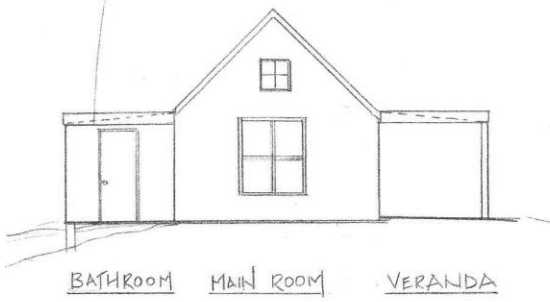
R7100 110/C
24

5 FLOOR PLAN
1:100

A PROPOSED HOUSE FOR
BROWN FAMILY PROPERTY,
TUKURUA ROAD
GOLDEN BAY

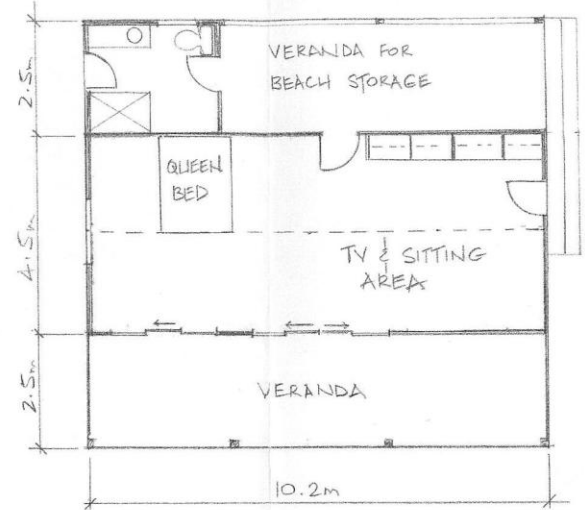
16 MARCH 2009
REVISED:
7 MARCH 2010

LINE OF TRANSLUCENT
CORRUGATED ROOFING
BEHIND WOOD FRAME

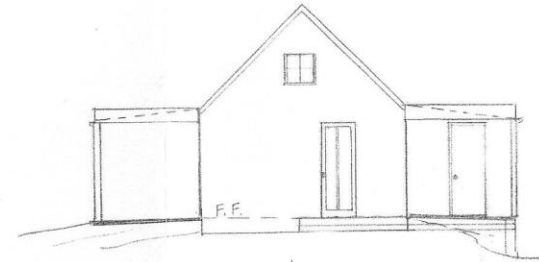


BATHROOM MAIN ROOM VERANDA

6 EAST ELEVATION
1:100

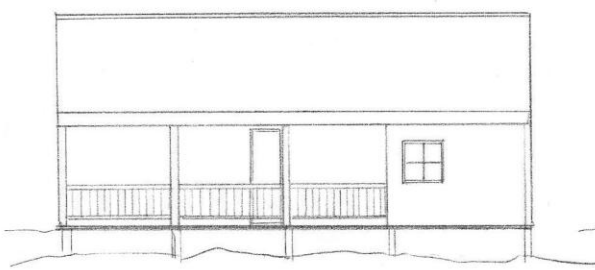


7 FLOOR PLAN
1:100



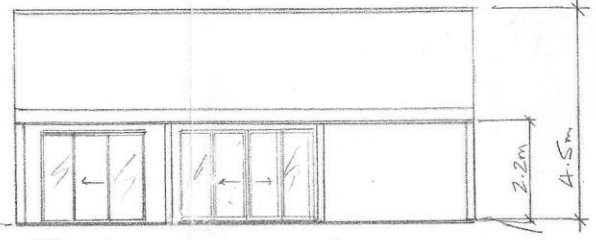
VERANDA MAIN ROOM VERANDA & BATHROOM

8 WEST ELEVATION
1:100

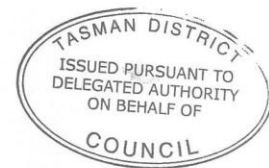


VERANDA FOR STORAGE BATHROOM

9 SOUTH ELEVATION
1:100



10 NORTH ELEVATION
1:100



RN 100 110 /D
22

B ONE ROOM SLEEP OUT BUILT
ON FOUNDATION OF EXISTING
GARAGE - TOOLSHED

BROWN FAMILY PROPERTY,
TUKURUA ROAD, GOLDEN BAY



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM100112

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

Pamela Helms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To discharge secondary treated domestic wastewater to land

