STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Subdivision Officer

REFERENCE: RM041097

SUBJECT: **RATA VIEW LTD – REPORT EP05/06/20 –** Report prepared for 27 June 2005 hearing.

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1. INTRODUCTION

The following report is my assessment of a resource consent application to undertake a subdivision and thence construct a dwelling on a rural-residential site off Pine Hill Road, Ruby Bay. Discharge permits for domestic wastewater and stormwater have also been applied for but have been assessed separately – refer Appendix A and B.

2. LEGAL AND PHYSICAL DESCRIPTION OF THE SITE

The site is contained within two adjoining certificates of title.

A. Legal

Lot 1 DP 20455 (CT 13B/662) containing 1.14 hectares.

Owner

D M and B E Robinson and C C Wright.

Zoning

Rural 3A.

Overlays

Nil.

History

The title was created in 1998 as a part of a notified application for a boundary adjustment in what was then the Rural D/Rural 1 Zone (RM980186).

Physical

A small rural title containing an existing dwelling, with access to the western end of Pine Hill Road, which in turn links with Pomona Road. There is also an informal access to the eastern portion of Pine Hill Road, which links with the Coastal Highway.

B. Legal

Lot 1 DP 320993 (CT 83327) containing 2.0 hectares.

Owner

Rata View Ltd.

Zoning

Mapua Rural Residential Zone.

Overlays

Services Contribution Area.

History

The title was created in 2002 as a result of a controlled activity subdivision in the Mapua Rural Residential Zone (RM020377).

Physical

A rural-residential site, with access via a leg-in strip to Pine Hill Road. The first section of the leg-in strip is a shared right-of-way. The main body of the site is gently rolling land in rough pasture. A gully bisects the northern corner of the site. There are no dwellings on the land.

3. PROPOSAL

A. Subdivision

Stage 1

To undertake a boundary adjustment whereby an area of some 4,700 square metres currently in Lot 1 DP 20455 is to be amalgamated with Lot 1 DP 320993. The new title areas are Lot 3 of 6,720 square metres containing the existing dwelling and an amalgamated vacant rural-residential title of 2.29 hectares.

Stage 1 is in fact the subject of an existing resource consent granted January 2004 (RM031134) but not yet put effect to. Reasons for that decision include:

"*Notwithstanding that the boundary adjustment will create a title with a split zoning it is a practical and logical division of the land. The land to be transferred relates in a practical sense more to the rural-residential land due to the location and orientation of the existing house and buildings on Lot 1 DP 20455 and the topography of the southern portion of that title. The boundary adjustment will also enhance the buffering between the existing and proposed house without impacting on the servicing and amenity of the existing house.*

The proposed boundary adjustment does not create any additional titles or building opportunity. This is significant in considering the potential effects of the subdivision on the environment and on other persons. The consent notice imposed as a condition will preserve the integrity of the original subdivision and therefore any potential effects on neighbouring properties will be unchanged."

Subsequent to the subdivision consent a land use consent (RM040163) and discharge permit (RM040162) having issued for a proposed dwelling located in the area shown *"approved building site"* on the current resource consent application plan.

Stage 2

To subdivide the 2.9 hectare rural-residential site created by Stage 1 to create Lot 1 of 1.14 hectares and Lot 2 of 1.0 hectares.

Lot 1 contains the previously identified building site with existing land use consent and discharge permits.

Lot 2 contains the proposed new building site.

Access to both lots is via a right-of-way over the leg-in strip to Pine Hill Road.

B. Land Use

To construct a dwelling on proposed Lot 2.

The applicant has stated that the proposed dwelling will comply with all the permitted activity criteria for dwellings within the Rural Residential Zone specified in the Tasman Resource Management Plan but an application has been made for the sake of completeness.

C. Discharge Permit

To discharge up to 900 litres of secondary treated domestic wastewater per day to land by way of drip irrigation on proposed Lot 2.

D. Discharge Permit

To discharge stormwater from residential development on proposed Lot 2 to land.

Note:

The discharge permits are assessed separately from this report under RM041282 and RM041283. Refer Appendix A and B.

4. STATUS OF THE APPLICATION

Subdivision of land within the Mapua Rural Residential Zone requires inter alia allotments to have a minimum area of 2 hectares to be a controlled activity (Rule 16.3.10). Subdivisions that do not comply with the standards and terms to be a controlled activity fall to be a restricted discretionary activity (Rule 16.3.11AA). The subdivision proposal is therefore a restricted discretionary activity.

Consent may be refused or conditions imposed only in respect of certain matters to which the Council has restricted its discretion.

The construction of a dwelling on the site is a permitted activity subject to complying with the conditions of Rule 17.6.4.

5. NOTIFICATIONS AND SUBMISSIONS

The application was publicly notified in accordance with Section 93 of the Act on 30 April 2005 and attracted eight submissions: four in support, two in opposition and two conditional.

5.1 P A Copp – Support

- Existing titles unsuitable for any financially viable form of pastoral farming or horticulture.
- Not out of keeping with existing pattern of subdivision.
- Appropriate subdivision because of existing subdivisions in close proximity.
- The recently upgraded Pine Hill Road can accommodate the increase in traffic volume from proposed subdivision.

5.2 Cornerstone Partnership – Support

- The proposed lot size is consistent with rural residential zones and other subdivisions in the area.

5.3 W K Darling – Oppose

- Contrary to zoning minimum of 2 hectares.
- The viability of the unique Pine Hill Road ecosystem is threatened.
- Skyline subdivisions blot/degrade the amenity values.
- Creates hazards in the Pine Hill Stream catchment that cannot be mitigated.
- No landscaping or setback provisions.
- Earthworks silting.

5.4 E Satherley – Conditional Support

- Request a reasonable height restriction on trees planted on south-west boundary of Lot 1 to protect views of D'Urville Island.

5.5 M and S Tuffery – Conditional Support

- Request 4.5 metre height restriction for buildings and trees on Lot 1 to protect sea views.

5.6 J M Ralph – Support

- A practical and responsible proposal.

5.7 W and A Coster – Support

- Proposed section size is in keeping with other properties in the immediate area.
- The land cannot sustain any financially viable form of farming or horticulture.
- The recent upgrade of Pine Hill Road can accommodate the increased volume of traffic created by the proposed subdivision.
- Anticipate no problems with the use of the right-of-way.
- Stormwater issues have been considered by storing of roof water.
- Proposed wastewater treatment system has been proven to be efficient.

5.8 L M Walker – Oppose

- Two dwellings instead of one will affect the amenity values and natural and physical character of the area.
- The proposed allotments do not fit well with other subdivisions in the area.
- There will be potential for cross-boundary effects, e.g. skyline on north boundary of Lot 4 DP 312213.

Note:

My comments on these submissions are covered in later parts of this report.

6. RELEVANT STATUTORY PROVISIONS

The subdivision is a restricted discretionary activity. For such restricted discretionary activities consent may be refused or conditions imposed only in respect of matters to which Council has restricted its discretion. Those matters are listed under Rule 16.3.11AA and can be summarised as:

- The relationship between the subdivision and subsequent development, including effects of location and scale of buildings.

- Effects on the rural landscape on amenity values and on coastal character and values.

- Consistency with the design guide for the area.

- The interim provision of water supply and wastewater services for the land to be subdivided, pending the availability of Council-provided reticulated services.

- Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites.

- Management of natural hazards.

- The ability of the wider landscape to absorb the extent of development proposed.

- Actual and potential cumulative adverse effects.

- Bonds, covenants and financial contributions.

- All matters referred to in Section 220 of the Resource Management Act.

- Any other relevant criteria in Schedule 16.3A of the Tasman Resource Management Plan.

In general, other matters derived from Part II of the Act or the policies and objectives of the District Plan are irrelevant. However, given the wide-ranging matters of discretion, which includes all the relevant assessment criteria under Schedule 16.3A, it is unlikely that any application would offend Part II matters or the policies and objectives of the District Plan without also offending the matters of discretion.

7. ASSESSMENT AND EVALUATION

Note:

My assessment and evaluation of this proposal is limited to the subdivision and land use relating to Lot 2. The other parts of the application, that is, the boundary adjustment and the construction of a dwelling on Lot 1, are subject to existing resource consents and the applications for discharge permits are assessed under separate reports.

7.1 Existing Pattern of Subdivision and Development

The land to the north of the site is in the Rural 3A Zone and in orchard but is separated from the proposed building sites by a gully that bisects the northern part of the subject land. This gully will provide the separation necessary to avoid any cross-boundary effects normally occurring at the interface of Rural and Rural Residential Zones. I also understand that the Rural 3A Zone south of the unformed section of Pine Hill Road is subject to a submission requesting that the land be rezoned from Rural 3A to Rural Residential.

Also in the Rural 3A Zone immediately to the north and west of the subject land are two sites of 1.1 and 0.78 hectares, both of which contain dwellings. Immediately to the west of the subject land and in the Rural Residential Zone are six sites of between 0.7 hectares and 1.65 hectares, which were approved by the Council in 2001.

To the south of the subject land and also in the Rural Residential Zone is a 6 hectare title but with frontage to Pine Hill Road and with a right-of-way over the leg-in strip to the subject land there is potential for a three lot controlled activity subdivision.

Immediately across the other side of Pine Hill Road is the Pine Hill Heights Rural Residential Zone, which has a minimum controlled activity area of 2,500 square metres and contains some 50 lots.

Further up Pine Hill Road in a spot Rural 3A Zone eight new sites averaging 3,000 square metres have recently been created.

Overall, the site is in a Rural Residential Zone and as expected the existing pattern of subdivision is rural-residential in nature. Whereas the proposed lots at 1.14 hectares and 1.0 hectares are smaller than the 2.0 hectares needed to be a controlled activity, the subdivision is not of out keeping with the existing pattern of rural-residential subdivision and development in the locality.

7.2 Productivity

The total area of land is only just over 2 hectares and is too small to be used for pastoral farming other than as a hobby farm. Also, the proximity of neighbouring dwellings severely restricts the horticultural use of the land.

Productive value is not considered a priority when evaluating subdivisions in the Mapua Rural Residential Zone but in any case on the subject land, productive value is limited to rough grazing and small woodlots.

7.3 Rural Landscape and Amenity Values

The subject land is zoned Rural Residential and therefore any assessment of rural landscape and amenity values must relate to a baseline of rural-residential development. The existing environment has been very much modified from its natural state and is now characterised by the rural-residential development anticipated by the zone. Approximately 30 existing dwellings are visible from the site.

Subject to appropriate location design, appearance and landscape conditions, an additional dwelling could be absorbed into the environment with no more than a minor effect on landscape and amenity values.

7.4 Design Guide

Consistency with the design guide for subdivision and development in the coastal Tasman area is one of the matters over which Council has restricted its discretion. The design guide recognises that this part of the District has the potential to accommodate more residential development than at present, subject to retaining its particular rural character and landscape values and with a minimum loss of productive and versatile qualities of the land resource. In particular, the design guide recognises the opportunities for development in the Mapua Rural Residential Zone.

However, the creative and flexible approach to subdivision encouraged by the design guide has little application to the subject land. Rather, the relevance of the design guide is limited to the appearance and landscaping of the proposed dwellings.

7.5 Cross-boundary Effects

As stated, the land to the north is in the Rural 3A Zone and in orchard but is separated from the proposed building site by a gully which bisects the northern part of the subject land. This gully will provide the separation necessary to avoid any cross-boundary effects associated at the interface of rural and rural-residential zones.

It is also noted that two of the submitters have requested height restrictions on trees on the south-west boundary of Lot 1 and the dwelling to be constructed on Lot 1. However, it is also noted that the District Plan provides no height limits on amenity plantings in the Rural Residential Zone and the existing land use allows a dwelling to be constructed on Lot 1 to a maximum height of 7.5 metres.

Before I make a recommendation to the Committee on the submission I would like to have a response from the applicant followed by a site visit to the property of the submitters.

7.6 Servicing

The land is within the Services Contribution Area, which means that future water and wastewater reticulation is to be provided by Council. In the interim, the standard conditions for water supply will provide a reliable and potable water supply. Alternatively, and on application to Council, it is possible the new dwelling may be able to be connected to the existing rural reticulated supply. The high standard of interim on-site wastewater disposal contemplated for the zone can also be required by conditions of consent and is assessed separately under RM041282.

7.7 Earthworks

The earthworks for the construction of the right-of-way have already been undertaken so other than minor earthworks for levelling of building sites, no earthworks are contemplated for the subdivision.

7.8 Existing Consents

The land is subject to the following existing resource consents.

a) ***Subdivision Consent RM031134***

A boundary adjustment identical to Stage 1 of current application. Provided the condition relating to the location of the building site on Lot 1 is brought forward, subdivision consent RM031134 is now redundant.

b) ***Discharge Consent RM040162***

Consent for a wastewater treatment and disposal system for dwelling to be constructed on proposed Lot 1. This consent is still current.

c) ***Land Use Consent RM040163***

Consent to construct a dwelling on proposed Lot 1. At the time of this application the construction of a dwelling was a discretionary activity. However, recent variations to the Tasman Resource Management Plan have changed the status of the construction of a dwelling from a discretionary activity to a permitted activity. Therefore, this consent is now redundant.

8. SUMMARY

8.1 The application is firstly to undertake a boundary adjustment and secondly to undertake a two lot subdivision.

8.2 The proposed lot areas are 1.4 hectares and 1.0 hectares.

8.3 The minimum area for a controlled activity for the zone is 2.0 hectares.

8.4 The proposal therefore falls to be a limited discretionary activity.

8.5 The application includes a proposal to construct a dwelling. The construction of a dwelling complying with certain conditions is a permitted activity for the zone and resource consent is not required.

8.6 The application was publicly notified and attracted eight submissions, four in support, two in opposition and two conditional support.

8.7 The matters over which Council has reserved its discretion for the subdivision are listed in Rule 16.3.11AA of the Tasman Resource Management Plan.

8.8 The subdivision proposal is not out of keeping with the existing pattern of subdivision and development.

8.9 The land has little productive value.

8.10 An additional dwelling can readily be absorbed into the existing environment with minimum effect on rural character and amenity of the area.

8.11 To the extent that it is applicable, the subdivision proposal is not inconsistent with the design guide. Conditions can be imposed to ensure the building design and appearance is consistent with the design guide.

8.12 Conditions can be imposed to limit the height of trees and the dwelling on Lot 1 to reduce the impact of the proposal on neighbouring properties.

8.13 Technical matters such as access, stability, effluent disposal, drainage and servicing can be attended to by conditions.

9. CONCLUSION

Overall, the proposal is not contrary to the matters over which Council has restricted its discretion.

10. RECOMMENDATION

That Council grants consent to the proposal under Section 104(c) of the Resource Management Act 1991, subject to the following conditions:

A. SUBDIVISION

A1. Access

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

a) that the vehicle crossing intersect Pine Hill Road at right angles, be more or less level for the first 6 metres and be sealed for a distance of 5 metres from the edge of the carriageway seal;

b) that the existing right-of-way formation be upgraded to provide a 3.5 metre traffic lane plus shoulders and water-tables;

c) that the right-of-way be finished to provide a smooth vertical alignment for a design speed of 10 kilometres per hour;

d) provision to be made for the collection and disposal of stormwater and erosion mitigation;

e) prior to undertaking any works, engineering plans are to be submitted to Council for approval. The engineering plans are to include typical cross-section, pavement design, shoulders, water-tables, culverts, stormwater design with erosion mitigation for steeper areas plus a long section;

f) all works are to be undertaken in accordance with the approved plans.

A2. Power and Telephone

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

A3. Easements

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

A4. Stability

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

A5. Consent Notice

a) Any dwellings constructed on Lots 1 and 2 to be located within the general vicinity of the identified building site shown on the resource consent application plan.

b) Prior to the issue of any building consent for a dwelling to be constructed on Lot 1 or 2, a statement prepared by an appropriate competent person in landscape or urban design analysis be submitted to Council for approval. This statement is to outline the extent of consistency of the dwelling with the design guide for the area. All works are to be undertaken in accordance with the approved statement.

A6. Financial and Development Contributions

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

Reserves and Community Services

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

Advice Note:

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

The Development Contributions Policy is found in the Long Term Council Community Plan and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of road network, wastewater reticulation, water supply.

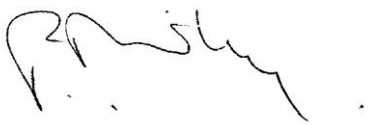
A7. Engineering Works, Services and Plans

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

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

B. LAND USE

For the avoidance of doubt, the land use commences on the date of deposit of survey plan of subdivision. There are no conditions attached to the land use consent. This is because the construction of a dwelling on the land (once subdivided) is a permitted activity. Therefore, the potential effects of a dwelling need to be recognised at the time of subdivision. Appropriate conditions have been included in the subdivision consent.



R D Shirley
Subdivision Officer

APPENDIX A

Consent to Discharge to Land

TO: Ross Shirley

FROM: Natasha Lewis

DATE: 14 June 2005

REFERENCE: RM041282

SUBJECT: Rataview Ltd – Consent to Discharge to Land

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1. PURPOSE FOR REPORT

This staff report has been prepared by the Council's Consent Planner, Discharges in relation to the application for discharge consent RM041282 sought by Rata View Ltd in association with the proposed subdivision considered under RM041097 and the proposed discharge of stormwater considered under RM041283.

2. APPLICATION BRIEF

2.1 Proposal and Background

The application is for a discharge to land consent.

The applicant has sought consent to discharge up to 900 litres of secondary treated domestic wastewater to land by drip irrigation from a domestic dwelling located in the Services Contribution Area.

Since the hearing date was set for these applications, Council has publicly released an interim decision to their hearings of submissions on Variation 32 (Tasman District Council Media Statement dated 3 June 2005). One of these decisions withdraws the intention to provide wastewater servicing to the Coastal Tasman Area (specifically Rural 3/3A and Services Contribution Areas) so connection to Council's reticulated system can no longer be assumed. Therefore, this proposal can no longer be assessed as only an interim solution. The timing of the release of this decision has meant that further information has not been requested from the applicant, however, the writer recommends that the applicant provides further information at the hearing in light of Council's interim decision.

2.2 Location and Legal Descriptions

The property of relevance to this application is located on Pine Hill Road, Ruby Bay, Lot 1 DP 320993 (2 hectares). The site has been described in further detail in the staff report prepared by Ross Shirley (EP05/06/20).

2.3 Notification and Submissions

The applications relating the Rata View Ltd's proposed subdivision and discharge consent applications were publicly notified 28 April 2005, eight submissions were received. These submissions have been summarised and discussed in the staff report provided by Ross Shirley in relation to the subdivision consent applications, so a detailed assessment is not provided here. The two submitters in opposition made some comments which could be inferred to be related to the proposed wastewater discharge, although this was not clear. Their summarised comments follow: Lois M Walker – Cross-boundary effects and W K Darling – Hazards cannot be mitigated, defer until servicing available. The two property owners of adjoining land directly downstream of the subject property (J M Ralfe and A M Coster) both submitted in support of the proposal.

3. STATUTORY CONSIDERATIONS

3.1 Resource Management Act 1991

In accordance with Section 15(1) of the Resource Management Act 1991, no person may discharge any contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water unless the discharge is expressly allowed by a rule of a regional plan, a resource consent, or regulations. Section 15(2) of the RMA prohibits any person from discharging contaminants into or onto land from any place in a manner that contravenes a rule in a regional plan or proposed regional plan unless that discharge is expressly allowed by resource consent or allowed by Section 20 (certain existing lawful activities).

Section 104 of the Resource Management Act 1991, requires Council to consider a number of factors when assessing an application for resource consent including:

a) actual and potential environmental effects of allowing the activity; and

b) the nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects and the applicant's reasons for making the proposed choice; and

c) relevant rules and policies of applicable plans and policy statements; and

d) any possible alternative methods of the discharge, including a discharge into another receiving environment; and

e) whether affected party approval is required/has been obtained; and

f) Part II of the Resource Management Act, Purpose and Principles.

Section 107 of the RMA requires that, other than in exceptional circumstances or for a temporary discharge, any discharge of a contaminant onto or into land in circumstances which may result in that contaminant entering water, should after reasonable mixing with the receiving waters meet the following standards:

a) no conspicuous oil or grease films, scums, foams or floatable or suspended materials;
b) no conspicuous change in colour or visual clarity;
c) no objectionable odour from the discharge;
d) no significant adverse effects on aquatic life.

In considering an application for resource consent the Council must ensure that if granted, the proposal is consistent with the purposes and principles set out in Part II of the Act. The principles of Part II of the Resource Management Act 1991 underpin all relevant plan and policy statements, which provide more specific guidance for assessing this application.

Application for resource consent has been sought in accordance with Section 15 of the Resource Management Act 1991 (RMA) because the proposed discharge of domestic wastewater is a discretionary activity under the proposed Regional Plan. As defined in Section 105 of the RMA, consent may not be granted for a discretionary activity unless, having considered the matters set out in Section 104 of the Act, the consent authority is satisfied that any effect on the environment will be minor, or granting of consent will not be contrary to the objectives and policies of the plan or proposed plan. If consent is granted, conditions may be imposed under Section 108 of the RMA.

3.2 Proposed Tasman Resource Management Plan and Regional Policy Statement

The property is located in the Mapua Rural Residential Zone and the Services Contribution Area at Ruby Bay. Following recent variations to the Tasman Resource Management Plan (Variations 32, 35 and 37), any discharge of domestic wastewater into land in this area commencing after 20 December 2003 is specifically excluded from the permitted activity rules for the discharge of domestic wastewater to land (Rule 36.1.4 and 36.1.5) and is therefore a discretionary activity in accordance with Rule 36.1.16 of the proposed Tasman Resource Management Plan (TRMP), until such time as a planned reticulated wastewater system is provided by Council. These changes were initiated because of the growth expectations for the area over the next two decades and the poor drainage characteristics of soils in these areas. If development is allowed to proceed before Council reticulation is available, an approved wastewater system is required until connection is possible.

However, following the release of Council's interim decision on the hearing of submissions on Variation 32 (Tasman District Council Media Statement 3 June 2005) the provision of Council wastewater reticulation can no longer be assumed.

Policy 33.4.2 of the proposed Tasman Resource Management Plan states that in order to avoid adverse environmental effects, including cumulative contamination effects on waterways, water-tables and estuaries from the discharge of domestic wastewater, Council has identified the need to provide reticulation in these areas and to carefully evaluate any transitional on-site systems necessary until reticulation can be provided. Therefore, an application for resource consent for a transitional system is assessed against Schedule 36.1D of the proposed TRMP and systems should be designed in accordance with the AS/NZS 1547:2000 (unless valid justification is provided to warrant otherwise) to minimise the possibility of adverse effects on the environment.

(Note: This policy does not reflect Council's recent interim decision to withdraw wastewater servicing but indicates that careful and conservative design will be required if such systems are to be sustainable long term).

Policy 33.1.10 of the proposed Tasman Resource Management Plan promotes and encourages the discharge of wastes to land or constructed wetlands in preference to water because water contamination risks can be significantly less with land disposal systems and land-based systems can provide better opportunities for nutrient recycling and soil improvement. The design and operation of land application systems must be carried out in such a way that adverse effects on soils and water are avoided, remedied or mitigated.

Policy 33.4.1 of the proposed Tasman Resource Management Plan aims to ensure householders are aware of the potential adverse effects that may be created from discharges from on-site wastewater systems, and methods of avoiding, remedying or mitigating them.

Policy 33.4.4 proposes to avoid, remedy or mitigate the adverse effects of discharges of domestic wastewater, including cumulative effects, particularly those in the Special Domestic Wastewater Disposal Areas.

4. ASSESSMENT

In accordance with Section 104 and 105 of the Resource Management Act 1991, Council must consider the actual and potential effects on the environment of allowing the activity to occur, having regard to any relevant objectives, policies, rules (outlined in Section 4 of this report above) and consider any other matters relevant and reasonably necessary to determine the application. *Note: Of significance in this assessment and considered as an "other matter" is the Council's recent interim decision to withdraw from providing wastewater servicing to the Coastal Tasman Area (of which this site is part).*

4.1 Assessment of Environmental Effects

Pursuant to Section 104(1)(a) of the Resource Management Act 1991, an assessment of any actual and potential effects on the environment of allowing the activity to occur follows.

4.1.1 Receiving Environment

The receiving environment represents the final step in any wastewater treatment and disposal process and is critical in determining the extent and degree of actual and potential adverse effects. Very little detail was provided in the application to characterise the receiving environment, making an assessment difficult. Despite repeated requests for further information, a site and soil assessment in accordance with the New Zealand Standard for On-site Wastewater Management ASNZS1547:2000 was not submitted with the application and has still not been provided at time of writing this report. The applicant is strongly advised to present this information at the hearing.

The property is located on the hills above Ruby Bay, approximately 600 metres from the coast. The topography of the property is moderately to steeply sloping, with predominately a north-eastern aspect. Soils at the site were described in the application as "Moutere Clay", no classification or description was provided. The applicant proposed that 400 millimetres of topsoil overlaid the Moutere clay subsoil, however, the writer's investigations of the site and information collected from soil assessments conducted by wastewater consultants at similar properties in the surrounding areas indicate that this is unlikely.

The land falls away to drainage channels either side of the main ridgeline through the property, these drainage channels enter ponds on the adjoining properties, which discharge into the Pine Hill Stream. The Pine Hill Stream runs adjacent to Pine Hill Road before entering a culvert to cross the State Highway, with eventual discharge to Ruby Bay. A groundwater investigation was not included with the application, although the applicant proposed that there were no bores in close proximity to the disposal area.

4.1.2 Discharge Characteristics

The characteristics of wastewater influence the type and level of treatment required. The number of chemical compounds found in wastewater (even only from domestic sources) is almost limitless but given the solely domestic inputs proposed, it can be assumed that the wastewater will reflect that generally expected from domestic dwellings. The parameters of concern are likely to be suspended solids, biochemical oxygen demand, nitrogen (including ammonical nitrogen), phosphorus, sodium, and a variety of pathogens including bacteria, viruses, fungi, and eggs of parasites. The applicant proposed that the wastewater would be treated by an Airtech 9000 aerated wastewater treatment system, producing effluent of a secondary treatment standard, prior to disposal by drip irrigation. Tertiary treatment was not specifically proposed in the application nor was any form of additional nutrient removal, so the most significant contaminants of concern to this activity would be pathogens and nutrients (in particular nitrogen). Given the existing density of unserviced dwellings in the area, and the proximity to the coast, if the Committee is of the mind to grant this consent, consideration should be given to the requirement for tertiary treatment of wastewater and further nutrient reduction.

The applicant requested consent to discharge up to 900 litres per day, this allows for only a three bedroom house (up to five persons occupancy). Although the application proposed that this would allow for six persons "*because stored water will be used . . . more careful use of water is anticipated*", this is insufficient justification to allow such reduction. No water saving devices have been proposed, additionally, this site is set to be serviced by reticulated water before long. The writer considers that the lack of conservatism built into the design is inappropriate given the uncertainties of what will be built on this site, and is of particular concern given Council's recent interim decision on wastewater reticulation. Either the applicant should accept a restriction by way of consent notice (limiting the size of dwelling to be built on the site to a three bedroom dwelling), or alternatively, the design of the wastewater treatment and disposal systems should be amended to be capable of servicing a five bedroom dwelling.

This is of utmost importance when creating smaller rural-residential sections when wastewater servicing is not envisaged, wastewater must be able to be accommodated within the boundaries of these lots for the long term, with no adverse effects on adjoining properties or the receiving environment.

4.1.3 Disposal

A 400 square metre disposal area was proposed by the applicant, with two additional areas of 400 square metres available for reserve disposal fields. The applicant has not indicated whether the dripper lines will be installed subsurface or as covered dripper lines. Both methods pose difficulties in the poorly draining clays of the Moutere, careful design and installation techniques are required.

The disposal area is to be located on a moderately sloping part of the site, down slope of the proposed dwelling towards the vegetated gully on proposed Lot 2. Calculations for the sizing of the disposal field were not provided in the application, however, an application rate of 2.14 millimetres per day was proposed. Given the volumes proposed in the application, this would require a minimum primary field of 421 square metres and appropriate reserve areas. To limit the application of nutrients to land and the potential for soil saturation, conservative design parameters are recommended. As recommended above, the wastewater volumes are insufficient for design purposes when so little detail is available with regards to the potential dwelling, it is necessary to ensure the allotments will be able to accommodate the wastewater in the long term. The writer recommends that loading rates do not exceed 2 millimetres per day (however, permeability testing required at final design stage may further limit this rate) and sufficient area is provided to allow for the disposal of up to 2,000 litres per day (thus 1,000 square metre primary field and 1,000 square metre secondary/reserve area). Given the lack of detailed information provided with the application, it is not clear whether sufficient, suitable land will be available on Lot 2.

Setbacks from watercourses, separation distances to groundwater, stormwater diversion methods and appropriate preparation of the disposal area will be necessary to limit potential adverse effects. The applicant has not proposed that the disposal area will be planted, however, plantings are important to encourage evapotranspiration of wastewater and of particular importance in the slopes of the Moutere where the risk of surficial slope instability exists and is enhanced by the application of moisture.

4.1.4 Operation, Maintenance and Monitoring

Operation and maintenance requirements were not specifically discussed in the application but a servicing schedule for the Airtech 9000 sewage treatment system was submitted. This schedule required servicing of the air blower and arkal disc filter three times per year and annual washing of the biotube filter and checking of the air system and effluent pump. Chlorination is mentioned but is not an acceptable form of tertiary treatment, as chlorine is a contaminant in its own right, which may degrade the receiving environment. The system is proposed to be managed by an electronically monitored controller which would automatically alert the service provider; this should be required by condition of consent to reduce potential adverse effects from a malfunction within the system.

Monitoring was not proposed in the application but is included in the conditions of consent, monitoring is necessary for the ongoing assessment of the performance of the system and may enable detection of a problem within the system before an adverse effect was to eventuate in the receiving environment.

4.2 Assessment of Alternatives

The applicant briefly discussed the alternative of connecting to Council's reticulated system on Pine Hill Road, but this is not available at this time so cannot be considered. No alternative disposal methods were discussed.

5. OTHER MATTERS

The wastewater implications of the subdivision proposed under RM041097 must be carefully considered in light of Council's recent interim decision to abandon the proposal to service the "Coastal Tasman Area". The proposed subdivision significantly reduces the size of proposed Lot 3, no information has been provided by the applicant regarding the performance of the existing wastewater treatment and disposal area systems and availability of suitable land should the disposal area require expansion. It would be useful if this information could be provided at the hearing. The dwelling on proposed Lot 1 is yet to be constructed but the applicant obtained resource consent in 2004 for the dwelling and the wastewater system. At this time, the wastewater discharge was intended as an interim measure until reticulation was available and the land area requested to be set aside as a reserve area was significantly less than what has been requested here. However, when this assessment was undertaken it was acknowledged that the property was in excess of 10 hectares so additional area should be available. By reducing the size of this allotment (as proposed through this more recent subdivision proposal) the assessment made at that time would no longer be valid.

6. TERM OF CONSENT

The applicant did not specify their desired term of consent but a 10 year term of consent has been recommended. This is less than the maximum possible term allowable for a discharge permit of 35 years in accordance with Section 123 of the Resource Management Act 1991 for the several reasons; an insufficient assessment of the proposed activity has been provided to date to allow adequate consideration of potential cumulative effects, by shortening the term of consent these can be assessed when the consent is renewed and changes made where necessary; and the TRMP as it stands still envisages that wastewater reticulation will be provided to this site within this timeframe; and the plan change that is likely to eventuate from the recent interim decision is likely to introduce very strict controls for on-site wastewater disposal, requiring very low application rates, large disposal areas, high treatment technology and certain exclusion zones (such as steep areas). A shorter term of consent will enable reassessment of this proposal against these requirements in 10 years time.

7. CONCLUSIONS AND RECOMMENDATIONS

The assessment of this application has been complicated by the lack of detail provided by the applicant with regards to the proposed wastewater treatment and disposal system and their potential effects on the environment. If consent is to be granted, robust and detailed conditions will be required to ensure that the discharge is adequately controlled and potential adverse effects are minimised. Provided there is compliance with these conditions, any adverse effects on the environment as a result of the discharge are expected to be no more than minor. Policy and objectives of the relevant planning documents are clear that a discharge to land is preferable where it is the most practicable option and adverse effects would be less than a direct discharge to water, however, careful design consideration is required. Current policies and objectives contained within the TRMP envisage that Council reticulation will be provided at this site within the next 10 years, however, in considering this application the Committee must consider the interim decision recently released by Council (to abandon wastewater reticulation in this area) and its implications on this proposal.

8. SUGGESTED CONDITIONS

If the Committee should decide to grant consent, I recommend that the following conditions be imposed to minimise potential adverse effects of the discharge:

8.1 Site and Discharge Details

Physical Address:	*Pine Hill Road, Ruby Bay*
Legal Description:	*Proposed Lot 2 (1 hectare) of Subdivision of Lot 1 DP 320993 (2 hectares)*
Valuation Number:	*1938000503*
Map Reference of Property:	*East 2516347 North 5997568*
Receiving Environment:	*Land, category 6, heavy clay soil*
Maximum Discharge Volume:	*900 litres per day*
Maximum Discharge Rate:	*2 millimetres per day*
Discharge Characteristics:	*Tertiary treated domestic wastewater*

8.2 Discharge Restrictions

a) The maximum daily discharge volume shall not exceed 900 litres. The consent holder may discharge a greater daily volume, up to a maximum of 2,000 litres per day, provided the prior written approval of the Council's Co-ordinator, Compliance Monitoring has been obtained. Any request to increase the maximum daily discharge volume must be accompanied by a report from a person who is suitably qualified and/or experienced in the design of wastewater treatment and disposal systems and the report shall detail the expected maximum daily wastewater flows and any changes required to the treatment and disposal system (including identification and protection of a suitably sized reserve area) required so that the conditions of this resource consent are always met.

b) The maximum hydraulic lading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day) or 14 millimetres per week, nor any lesser irrigation rate required to ensure aerobic conditions are maintained in the soils, as determined by the results of testing conducted in accordance with Condition 8.3(b).

Advice Note:

For a daily discharge volume of 900 litres per day the disposal area will need to be at least 450 square metres. In the event that the consent holder wishes to discharge a greater daily volume, as provided for in Condition 8.2(a), the wastewater disposal area will need to be increased so that the hydraulic loading does not exceed 2 millimetres per day at all times.

c) The discharge shall not cause any of the following effects on receiving waters (ground and surface water) beyond the boundary of the property:

i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; and

ii) any conspicuous change in colour or visual clarity; and

iii) the rendering of freshwater unsuitable for consumption by farm animals; and

iv) any significant adverse effects on aquatic life.

d) The treated wastewater entering the disposal field, as measured at the sampling point required to be installed in accordance with Condition 8.5(a), shall comply at all times with the following limits:

i) the five day biochemical oxygen demand in any single sample shall not exceed 20 grams per cubic metre; and

ii) the concentration of total suspended solids in any single sample shall not exceed 30 grams per cubic metre; and

iii) the concentration of faecal coliform bacteria in any single sample of the discharge shall not exceed 1,000 per 100 millilitres; and

iv) the concentration of free or residual chlorine shall not exceed 0.5 grams per cubic metre.

8.3 Treatment and Disposal System

a) The consent holder shall submit a detailed wastewater treatment and disposal design, prepared by a person who is suitably experienced in designing wastewater treatment and disposal systems, to the Council's Co-ordinator, Compliance Monitoring for written approval prior to the construction of the system. This report shall include, but not be limited to, the following information:

i) permeability testing in accordance with the New Zealand Standard for On-site Wastewater Management (ASNZS 1547:2000) to identify appropriate loading rates for the disposal field;

ii) the location and dimensions of disposal area (including reserve areas to equate to a total potential disposal area of 2,000 square metres), this shall illustrate setbacks from neighbouring properties, watercourses and domestic bores; and

iii) the measures proposed to minimise stormwater infiltration and inflow into the disposal field; and

iv) the method(s) proposed to achieve at least a 600 millimetre depth of unsaturated soil separation between the dripper line and winter groundwater level; and

v) the location and specifications of the wastewater treatment plant (including methodology of tertiary treatment) to illustrate provision to meet the wastewater quality limits imposed by Condition 8.2(d).

b) Prior to irrigation of any treated wastewater, the consent holder shall obtain a soil survey conducted by a suitably qualified person of any proposed irrigation area to establish the soil types present, including identification of soil horizons that may limit downward water movement. The consent holder shall also determine the "near saturated" (-40 kPa tension) hydraulic conductivity of each soil type and soil horizon, with the aim of determining the long-term irrigation acceptance rate of the soils within that irrigation area. The consent holder shall prepare a report that outlines the results of these investigations. A copy of this report shall be forwarded to the Council's Co-ordinator, Compliance Monitoring, within two weeks of the results becoming available, and also within one month of any intended irrigation discharge.

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

The person supervising the construction and installation of the system shall provide a written certificate or producer statement to the Council's Co-ordinator, Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Conditions 8.3(e), (f), (g), (h), (i), (j), (k), (l) and (m) and shall also confirm the following:

i) that the wastewater system (including the treatment plant and the disposal field) is capable of treating the design flows and required wastewater quality limits and including nitrogen reduction required by Condition 8.3(e) and has been designed in accordance with standard engineering practice, AS/NZ Standard 1547:2000 for On-Site Domestic Wastewater Management; and

ii) that all components of the wastewater system (including the treatment plant and the disposal areas) have been inspected and installed in accordance with standard engineering practice, the manufacturer's specifications; and

iii) that suitable plant species have been established in the covered drip irrigation beds; and

iv) that the components used in the facility are in sound condition for continued use for the term of this resource consent.

d) The consent holder shall submit a set of final "as-built" plans to the Council's Co-ordinator, Compliance Monitoring which show the siting of all components of the wastewater treatment and disposal system (including reserve areas to allow for a total potential disposal area of 2,000 square metres). For the purpose of this condition, the consent holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans.

e) The wastewater treatment plant shall be capable of achieving a 65% reduction in total nitrogen in the wastewater prior to discharge.

g) The wastewater treatment plant shall be located in a position such that it is not subject to any inundation and/or stormwater infiltration.

h) The wastewater disposal area (including the reserve areas) shall be located not less than:

i) 20 metres away from any surface water body, including any water ponded by any stormwater detention structure (but excluding stormwater cut-off drains required by Condition 3(h) of this consent); and

ii) 20 metres from any bore for domestic water supply; and

iii) 1.5 metres from any adjoining property.

i) There shall be no ponding of wastewater on the ground surface or any direct discharge or run-off of wastewater to surface water.

j) All wastewater shall be discharged to ground by way of pressure compensating dripper irrigation line(s). The consent holder shall at all times ensure that the irrigation lines used for the disposal of treated wastewater are covered by a minimum of 100 millimetres of topsoil.

k) The surface of the disposal area(s) shall be contoured so as to minimise stormwater infiltration. A stormwater cut-off trench shall be constructed upgradient of the disposal field to divert stormwater away from the disposal area.

l) The design and operation of the wastewater system shall ensure that the depth of unsaturated soil between the dripper lines and the maximum winter groundwater level is not less than 600 millimetres.

m) A suitable wastewater disposal reserve area to ensure that the total potential wastewater disposal area equates to 2,000 square metres (including primary disposal field) shall be kept available for future use for wastewater disposal. This reserve area shall remain undeveloped and shall be located within the boundaries of the subject property.

Advice Note:

It is important that the reserve is located in an area that can be used if required in the future. As such, it should be protected from development (i.e. no permanent buildings or structures should be placed on it). If discharge volumes were to be kept below 900 litres, a 450 square metre primary disposal area would be required and 1,550 square metres would need to be retained as the reserve disposal area.

n) The disposal area shall be planted with species suitable for wastewater uptake prior to the exercise of this consent; these plants shall be maintained in good health for the duration of this consent. The disposal area shall only be used for wastewater disposal and the boundaries of the area shall be clearly delineated by vegetation or other type of border.

8.4 Operation and Maintenance

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

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

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

b) The wastewater treatment and disposal system shall be inspected and serviced not less than every four months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator, Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

i) the date the inspection was undertaken and the name of the service provider; and

ii) a list of all components of the treatment and disposal systems that were inspected and the state of those components; and

iii) any maintenance undertaken during the visit or still required; and

iv) a description of the appearance of the filter/s and tanks; and

v) the location and source of any odour detected from the system during the inspection; and

vi) a description of the appearance of the disposal area (ponding, vegetation growth etc).

c) All tanks of the wastewater treatment system shall be regularly desludged before sludge accumulation reduces the settling volume below 24 hour retention to minimise carryover of solids. Material collected from the desludging of the tanks shall be removed from site for disposal at a facility authorised to receive such material.

d) The wastewater treatment plant shall be fitted with an electronically monitored controller in accordance with information submitted with the application for resource consent RM041282; this system shall provide automatic notification to the service provider of malfunctions in the treatment plant and shall notify the occupant by audio and visual alarm attached to the treatment plant.

8.5 Monitoring

a) A sampling point, to allow collection of a sample of the treated wastewater, shall be provided at a point located directly after the final pump-out chamber and before the point where the wastewater discharges to the disposal field. Details of the location of this sampling point shall be forwarded to the Council's Co-ordinator, Compliance Monitoring prior to the exercise of this consent.

b) Each year the consent holder, or their authorised agent, shall collect a sample of the treated wastewater from this point and the sample shall be analysed for BOD_5 (five day biochemical oxygen demand), TSS (Total suspended solids), faecal coliform bacteria and free and residual chlorine. The sample shall be collected by a person experienced in collecting such samples, using standard sampling methodologies and equipment and shall be transported to the laboratory under chain of custody. The sample shall be analysed using standard methodology by an IANZ accredited laboratory. The analytical results shall be forwarded to the Council's Co-ordinator, Compliance Monitoring within 20 working days of the results being received from the laboratory.

Advice Note:

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

8.6 General Conditions

a) The Council may, in the period 31 May to 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:

i) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or

ii) to require the consent holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or

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

iv) reviewing the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate.

b) Pursuant to Section 36 of the Resource Management Act 1991, the consent holder shall meet the reasonable costs associated with the monitoring and administration of this permit. Costs can be minimised by consistently complying with the conditions of this consent and thereby reducing the frequency of Council visits.

ADVICE NOTES

1. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.

2. The applicant is reminded with regards to Advice Note 1, the discharge may not create an offensive or objectionable odour beyond the property boundary and all associated excavation work must comply with the permitted activity requirements of the Tasman Resource Management Plan unless otherwise authorised by resource consent.

3. This discharge consent is deemed to be held by the owner of the land described as Lot 1 DP 320993. This consent relates to proposed Lot 2, which will be created once the subdivision of the parent property is formalised. If the property is sold, the consent holder is responsible for ensuring the transfer of consent to the new owner occurs in accordance with Council requirements and Section 137 of the RMA.

4. The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

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

6. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-ordinator, Compliance Monitoring.

7. If the site is located within the urban drainage area identified by Council when future reticulation is available, the consent holder will be required to provide connection from the dwelling or on-site treatment system to the sewer line.

8. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g. shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.

APPENDIX B

Consent to Discharge Stormwater

TO: Ross Shirley

FROM: Donna Hills

DATE: 9 June 2005

REFERENCE: RM041283

SUBJECT: Rataview Ltd – Consent to Discharge Stormwater

THE PROPOSAL

The proposal is for the discharge of stormwater from a subdivision creating one additional rural-residential allotment.

SUBMISSIONS

No submissions specifically refer to the disposal of stormwater.

STATUTORY CONSIDERATIONS

Section 15 of the Resource Management Act 1991 requires that resource consent be obtained to discharge contaminants into the environment.

Rules

Rule 36.4.2 of the Proposed Tasman Resource Management Plan (TRMP) controls the discharge or diversion of stormwater or drainage water into water, or onto land within the various zones in the District. The Rural 3 Zone is excluded from the permitted activity rules and accordingly consent is required for the discharge of stormwater from the subdivision.

Objectives and Policies

The following objectives and policies from the TRMP are considered to be generally relevant to this application to discharge stormwater:

Objective 33.3.0
The discharge to stormwater so that:

a) there is no increase in risk of damage caused by flooding or associated channel damage arising from increased stormwater flows in any urban or rural catchment as a result of urban or rural-residential development;

b) the contamination effects of stormwater flows in streams and the coastal marine area, especially in those receiving water bodies with significant natural character or habitat value for plants and animals are avoided, remedied or mitigated;

c) stream habitat values are retained, and where practicable, enhanced or established in drainage catchments consistent with the efficient passage of increased stormwater flows, as a result of urban or rural-residential development and channel modification;

d) the effects of increased stormwater flows and contaminating discharges are avoided, remedied or mitigated by the development of stormwater collection and disposal systems to service urban or rural-residential development.

Policy 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.

Policy 33.3.2
To advocate works to restore and protect stream or coastal habitats and improve and protect water quality affected by stormwater and drainage water discharges.

Policy 33.3.3
To avoid, remedy or mitigate the adverse effects of stormwater and drainage water discharges, including:

a) the effects of contaminants such as sediments in stormwater or drainage water on receiving environments;

b) the cumulative effects of toxic contaminants in stormwater, particularly in the coastal marine area;

c) the flooding and erosion effects of stormwater discharges.

ASSESSMENT OF THE APPLICATION

In accordance with Section 104 and 105 of the Resource Management Act 1991 Council must consider the actual and potential effects on the environment of allowing the activity to occur, having regard to any relevant objectives, policies and rules, and consider any other matters relevant and reasonably necessary to determine the application.

The application is for subdivision of two parent titles which have a split zoning of Rural 3A and Rural Residential. If the application is approved one additional allotment will be created, and consent for the discharge of stormwater from this new lot is required.

Creation of a new lot will result in a proportion of the area of land changing from pastoral to residential hard surface cover. Rainfall on some of the hard surfaces, such as driveways and courtyards will discharge directly to the catchment without infiltration to groundwater. Rainfall from roof areas will be captured in storage tanks for domestic use and firefighting purposes. These storage tanks will only overflow and discharge excess water to the Pine Hill catchment during periods of high rainfall. Any overflow will be directed via a pipe onto the driveway so that it will not adversely affect any adjoining property.

There will be an incremental increase in rainfall run-off from the newly developed site in comparison to the existing pastoral use. However, given the sloping topography and the Moutere Gravel geology, where infiltration rates are relatively low, the difference in run-off would be relatively small in normal rainfall periods and slightly greater in more intense and prolonged rainfall events.

Overall, the impact of the proposed additional allotment will be relatively small and is not likely to significantly alter the floodwater carrying capacity of the Pine Hill Stream, or add to any flooding hazard in the catchment. Therefore, should the Committee resolve to grant consent to the proposed subdivision the effects in terms of increased stormwater are considered to be no more than minor.

It is recommended that a condition of consent require appropriate erosion control measures be taken to avoid any run-off.

Discharge of Sediment and Other Contaminants

During construction periods, and the placement of rock scour protection (if required), there is the potential for the discharge of contaminants to the waters, particularly the mobilisation of sediment. Other contaminants that may also be discharged include cement residues (which are alkaline and may alter the pH of water) and the discharge of hydrocarbons from the machinery used during construction.

All construction works should be undertaken in a manner that avoids introducing silt or any other contaminants into watercourses and includes a limit to the discoloration (i.e. discharge of sediment) that may occur in watercourses.

Provided the appropriate construction methods and sediment control measures are adopted, the impacts are expected to be minimal. The measures to be adopted include but are not limited to avoiding in-stream works where possible, limiting duration of the works to only that required to complete the job and if necessary, the use of settling ponds, straw bales and/or other retention devices. All machinery used should be refuelled and maintained away from watercourses.

SUGGESTED CONDITIONS

Should the Committee wish to grant consent, the following conditions are recommended:

1. The discharge of stormwater shall be undertaken in accordance with the information supplied with the final amended application by Rataview Ltd dated 28 April 2005

2. The discharge of stormwater shall not cause in any receiving water any of the following:

    a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
    b) any emission of objectionable odour;
    c) the rendering of freshwater unsuitable for bathing;
    d) the rendering of freshwater unsuitable for consumption by farm animals; and
    e) any adverse effect on aquatic life.

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

4. Sediment controls shall be implemented and maintained in effective operational order at all times.

5. The discharge shall not result in or contribute to flooding on adjoining properties.

6. The consent holder shall contact Council's Manager, Environmental Information when construction of roading, access, and building platforms commences to enable monitoring of the effectiveness of stormwater sediment and erosion controls to be carried out. The cost of monitoring and any subsequent remedial actions shall be borne by the consent holder.

7. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:

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

    b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or

    c) when relevant national environmental standards have been made under Section 43 of the RMA.

NOTATIONS

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

2. Access by the Council's officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

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

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

5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

DURATION OF CONSENT

If consent is granted, it should be for a 35 year period, being the maximum allowable under the RMA.