LOCATION DETAILS:

Address of property:	98 Tukurua Road, Tukurua
Legal description:	Lot 1 DP 8869
Certificate of title:	NL4A/1274
Valuation number:	1862045236
Easting and Northing:	2484797E 6052363N

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

CONDITIONS

1. The design, construction and operation of the approved wastewater treatment and disposal system shall be in general accordance with the design report prepared by Engineering Sustainable Solutions Ltd, (reference Pamela Helms and dated December 2009, and the Additional Information dated 17 March 2010) with the application for resource consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

Advice Note:

The wastewater system designer should be involved from an early stage with other parties responsible for the design. Design flow volumes, design and sizing of the land application area and reserve land application area needs to be undertaken concurrently with, for example, landscaping designs and planning.

(While the application refers to aerated systems, any form of secondary treatment capable of treating wastewater to comply with Condition 4 is considered suitable.)

2. The maximum rate of discharge shall not exceed 3,240 litres per day and shall occur in the location shown on Plan A (attached) with a minimum setback from the boundary of at least 5 metres.

Advice Note

The separation distance of 5 metres was volunteered by the consent holder.

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2.8 millimetres per day (2.8 litres per square metre per day). The land application areas shall be no less than 1,140 square metres in area and incorporate at least 1,140 lineal metres of pressure-compensating drip irrigation line. The land application areas shall incorporate at least 1 lineal metre of pressure-compensating drip irrigation line for each square metre of land application area. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Adjacent lateral drip irrigation lines shall be laid no more than 1 metre apart.
4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
 - a) the five day biochemical oxygen demand (BOD5) in any single sample shall not exceed 20 grams per cubic metre; and
 - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 30 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
- 6A. A stormwater cut off drain shall be provided up slope of the effluent land application area and the drain will meet the north boundary approximately 150 metres from the north eastern corner of the consent holder's property. The design and construction shall be supervised by a chartered engineer. The outlet for this drain, immediately before it meets the boundary, shall have rock protection at its outfall to prevent scouring once it crosses the boundary. The drain and rock protection shall be maintained in perpetuity.
7. The construction and installation of the wastewater treatment plant and land application system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1, 3, and 11 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
- b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.

8. The Consent Holder shall submit a set of final “as-built” plans to the approval of the Council’s Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and land application system. For the purpose of this condition, the Consent Holder shall ensure that the “as-built” plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.
9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
10. A suitable reserve land application area equivalent to not less than 50% of the land application area (see Condition 3) shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped. For the purpose of this condition, “undeveloped” means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation.
11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

Maintenance and Monitoring

12. Samples of the treated wastewater shall be collected 6, 12 and 24 months following the first exercise of this consent from the sampling point referred to in Condition 11. The samples shall be tested for BOD5 and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council’s Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. “Typical fashion” means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than one person from the number of people who normally reside in the dwelling. The samples shall be taken using laboratory supplied containers and according to the procedures directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and land application systems.

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

A signed copy of this contract shall be forwarded to the Council’s Co-ordinator Compliance Monitoring prior to the exercise of this consent.

14. Notwithstanding Condition 13, the wastewater treatment and land application system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:
- a) the date the inspection was undertaken and the name of the service provider;
 - b) a list of all components of the treatment and land application systems that were inspected and the state of those components;
 - c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
 - d) a description of the appearance of the filter/s and tanks;
 - e) the location and source of any odour detected from the system; and
 - f) a description of the appearance of the land application area (ponding, vegetation growth, etc).

Review of Consent Conditions

15. The Council may, during the month of August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act for all or any of the following purposes:
- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - 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 review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate; and/or
 - e) to change the conditions around stormwater control and discharge if there are adverse effects on the environment or on the owner of Pt Lot 1 DP 7561.

Lapse and Expiry

16. Pursuant to Section 125 of the Act this consent shall lapse 10 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
17. This resource consent expires 15 years after the date that the consent is given effect to (i.e. the date when the discharge first commences).

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.

3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
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. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust 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. Consent RM080844 is not subject to Section 134 of the Act and therefore does not "attach to the land". Therefore, when the ownership of the lot that this consent pertains to changes, this consent should also be transferred to the new owners as there are ongoing consent requirements that must be met.
8. 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 Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.
9. 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 22nd day of September 2010



Councillor Noel Riley
Chair of Hearings Committee

Date Confirmed:

Chair: