



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Ross Shirley. Subdivision Officer

REFERENCE: RM050370, RM050405, RM050375, RM050377, RM050378

SUBJECT: **GALEO ESTATE LTD – REPORT EP05/12/04** – Report prepared for 19 and 20 December 2005 hearing

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1. INTRODUCTION

The following report is my assessment of a resource consent application lodged by Galeo Estates Ltd to subdivide a site within the Rural 3 Zone, Maisey Road, to create 29 residential lots, two open space/productive lots, plus a number of lots to be used for roading, walkways and utilities.

My report specifically covers RM050370 (Subdivision and Land Use (Roads)) but also refers to aspects of the development that require various other resource consents. An assessment of those consents is attached as an appendix to this report.

2. SITE DESCRIPTION

The site is located on the western side of Maisey Road, close to its intersection with the Coastal Highway. It is essentially a rear site, with the main body being square in shape.

A main ridge runs north-east from the southern boundary. Numerous minor ridges or spurs fall east and west from the main ridge to two well defined gully systems. Elevation ranges from 8-85 metres above sea level.

The lower part of the site adjoining Maisey Road was formally the site of a sawmill. In the 1970s the sawmill was converted into a piggery that operated until 1999. The piggery included two settlement ponds located on top of the ridge. The balance of the land has historically been a pine plantation but has recently been cleared and planted in grass.

Two high voltage transmission lines bisect the property. There are no other structures or buildings on the land.

Adjoining land uses comprise a mixture of pine plantation, rural-residential use, small-scale orcharding and vineyards, and more intensive horticultural use under glasshouses.

3. LEGAL DESCRIPTION

The land is held in one certificate of title in the name of Galeo Estate Ltd. I understand Galeo Estate to be a family development company, the directors of which are Wayne and Jenny Vollmer, Brent Vollmer, Angela Bradley and Emma Vollmer.

The legal description is Section 1 SO 15642, Lot 1 DP 343461 and Lots 3 and 4 DP 352521 being the land in Certificate of Title 215329 containing 33.04 hectares.

Current interests include an electricity easement in favour of Network Tasman Ltd over part of Section 1 SO 15642 and a rural emanations easement appurtenant to Lot 1 DP 343461. Section 1 SO 15642 is also subject to Part IVA Conservation Act 1987 and Section 11 Crown Minerals Act 1991.

4. PREVIOUS BOUNDARY ADJUSTMENT

As part of the preparation for the current application a boundary adjustment subdivision was undertaken between three existing certificates of title. The Council decision on the boundary adjustment (RM040461) recorded:

“The boundary adjustment is a limited discretionary activity that provides for a future integrated Rural 3 proposal. It is essentially a legal exercise to provide a large block of undeveloped land that currently cannot be efficiently managed because of the physical and legal separation, topography, shape and number of owners. The matters to which Council has restricted its discretion, to the extent that they may be relevant, will quite rightly be assessed at the time of the future Rural 3 proposal.”

The boundary adjustment is a good example of the outcome sought for Rural 3 subdivision whereby a number of owners with small land holdings work together in order to identify means of achieving the best overall outcomes and maximising appropriate development opportunities.

5. ZONING

The application site is zoned as follows:

- (a) Rural B under the Operative (Transitional) Tasman District Plan Waimea Section;
- (b) Rural 3 under the Proposed Tasman Resource Management Plan (TRMP).

The Rural 3 zoning was introduced by Variation 32, which was publicly notified in December 2003. Notwithstanding that Variation 32 is subject to a large number of submissions and decisions have not been released on those submissions, Variation 32 has been fully effective from date of public notification. That is, the Rural 3 zoning has totally replaced the Rural 2 zoning that previously applied to the site under the TRMP.

6. CONSENTS SOUGHT

To undertake the following activities associated with a 29 allotment rural cluster subdivision development on land zoned "Rural 3" according to the proposed Tasman Resource Management Plan (PTRMP):

Application Number RM050370 – Subdivision

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

Application Number RM050370 – Land Use (Roads)

To construct roads within a subdivision that will not meet the Rural 3 road design standards as set out in the PTRMP.

Application Number RM050405 – Land Use (Dwellings and Ancillary Buildings)

To construct a dwelling and ancillary buildings on each of proposed Lots 1 to 29 outside of the "building exclusion area" shown on the application plan. The buildings will be subject to design and appearance covenants and will otherwise comply with the bulk and location requirements for the Rural 3 Zone as set out in the PTRMP.

Application Number RM050405 – Land Use (Farm Buildings)

To construct farm buildings within a 700 square metre building curtilage area on each of proposed Lots 30 and 35 to be located where required in conjunction with the productive use of that land (excluding wastewater disposal areas and under electrical transmission lines). The farm buildings are proposed to comply with the bulk and location requirements for the Rural 3 Zone as set out in the PTRMP.

Application Number RM050375 – Land Use (Earthworks)

To undertake up to 20,000 cubic metres of earthworks associated with the construction of roads and filling in of two old piggery effluent treatment ponds.

Application Number RM050377 – Discharge Permit (Wastewater)

To discharge up to 35 cubic metres of tertiary treated domestic wastewater per day to land at a rate of up to 2.85 millimetres per day. A 35 year term is being sought for this consent.

Application Number RM050378 – Discharge Permit (Stormwater)

To divert and discharge stormwater from roadside swales and drains to an unnamed tributary of the Waimea Estuary and to a wetland system located within the subdivision development. A 35 year term is being sought for this consent.

7. SUBDIVISION PROPOSAL

The subdivision proposal is shown on plan marked Overlay 6 submitted with the application and was developed from a comprehensive analysis of the site as required for any Rural 3 proposal. The analysis essentially identified two landscape elements, one where the land needed to be protected and enhanced such as watercourses, ponds, wetlands, riparian areas, production/open space areas and ridgelines and the other where a level of residential development was appropriate.

Lots 1-29 are proposed residential sites with areas ranging from 2,300 square metres to 6,360 square metres.

Lots 30 and 35 with areas of 6.07 and 9.19 hectares respectively are to be retained for productive/open space purposes. No dwellings are permitted on these lots but they are each to be amalgamated with an adjoining residential allotment.

Lots 31, 32, 33 and 34 are to be held in common by the owners of Lots 1-29. Lot 31 is to contain the communal wastewater treatment plant. Lot 32 is to contain the water tanks that provide a potable water supply and fire fighting capacity for the residential lots. Lots 33 and 34 are open space and wetlands.

Lot 36 is road to vest in Tasman District Council, with Lots 37 and 38 being buffer strips to enable future roading connections to adjoining land.

Various rights-of-way are to be constructed to provide access to the residential sites and an area of 1.6 hectares is identified within Lot 30 as the communal wastewater irrigation area.

8. STATUS OF THE SUBDIVISION PROPOSAL

Under the Transitional District Plan Waimea Section the subdivision proposal is a non-complying activity as the allotment areas do not meet the minimum 15 hectares needed to be a controlled activity for the zone (Rule 406.1).

However, Variation 32 of the Proposed Plan introduced Rural 3 and was prepared under the framework of the Resource Management Act 1991 after extensive consultation with the community. Therefore, the Proposed Plan must bear greater weight than the Transitional Plan to the extent that it is not worth canvassing matters that would have been relevant under the Transitional Plan. This position is consistent with the position adopted by the Committee in previous Rural 3 decisions.

Under the Proposed Tasman Resource Management Plan the subdivision proposal is a restricted discretionary activity. This is because the allotment areas do not meet the minimum 50 hectares needed to be a controlled activity for the zone (Rule 16.3.C(b)) and every allotment in which a building is intended to be located has a building location area shown on the plan (Rule 16.3.9D(a)).

Under the Proposed Tasman Resource Management Plan the road construction is a discretionary activity (Rule 18.10.4) as the proposed road does comply with all the conditions to be a permitted activity (Rule 18.10.3).

9. RELEVANT STATUTORY PROVISIONS

The subdivision is a restricted discretionary activity. For such restricted discretionary activities Council may only consider those matters specified in the District Plan to which it has restricted its discretion. Council may then grant or refuse the application. If Council grants the application it may impose conditions under Section 108 only for those matters specified in the District Plan over which it has restricted the exercise of its discretion (Section 104C RMA).

The matters over which Council has restricted its discretion are listed in Chapter 16.3.9D TRMP. In summary, they are:

- (i) protection of the land's productive values;
- (ii) relationship between the subdivision and subsequent building development;
- (iii) effects on rural landscape and amenity values;
- (iv) consistency with the design guide for the area;
- (ivA) interim provision of water supply and wastewater services – refer note below;
- (v) provision for a protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites;

- (vi) management of natural hazards;
- (vii) ability of the wider landscape to absorb the extent of development without significant loss of rural character;
- (viii) contamination by pesticides;
- (ix) actual and potential cumulative adverse effects;
- (ixA) compliance with Chapter 16.2 Transport Rules, Chapter 18.10 Road Area Rules and Tasman District Council Engineering Standards;
- (ixB) relationship of new roads with existing roads, adjoining land and future roading requirements;
- (x) bonds, covenants and financial contributions in addition to those specified in standards and all matters referred to in Section 220 of the Act;
- (xi) any other relevant criteria in Schedule 16.3A.

It is emphasised that, in determining the subdivision proposal, Council is limited to considering the matters listed above. In general, other matters derived from Part II of the Act, the Tasman Regional Policy Statement, the District Plan or elsewhere are irrelevant. However, given the wide ranging matters of discretion, which include consistency with the design guide, cumulative adverse effects and all the relevant criteria in Schedule 16.3A, it is unlikely that any application would offend the Part II matters or policies and objectives of District Plans without also offending the matters of discretion.

Note:

Council has recently released an interim decision that abandons the proposal to provide reticulated wastewater servicing. The Council has also advised its interim decision confirming its intention to provide a reticulated community water supply. Although the District Plan has not yet been changed to reflect this decision, it is important to consider the implications of this imminent Plan Change when assessing this application.

10. FURTHER INFORMATION AND NOTIFICATION

The original application was lodged with Council on 11 May 2005. Following a preliminary assessment by Council staff, further information on a range of matters was requested on 16 June 2005. Subsequently, a fresh application was lodged on 10 August 2005 which was publicly notified on 27 August 2005, with submissions closing on 23 September 2005.

The time period for holding a hearing was extended to allow the applicant to discuss matters of concern with the submitters and also to meet the requirements of Council's hearing schedules.

11. SUBMISSIONS

A total of 14 submissions were received, five in support, six in opposition and three conditional. A summary of the submissions follows:

11.1 Redwood Valley Enterprises - Support

- Consistent with Council's decisions in other Rural 3 application.

11.2 J W and WEA Vollmer - Support

- Satisfies increase in housing demand.
- Satisfies Rural 3 design requirements.

11.3 W L and J C Clark - Oppose

- Loss of productive land.
- Rural outlook, privacy.
- Further development, increase in land prices.

11.4 Nelson-Marlborough District Health Board - Conditional

- Supports provision of community sewage treatment and disposal facilities.
- Supports provision of non-potable water from rainwater.
- Supports connection to Redwood water supply scheme.
- Requests further information and conditions relating to treatment and disposal of sewage.

Note:

Further information was subsequently provided by the applicant, including proposed conditions. All issues raised by the Public Health Service have now been adequately addressed, explained or clarified.

11.5 D Barret - Support

- Enhances an area currently underutilised.
- Requires assurance from developer and Council that there will be no smell from sewage.
- Requires rural emanations easement.
- Requires right-of-way easement.

11.6 M A and C I McGee - Support

- The development will improve the Maisey Road environment.
- Communal wastewater treatment system.
- Improvements to Maisey Road.
- Requires strict controls to prevent poor performance of wastewater treatment system.

- Requires assurance that existing businesses in Maisey Road retain existing rights.

11.7 G and P Henderson - Oppose

- Number of proposed houses.
- Access to bordering properties.
- Further subdivision.
- Requests smaller number of houses.
- Requests prohibition on subdividing surrounding properties.
- Requests consideration of cross-boundary effects.

11.8 R A and B L Gardner - Oppose

- Cross-boundary effects.
- Wastewater system.

11.9 N D Maisey and Others - Oppose

- Not sustainable, just a cluster of houses.
- Precedent.
- Complete change of nature of area.
- No consultation.
- Requests a limit of one to two houses.
- Requests development does not restrict current farming or industrial activities.

11.10 C Garnett - Oppose

- Roading should comply with minimum design standards.
- Wastewater system should be owned by Council.
- Subdivision should be joined to Council reticulated sewerage system.
- Discharge rate is too high.
- All services should be in place before construction of dwellings and be Council-owned.

11.11 R L and J G Marshall - Support

- Most efficient use of the land.

11.12 B Llewellyn - Oppose

- Lot size out of keeping with predominant lot size in Maisey Road.
- Subdivision is contrary to Transitional District Plan.
- Council has not released decisions on Variation 32.
- No consultation.
- Fragmentation of productive land.
- Effects on rural character and outlook.
- Scant regard for existing neighbours' outlook, privacy or rights.
- A commercial proposal with no special circumstances.
- Allow subdivision into 4 hectare lots.

11.13 Carter Holt Harvey Ltd - Conditional

- Request rural emanations easement.

11.14 Transit New Zealand Ltd - Conditional

- Potential impact on the State Highway network at the State Highway 60 / Maisey Road intersection.
- Requests a traffic engineering report. (I understand this report has been provided by the applicant and Transit has amended or withdrawn their submission but confirmation is required.)

Comment

A number of the issues raised by submitters in opposition to the proposal are directed at the philosophy behind Rural 3 rather than the proposal itself, for example, “*complete change to nature of area*”, “*just a cluster of houses*”, “*contrary to Transitional District Plan*”, “*allow subdivision into 4 hectare lots*”. However, Rural 3 is now the dominant planning document, with any opportunity for public submissions long since past. The Rural 3 Zone provides for, in fact encourages, cluster-type rural-residential development, subject of course to retaining productive land values, rural landscape character values and appropriate levels of servicing.

A number of other issues raised by submitters in opposition relate to servicing, particularly the potential for smells from the wastewater treatment and disposal system. However, it is noted the Public Health Service has confirmed that the earlier issues raised by them have now been adequately addressed by the proposed consent conditions. A detailed assessment of the wastewater treatment and disposal system follows in Appendix D.

Comments on other matters raised by submitters will also follow in later parts of this report or will otherwise be covered by conditions.

The location of the submitters is shown on the following page, with the numbers corresponding to the number of the submission.

12. ASSESSMENT AND EVALUATION

As stated previously, the subdivision proposal is a restricted discretionary activity which means that Council in assessing and evaluating the proposal may only consider the 14 matters listed in Chapter 16.3.9D TRMP. Those 14 matters are shown in italics under the following general headings.

12.1 Productive Land Values

“(1) The extent to which the proposed subdivision retains and protects land with actual and potential productive values.”

The application included a detailed assessment of productive land values prepared by John Bealing of AgFirst. That report identified the land as Class E, which means the land is suitable for pastoral farming and production forestry but not suitable for

the growing of commercial horticultural crops. Low rainfall, steep topography, drainage problems and past land uses have also been identified as limitations to the land's productive value.

Two larger lots, Lots 30 and 35, are being set aside within the development for productive purposes. Even with some investment into fertilisation and irrigation it is unlikely they will be economic units but do retain their productive use by virtue of the prohibition on the construction of dwellings. In any case, the philosophy behind Rural 3 anticipates there will be a certain amount of land that will be lost to productive use (up to 25% over the zone).

I see the real value of Lots 30 and 35 as maintaining open space and rural outlook within the proposal itself and providing a buffer from adjoining properties.

12.2 Rural Character and Amenity Values

- “(2) The relationship between the subdivision proposed and the subsequent development, including effects of location and scale of buildings and other structures.*
- (3) Effects on the rural landscape, on amenity values and on coastal character and values.*
- (4) Consistency with the Design Guide for the area.*
- (5) Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites.*
- (7) The ability of the wider landscape to absorb the extent of development proposed without significant loss of rural character.”*

The application included a detailed landscape assessment prepared by Chris Glasson of Landscape Architects Ltd. That assessment describes the existing landscape character as being a rolling landscape of open character with scattered dwellings, woodlots, commercial forest and farmland. The report also acknowledges that the character has changed over the past 10 years from orchards and grazing to small developments, forestry holdings and regenerating native bush.

The report discusses the ecology of the site including stream and stormwater detention, revegetation, bird management, visibility and building design and appearance. The report then concludes that due to the incised, secluded nature of the land and the proposed open spaces and planting, that the proposed subdivision and development will remain as secondary elements in terms of the site's rural character and amenity values.

To ensure that the planting undertaken by the developer including revegetation of the wetlands and riparian areas, planting between the clusters of residential lots and roadway plantings are maintained in the future a Landscape Management Plan will be required. This Landscape Management Plan will be monitored by the Residents' Association, to which each lot owner will be a member. A Riparian Management Plan, Weed Management Plan and Water Management Plan will be prepared and monitored in a similar way.

In addition to the above Plans, each individual lot owner will be required to submit to Council Building Design and Landscape Plans to ensure that the buildings and private landscaping integrates with the overall landscape pattern.

In addition to the landscape assessment, the application included a detailed assessment against the Rural 3 Guidelines in relation to subdivision, site development, building appearance, planting and riparian management. The Management Plans referred to above have largely been developed from that assessment.

I see the Management Plans, while recognising there will be some changes to the rural landscape, ensure the values of the rural landscape are maintained and enhanced.

12.3 Servicing

“(4A) The interim provision of water supply and wastewater services for the land to be subdivided pending the availability of Council-provided reticulated services.”

(a) Water Supply

The site is serviced by the Redwood Valley water supply scheme, to which the applicant has purchased 27 units (1 unit = 1,000 litres). I understand this scheme has sufficient capacity to service the development but at a low flow distributed over a 24 hour period. Therefore, it is proposed to install two 30 cubic metre tanks for interim storage on the high ground within Lot 32. The water will then be distributed to a 23,000 litre potable water tank located on each residential site.

In addition, the District Plan requires each residential site to be provided with a 23,000 litre tank for the collection of rainwater to be used for toilet flushing and outside use.

The two 30 cubic metre tanks on Lot 32 will provide an adequate flow and pressure to the proposed fire hydrants. The two 23,000 litre tanks on each residential site will also have couplings installed to provide additional fire fighting capacity.

The proposed water reticulation is a satisfactory interim provision that will allow for a connection to the upgraded Council reticulation programmed for 2008/2009.

(b) Wastewater

As stated previously, Council has recently released an interim decision that abandons the proposal to provide reticulated wastewater servicing to the Rural 3 Zone. Therefore, it is essential that wastewater servicing for this subdivision proposal be considered as a final solution rather than the interim solution contemplated by the current wording of the District Plan.

The proposal includes an application prepared by Truebridge Callender Beach for a discharge permit to discharge up to 35 cubic metres of treated wastewater per day via a 1.2 hectare communal irrigation area.

The proposed site for the treatment site is on Lot 31. Raw sewage will be delivered to this site by a system of gravity and rising mains and after treatment, pumped to a communal irrigation area within Lot 30. Ownership and future maintenance responsibility of the wastewater system is to be by the Residents' Association, with appropriate easements imposed as conditions of consent.

The proposed wastewater system is a long term solution that is not reliant on Council providing a regional reticulation system. The proposed system is assessed together with the application for the discharge permit in Appendix C.

12.4 Natural Hazards

“(6) Management of natural hazards within and beyond the boundaries of the area.”

(a) Stormwater

The application included a stormwater and discharge assessment prepared by John McCartin. Basically, the site is contained within two distinct catchments. Firstly, a larger catchment of some 70 hectares which drains the eastern part of the site. However, the watercourse within this catchment is small and often dry during the summer months. Discharge is via three gully dams including David's Pond and the entrance dam before passing through a large culvert under the Coastal Highway and draining to the Waimea Inlet.

The second catchment is a smaller one of approximately 10 hectares which drains the western part of the site. The gully within this catchment is generally dry but it does contain two smaller ponds.

Stormwater from roofed areas will be collected in storage tanks. Stormwater from roads will be in swales and water tables and discharged at multiple points into existing drainage gullies where it will travel overland into riparian areas to be filtered prior to entering the main gullies. This method of stormwater discharge is in accordance with the principles of low impact stormwater design.

The stormwater assessment concludes that in the larger catchment post-development flows will be significantly lower than pre-development flows and in the smaller catchment any increase in flows will be insignificant. It is also important to note that any increase in flows arising from the development is far less than the increase caused by the recent removal of the pine trees.

It is acknowledged that rehabilitation of freshwater habitats and wetland enhancement is an important part of the development – refer assessment of aquatic fauna values prepared by Tom Kroos and Associates Ltd. A separate consent has been sought (and granted) to undertake works within a waterway to provide for fish passage and other enhancement works.

The current proposal includes an application to discharge stormwater from the proposed development. This discharge permit is separately assessed in Appendix D.

(b) Stability

The application included a geotechnical assessment report prepared by Jeff Swanney of Swanney Geotechnical and Civil Engineering. That report assessed slope stability, earthquake risk, earthworks and founding conditions for buildings, roading and other services.

The report concluded that from a geotechnical perspective the site is suitable for the proposed development.

12.5 Roothing

“(9A) The degree of compliance with Chapter 16.2 Transport rules, Chapter 18.10 Road Area rules, and any current Tasman District Council Engineering Standards.

“(9B) The relationship of any new road with existing roads, adjoining land, and any future roading requirements.”

Access to the development is proposed via a new road connecting to Maisey Road. Maisey Road in turn provides links to both the Coastal Highway and Moutere Highway. The section of Maisey Road from the intersection of the new road to the Coastal Highway (approximately 220 metres) has recently been upgraded to provide a 6.5 metre traffic lane as a result of a recent subdivision (RM000419, W and W Partnership Ltd). The balance of Maisey Road is programmed for an upgrade by Council in 2012/2013.

The alignment of the new road is dictated by the limited frontage available to Maisey Road and a narrow point in the boundary. Other than that the road generally follows the contours of the land to minimise each disturbance.

The proposed road construction standards can be summarised as a 6.0 metre sealed carriageway, 500 millimetre shoulders with water tables or concrete kerb with channel and one 1.5 metre footpath finished to an all-weather standard. No street lighting is proposed. Three rights-of-way are proposed, one of which has seven users.

The roading standards are very close to the requirements of the District Plan. Minor discrepancies are sought for shoulder width, concrete edge restraint, surfacing of the footpath, street lighting and number of users on right-of-way.

12.6 Reserves

Community Services staff undertook a site visit in order to determine if the vesting of land for reserves or walkways was appropriate within the application site. It was noted that public walkways will be provided from Maisey Road through the site adjacent to the formed road within the road reserve. Public access can be extended through adjoining properties in the future if or when they are developed. It was considered that there was little need for internal walkways within the site, as there are topographic and locational constraints which were difficult to overcome and the road provides the most convenient walkway to feeder roads for school children.

The vesting of a local purpose reserve was not considered to be a high priority within this subdivision. Council receives reserve fund contributions to provide for the purchase and development of reserves throughout the District. The area already has an open rural character and the average allotment size was considered sufficient to provide for the recreational needs of the local children. Council considers that there are other areas closer to urban centres, rivers and the coast which have a priority for the purchase and development of reserves which would provide greater benefits to a larger number of residents.

Council's objectives in the Tasman Resource Management Plan include the need to provide an adequate area and distribution of a wide range of reserves and open spaces in order to maintain and enhance recreation, conservation, access and amenity values. The associated policies aim to provide reserves in areas which have high visitor numbers and which provide new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves. It also requires Council to identify areas where there is a deficiency of open space.

The formation of a reserve within this site is not considered to be consistent with the objectives and policies in the Plan. The site is not in a location which receives high visitor numbers. Sites closer to conservation areas, rivers, lakes and the sea and sites of special local interest or in close proximity to urban areas are considered to have a higher priority. The proposed site will not help provide linkages with existing reserves and nor is it located in an area where there is considered to be a deficiency of open space.

12.7 Site Contamination

“(8) Effects of likely land contamination by pesticide residues on future activities on the land.”

The application includes a land and water contamination assessment prepared by the Cawthron Institute. This is because Baigents operated a sawmill on part of the site from the 1940s to the 1970s, leaving a residual buried sawdust dump. Copper, arsenic and chromium are typical chemicals of the timber treatment process.

The results of the sampling indicate that there may be low level copper contamination in the eastern watercourse but not at a level to pose any risk to human health and at a level to have only minor ecological effects (if any). The arsenic and chromium concentrations were generally below method detection limits.

In the mid-1970s the sawmill was converted into a piggery that operated until 1999. The pig effluent was pumped to two settlement ponds located on top of the ridge. The water from the ponds has recently been drained and it is proposed to utilise the remaining sludge as a mulch around the proposed plantings. The sludge may contain contaminants that could enter streams via leachate or surface run-off.

The results of the sampling indicate that the material is an aged, organic-rich sludge and clay mix. Provided the sludge application rate follows the best environment management practices it is unlikely there will be any adverse impact on watercourses.

12.8 Consultation

The applicant has advised they have consulted the New Zealand Archaeological Association File Keeper, who in turn advised there are no recorded archaeological sites within the property or within the immediate vicinity. Iwi have also been consulted but no written comments or submissions have been received.

The applicant has also advised they have consulted an adjoining property owner, Carter Holt Harvey Ltd, on a possible land exchange and joint roading proposal. Carter Holt Harvey has submitted only in respect of a rural emanations easement.

Transpower has been consulted because of the two transmission lines that bisect the property. Transpower has required, and the applicant has agreed to, certain conditions to be included in any consent. The conditions relate to maintaining safe distance from conductors and support structures.

Several of the submitters have stated there has been no consultation with them.

Formal and informal meetings have been held with Council staff and Council's Rural 3 consultants since early 2004.

13. ISSUES

13.1 Road Buffer Strips – Lots 37 and 38

The land to the north and west of the application site is owned by Carter Holt Harvey Ltd and is also zoned Rural 3, with potential for subdivision and development. Potential road links to service the Carter Holt Harvey land are shown on Overlay 1.

The original concept for development of the Galeo land showed rights-of-way servicing Lots 6, 7, 8 and 9 and Lots 26, 27 and 28. However, in early discussions with Council staff it was emphasised that such rights-of-way would be contrary to one of the matters over which Council has restricted its discretion (16.3.9D, 9A "*The relationship of any new road with adjoining land . . .*") and one of the assessment criteria for subdivisions (Schedule 16.3A, 38 "*Provision for the vesting of road reserves for the purpose of facilitating connections to future road extensions to serve surrounding land*").

The concept plan was then amended to show legal roads rather than rights-of-way and discussions held with both Carter Holt Harvey and Council regarding compensation for the additional cost of constructing a road rather than a right-of-way. The additional cost has been calculated to be \$42,000.

The applicant has advised they are unable to reach any agreement with Carter Holt Harvey and have therefore proposed buffer strips to prevent Carter Holt Harvey using the new roads without them paying a fair share of the cost. The applicant has therefore requested that Council use its capital funds budget to compensate the applicant for the additional costs. Council would then recover the monies from Carter Holt Harvey at the time of development of their land.

However, any recovery of the money by Council is dependent on Carter Holt Harvey proceeding with a development and there is no certainty of that. This uncertainty both in terms of occurrence and timing is considered an unacceptable risk by senior Council management.

The alternative of constructing the new road to the boundary would enable Carter Holt Harvey to utilise the new roads for log transport following clear felling, which I understand is scheduled within the next few years. Log transport through the subdivision needs to be avoided for both amenity and road maintenance reasons.

My recommendation to the Committee is that the two proposed buffer strips remain but that they be transferred to Council at no cost in five years from date of consent or within one year from date of Carter Holt Harvey land being clear felled, whichever comes second. I believe the above proposal will satisfy the compensation issue and prevent log transportation on the new road. A suitable agreement for the transfer of the land will need to be prepared by the applicant's solicitor.

13.2 Development Contribution - Water

The applicant has sought a waiver of the water supply component of the Long Term Council Community Plan (LTCCP) development contribution. The amount of the water supply component is \$9,110 per lot, or \$225,080 for the total development.

The grounds for the waiver is that the site is served by the Redwood Valley Water Scheme, from which the applicant has purchased 27 units to be allocated to the new development.

The Redwood Valley Water Scheme has sufficient capacity to service the development but at a low flow distributed over a 24 hour period. However, the scheme is at its limits and the LTCCP contemplates that it will be replaced by the new coastal pipeline in about five years. It is expected that the Galeo subdivision will be connected to that upgraded bulk supply. That is, the proposed connection to the Redwood Valley Scheme is an interim measure only.

The amount of the water contribution has been set in the LTCCP following detailed analysis and "end state" calculations based on the expected number of dwellings. Because of this the amount of the contribution can be determined with certainty and applied as a standard to every new allotment. To vary or dispense with that standard would impact on Council ability to provide the new coastal pipeline or distort the standard to be set for other developments in the area.

In short, the current development is to be connected to Council's new bulk water supply when it becomes available. The LTCCP contemplates that developers will contribute to the cost of the new supply notwithstanding that it is not currently available. There is nothing different or unusual about the current development that should persuade Council to grant a waiver to the standard.

13.3 Right-of-way Easement to Carter Holt Harvey

The subdivision plan shows a proposed Right-of-way Easement "E" over Lot 34 for the benefit of Carter Holt Harvey, owners of Pt Lot 23 DP 954. The right-of-way

connects to Maisey Road very close to the intersection with the Coastal Highway, with potential for traffic conflicts.

In the absence of a traffic management plan I recommend that the Committee does not grant consent to Right-of-way "E". I understand alternative access is available to Carter Holt Harvey.

13.4 Road Construction Standards

Figure 18.10AA TRMP provides for the following road construction standards as permitted activities in the Rural 3 Zone.

Figure 18.10AA: Road Construction Standards for Rural 3 and 3A Zones

Hierarchy	Number of Lots Served by Road		Speed Environment (km/hr)	Road Reserve (metres)	Traffic Lane Width (metres)	Shoulder (mm)	Footpath Cycleways (metres)	Maximum Gradient	Street Lighting Standard (AS/NZS 1158)
	Max	Min							
Access Road	N/A	N/A	70 (super elevation required)	20	2 @ 3.0	2 @ 600 unsealed	1 @ 1.4	1:7	Intersection Flag Light
Access Road (with residential character)①	N/A	N/A	30 - 50	18	2 @ 3.0	Concrete edge restraint	1 @ 1.4	1:7	P3
Access Place	19	7	30	18	2 @ 2.5		1 @ 1.4	1:6	P3
Footnote: ① Those parts of Access Roads which connect directly with Access Places. Notes: (1) On-road parking on a formed sealed surface is provided as follows: The maximum of either: • One car park for every allotment less than 2500m ² ; or • One car park per two allotments (2) All roads are to be sealed. (3) Unsealed shoulders provided in accordance with TDC Standard Detail 808. (4) Where vehicles per day exceed 500, the standards for Collector Roads in Figure 18.10A apply.									

The proposal includes an application to construct a road which in part does not meet those permitted activity standards. Typical cross-sections are included with the application and it seems the discrepancies with the standards are relatively minor and can be summarised as follows:

- (a) road reserve width at cross-section B-B reduced to 10 metres;
- (b) unsealed shoulders rather than concrete edge restraints;
- (c) metalled footpaths rather than concrete. There are no footpath construction standards in the TRMP, although Council's Engineering Standards contemplate footpaths to be finished in concrete or asphaltic concrete;
- (d) no on-road parking;
- (e) no street lighting.

Comment

The adverse effects of the reduced road reserve have been mitigated by the use of retaining walls and kerb and channel. The use of concrete in other parts of the road construction has been avoided in recognition of the rural amenity of the area. On-site parking for three standard passenger cars is being provided in mitigation for no on-road parking.

No street lighting is proposed as part of the road construction as the applicant states this is not the amenity sought by future residents in a rural area designated by open space and maintenance of productive uses. However, pedestrian safety is also a matter that needs to be considered and I invite the applicant to do so. Also, I understand street lighting has been debated at previous Rural 3 hearings and the Committee has its own views on the matter. It is important that the decision made on street lighting be clearly recorded in the decision.

14. SUMMARY AND CONCLUSION

The proposal is for a comprehensive Rural 3 cluster development creating 29 residential sites plus associated rural and utility sites in a locality close to the Richmond urban area and on a main transport route. The effects of the development on the environment have been minimised, with careful attention paid to the ecological, landscape and productive features of the property. The residential development provides opportunities for restoration and enhancement of the wetland features of the site, which is a significant environmental improvement in contrast to the sawmilling, pig farming and forestry previously undertaken on the site.

I have considered all the matters over which Council has restricted the exercise of its discretion and conclude the proposed subdivision does not offend any of those matters to be extent that consent should be refused.

15. RECOMMENDATION

That pursuant to Section 104C of the Act the Committee grants consent to the subdivision proposal by Galeo Estates Ltd, subject to the following conditions:

16. CONDITIONS

1. Staging

That the subdivision be completed in a maximum of three stages generally as follows:

Stage A

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

Stage B

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

Stage C

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

Note:

The conditions for each stage are to apply as appropriate.

2. Amalgamation

- (a) That Lots 11 and 35 hereon be amalgamated and one certificate of title issue.
- (b) That Lots 29 and 30 hereon be amalgamated and one certificate of title issue.
- (c) That Lots 31, 32, 33 and 34 be held as to undivided one twenty-ninth shares by the owners of Lots 1-29, 30 and 35 hereon as tenants in common in the said shares and that individual certificates of title issue.

Land Information New Zealand reference: . . .

Note:

The applicant will need to give very careful consideration to the combination of the staging and amalgamation conditions as it may not be legally possible to give effect to amalgamation condition (c) with a staged subdivision. It is recorded that the applicant volunteered both the staging and amalgamation conditions.

3. Road Construction

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

- (a) sealed traffic lane width 6.0 metres plus two 600 millimetre unsealed shoulders except at cross-section B-B, where standard kerb and channel is to be provided;
- (b) maximum grade 1:7;
- (c) design speed 50 kilometres per hour;
- (d) one 1.4 metre wide footpath finished to an all-weather, dust-free surface except at cross-section B-B where the surface shall be finished in concrete or asphaltic concrete;
- (e) sealed turn-outs extending 5 metres into each residential site;

- (f) provision for stormwater control and dispersal;
- (g) all cut and batter slopes to be immediately hydro-seeded/grassed down;
- (h) have regard to the geotechnical report submitted with the application;
- (i) street lighting – *to be confirmed*.

Note:

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

4. Road Names

That prior to Section 223 approval the applicant submit three suggested road names including any supporting information and background for the preferred choices.

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

The road name plate will be supplied and erected by Council. The applicant shall be required to pay the prescribed fee.

Note:

Two road names have been suggested by the applicant so a third name with a plan will satisfy this condition.

5. Right-of-way Construction

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

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

6. Water Supply

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

7. Wastewater Servicing

That a wastewater treatment plant, irrigation field and reticulation to each residential site be designed and constructed generally in accordance with the Truebridge Callender Beach report and plans submitted with the application and otherwise in accordance with resource consent RM050377.

8. Power and Telephone

That each residential site Lots 1-29, rural site Lots 30 and 35 and utility site Lots 31 and 32 be serviced with underground power and telephone connections to the satisfaction of the relevant authority.

9. Engineering Plans and Reports

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

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

(a) Site Works

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

(b) Stormwater

A report on the provisions for stormwater collection and disposal, including calculations of existing and proposed discharges, secondary flowpaths and the effect or impact on drainage ditch sizes, road culvert crossing and water tables.

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

10. Maintenance Performance Bond

The applicant to provide a performance bond of \$20,000 to cover maintenance of roads and services to vest in Council. The bond is to be paid before issue of Section 224(c) certificate for Stage 1, and shall be for a period of 24 months from date of issue of the Section 224(c) for Stage 3.

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

All works undertaken and services, plans and bonds shall be in accordance with the Tasman District Council Engineering Standards 2004 or to the Engineering Manager's satisfaction.

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

12. Easements

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

Note:

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

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

13. Financial/Development Contributions

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

Reserves and Community Services

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

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

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

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

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

Note:

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

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

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

14. Building Exclusion Areas

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

15. Management Company (Residents' Association)

That the terms and conditions of the Management Company be drafted and submitted to Council prior to the issue of the Section 224 certificate.

Note:

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

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

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

16. Landscape, Riparian, Weed and Water Management Plans

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

(a) Landscape Management Plan

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

The landscape management plan shall detail the following information:

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

And shall be consistent with the riparian vegetation restoration and weed management plans.

(b) Riparian Management Plan

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

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

(c) Weed Management Plan

A weed management plan for the waterways within the subdivision catchment will be prepared by a qualified landscape architect or ecologist. The purpose of

the Plan is to define the manner by which weeds will be managed within the subdivision. The plan shall include, but not be limited to, the following:

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

(d) Water Management Plan

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

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

Note:

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

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

17. Consent Notices

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

(a) Management Company

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

(b) Landscaping

Prior to the issue of a building consent for any allotment, the owner of that lot shall submit to the Tasman District Council Environment and Planning Manager a landscape plan for the particular lot and building curtilage area. The landscape plan shall be prepared by a qualified landscape architect and shall include:

- (i) how the proposed building will integrate with the site, natural landforms and riparian and landscape plantings;
- (ii) proposed plantings to develop further and complement the plantings established as part of the development's overall planting plan (Overlay 9) included with the application;
- (iii) the identification of the building curtilage area;
- (iv) an earthworks plan showing the extent of earthworks required to implement the building on site and mitigation methods proposed to avoid any adverse visual impact;
- (v) details of the planting implementation proposals including the establishment, maintenance and management proposal for the first five years following the construction of the dwelling setting out details of regular monitoring and reporting responsibilities of the owner to Council's Environment and Planning Manager.

(c) Dwellings and Accessory Buildings

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

- (i) a clear relationship between the roof form, walls and foundations, with varying roof pitch;
- (ii) make use of materials such as coloursteel, plaster, weatherboards, stone and timber;

- (iii) roof pitches shall be between 8 degrees and 35 degrees and make use of eaves and verandas;
- (iv) the colour of buildings shall be complementary to natural colours found in the vicinity of the site and roof colour shall be darker than wall colour. All walls of all buildings shall be clad or painted and make use of the materials that either:
 - (a) match colours in Group A or B of BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) and have no lighter (no greater percentage) than 60% reflectance value as defined in BS5252 Appendix A; or
 - (b) match colours in Group C of BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) and have no lighter (no greater percentage) than 15% reflectance value as defined in BS5252 Appendix A;
- (v) all roofs shall be clad or finished in paint or other materials, the finished colour of which matches colours in Group A, B or C in BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) and have no lighter (no greater percentage) than 15% reflectance value as defined in BS5252 Appendix A;
- (vi) accessory buildings shall follow the style and appearance and make use of the same materials as the principal building;
- (vii) water tanks shall be either incorporated into the structure of each dwelling building, or partially buried (this obligation shall not extend to potable water supply tanks) and shall be screened within the site;
- (viii) all metal chimney flues and other roof penetrations shall be enclosed or painted;
- (ix) satellite dishes and antennae shall be sited and mounted so as not to be visually prominent;
- (x) no residential buildings shall be erected on Lots 30 and 35 and any farm buildings shall not exceed 700 square metres.

(d) Height

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

(e) Location, Daylight Admission Angles and Coverage

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

- (i) no building shall project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above

ground level from all boundaries. The angle is calculated according to the elevation calculator in Schedule 17.1A of the TRMP;

- (ii) the total area of all buildings on any site, excluding dwellings and glasshouses is not greater than 200 square metres.

(f) Outdoor Lighting

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

(g) Fencing

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

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

(h) Earthworks, Foundation Design, Stormwater and Engineering Certification

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

(i) Water Storage

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

(j) Plumbing

(i) All buildings shall contain separate plumbing for potable and non-potable water use activities within the dwelling to be installed during the construction of the dwelling and prior to the issuing of the Building Code of Compliance pursuant to the provisions of the Building Act 1991.

(ii) No outdoor taps shall be connected to the potable water supply system.

(k) Water Pressure

Any dwelling upon which the building platform is located within 30 metres vertical elevation of the water tanks on Lot 32 shall have specific design to address the issue of reduced water pressure.

(l) Stormwater

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

(m) Car Parking

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

(n) Further Subdivision

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

(o) Transpower

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

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

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

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

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

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

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

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

Note:

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

R D Shirley
Subdivision Officer

RM050405, LAND USE (DWELLINGS AND ANCILLARY BUILDINGS)

To construct a dwelling and ancillary buildings on each of proposed Lots 1 to 29 outside of the “building exclusion area” shown on the application plan. The buildings will be subject to design and appearance covenants and will otherwise comply with the bulk and location requirements for the Rural 3 Zone as set out in the Proposed Tasman Resource Management Plan. The period sought for the duration of the land use consent is five years from the date of issue of the Section 224(c) certificate for the respective allotments (see application reference 4.3.17).

INTRODUCTION – RURAL 3 ZONE VISION FOR BUILDINGS

The Rural 3 Zone vision for buildings is that they be set into a rural landscape, with the rural landscape rather than the buildings being the dominant visual element of the zone. The Rural 3 Zone also envisages the protection of productive land values wherever that is practicable by the clustering of buildings. In the Galeo application landscape and agricultural matters have been researched by Mr Glasson and Mr Bealing and from that research a landscape structure plan has been developed (Overlay 9 in Mr Glasson’s report) and that plan has been carried through into the subdivision layout plan (Overlay 6), which identifies the building areas on proposed Lots 1 to 29 inclusive.

BUILDING REQUIREMENTS

The Rural 3 Zone has two main sets of requirements for future buildings sited within the identified building area on each of the proposed Lots 1 to 29. The first set of requirements is in the Rural 3 Zone building rules 17.5A.4 and 17.5A.5 of the Proposed Tasman Resource Management Plan. The second sets of requirements are in the “Building Appearance Guidelines” of the Coastal Tasman Design Guide of December 2003.

PERMITTED ACTIVITY BUILDINGS

The rules in Chapter 17.5A.4 cover the bulk and location requirements for permitted activity buildings other than dwellings and workers’ accommodation. The proposed allotments have all been located and are of sufficient size even with their building exclusion areas so that any permitted building built within the building area of any of the proposed Lots 1 to 29 inclusive would not create adverse cross-boundary effects for neighbouring properties. The 30 metre building setback requirement from the existing plantation forestry development is met. Consent notices have also been volunteered to ensure permitted activity building standards are met in respect of building coverage and daylight admission angles.

CONTROLLED ACTIVITY BUILDING AND COASTAL TASMAN DESIGN GUIDE

The rules in Chapter 17.5A.4 cover the bulk and location requirements for controlled activity buildings, which includes dwellings. The controlled activity rules prescribe one dwelling, water supply requirements, rainwater collection, wastewater disposal, setbacks and height. In addition, parking and access requirements also apply.

All controlled activity building applications have to be related to the building appearance guidelines of the Coastal Tasman Design Guide of December 2003. The applicant has volunteered a number of consent notices that incorporate all of the criteria of both the Proposed Tasman Resource Management Plan's building rules and also the "Building Appearance Guidelines". Table 1 below shows how the various rules and guidelines have been met.

Interestingly, in respect of building height the application goes further than the Plan in that the 12.5 metre height of Rule 17.5A.5(h) for buildings other than dwellings (dwellings being limited in height by Rule 17.5A.5(f) to 7.5 metres) is restricted to 7.5 metres both by proposed consent notice "6" and by the private land covenant. In my opinion this is a sensible reduction. Also in regard to site coverage, consent notice 18 in restricting the total area of all buildings (excluding dwellings and glasshouses) to 200 square metres is appropriate even though 11 of the proposed dwelling allotments are larger than 4,000 square metres where the Proposed Tasman Resource Management Plan allows for more coverage. The 200 square metres will better complement the landscape plan and help meet the Rural 3 objective of ensuring that buildings do not become a dominant visual element in the landscape.

Table 1	
PTRMP Rule 17.5A.5, Building	How Covered by Applicant and Staff Subdivision Report
(a) and (aa) One dwelling	Application is for a residence on Lots 1 to 29
(b) Water supply	Condition 17 Consent notice (i)
(c) Toilet water	Condition 17 Consent notice (i) and (j)
(d) Wastewater disposal	Application for discharge of wastewater
(e) Orchard/vineyard setback	Achieved by subdivision
(f) Height	Condition 17 Consent notice (d)
(g) Setback	Condition 14
(g) Building envelope and coverage	Condition 17 Consent notice (e)
PTRMP Rule 16.2.3, Car Parking	How Covered by Applicant and Staff Subdivision Report
Figure 16.2D – two car parks	Condition 17 Consent notice (m)
Rural 3 Building Design Guide	How Covered by Applicant and Staff Subdivision Report
11.1, 11.2, 11.3	Condition 17 Consent notice (b) and (c), and private covenant 1(v)
11.4	Condition 17 Consent notice (c) and private covenant 1

11.5	Condition 17 Consent notice (d)
11.6	Condition 17 Consent notice (c)(ii)
11.7	Condition 17 Consent notice (c)(iv)
11.8	Condition 17 Consent notice (c)(iii) and (v)
11.9	Condition 17 Consent notice (c)(viii)
11.10	Condition 17 Consent notice (c)(ix)
11.11	Condition 17 Consent notice (f)

BUILDINGS – CONCLUSION AND RECOMMENDATION

The applicant's plan for the siting of buildings (Overlay 6) has been developed following research into several matters and in particular the landscape and agricultural investigations which resulted in the Overlay 9 landscape structure plan.

Given that the overall landscape structure plan (Overlay 9) will be complemented on Lots 1 to 29 inclusive with: site-specific landscape plans; buildings located only within identified building sites; and buildings designed in accordance with the consent notices and conditions volunteered by the applicant then the general rules and appearance guidelines for buildings in the Rural 3 Zone should be achieved.

It is recommended that Land Use Application RM050405 –Land Use (Dwellings and Ancillary Buildings) be consented to subject to Condition 14 and the consent notices recommended in Condition 17 of Mr Shirley's Subdivision Officer's report and for the five year period commencing from the date of deposit of subdivision plan (i.e. when certificates of title issue) for the respective allotments as requested in part 4.3.17 of the application.

This report on Land Use (Dwellings and Ancillary Buildings) was prepared by Jack Andrew, Senior Consent Planner, Land Use for 19 and 20 December 2005 hearing.

RM050373, LAND DISTURBANCE

THE PROPOSAL

Galeo Estate Ltd has applied to Council for consent(s) to subdivide approximately 32 hectares of land zoned Rural 3 located on Maisey Road. The proposal, if approved by the committee, will result in the creation of 29 allotments ranging in size from 2300 square metres to 9.19 hectares.

A Land Disturbance consent is required to undertake approximately 20,000m³ of earthworks to construct roading, building platforms, and filling in the effluent ponds from the old pig farming activity.

SUBMISSIONS

There is no mention of the proposed earthworks in any of the submissions.

STATUTORY CONSIDERATIONS

Resource Management Act 1991

Section 9 of the Resource Management Act 1991 states that no person may use land in a manner that contravenes a rule in a district plan or proposed district plan unless the activity is expressly allowed by a resource consent granted by the territorial authority responsible for the plan.

In this section, the word “use” in relation to any land means; any excavation, drilling, tunnelling or other disturbance of the land.

Proposed Tasman Resource Management Plan (TRMP)

The TRMP contains rules for land disturbance under Chapter 18. There are two primary land disturbance areas in the Tasman district; LD Area 1 and LD Area 2.

The subject property is located under LD Area 1, which comprises most of the district’s dry land with a lower risk of slope instability.

Under Rule 18.6.2 (l), any cut batter, excavation, or infilling associated with re-contouring of land is no more than one metre in height or depth and is no more than one hectare within any 12 month period to comply as a permitted activity.

Therefore, as the above rule will be breached, resource consent is required for a restricted discretionary activity under Rule 16.6.6 for the proposed land disturbance associated with this application.

Relevant Objectives and Policies

Objective 12.1.0

The avoidance, remedying, or mitigation of adverse effects on land disturbance, including:

- (a) damage to soil;
- (b) acceleration of loss of soil;
- (c) sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast;
- (d) damage to river beds, karst features, land, fisheries, or wildlife habitats, or structures through deposition, erosion or inundation;
- (e) adverse visual effects;
- (f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance;
- (g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.

Policies

12.1.1

To promote land use practices that avoid, remedy, or mitigate the adverse effects of land disturbance on the environment.

12.1.2

To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of:

- (i) natural erosion risk, and erosion risk upon disturbance;
- (ii) scale, type, and likelihood of land disturbance;
- (iii) sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris.

12.1.3

To investigate and monitor the actual and potential adverse effects of soil erosion, or other soil damage, sedimentation and damage to riverbeds, subsurface water bodies, aquatic and other natural habitats, arising from land disturbance.

Assessment of the Application and Potential Environmental Effects

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 subject land is described as gently sloping to moderately steep land which historically has been used for a sawmill until the mid 1970's, and then for a piggery until fairly recently.

Approximately 20,000 cubic metres of earthworks is proposed to prepare the site for subdivision and development, and this consists of roading, building platforms and filling in the old pig effluent ponds.

Roading and Building Platforms

The roading consists of development of the main access road with various right of ways off this road to provide access to the proposed lots. A small amount of earthworks will also be required to develop suitable building platforms and driveways.

The earthworks have been designed and will be carried out in a manner that affords the least disturbance to the natural landform, in accordance with the Rural 3 design guidelines.

A geotechnical report has been provided by Swanney Geotechnical and Civil Engineering, who have carried out an assessment of the site, its soil types and stability.

In their report dated April 2005 Swanney recommend batters of 1V:3H as suitable for fill embankments, and for cuts, a batter of 1.5V:1H. Earthworks of this scale are expected to remain stable. Any steep cuts greater than 4m in height should have further geotechnical assessment.

Old Piggery Effluent Ponds

It is assumed that excess material from the roading cuts will be used to fill in the old pig effluent ponds.

The extent of the earthworks can be viewed on Map Overlay 7 in the application, which shows the areas of cut in red and fill in blue.

The potential adverse effects which may result from the proposed earthworks are movement of suspended sediments downhill into the various watercourses on the property, impacting on water quality and aquatic life. The assessment of aquatic fauna values by Tom Kroos clearly identifies native fauna being present within the watercourses and wetlands on this property, and consents for alterations to watercourses, riparian vegetation and wetlands have already been granted.

The earthworks should be undertaken in a manner that controls sediment movement downhill to limit the introduction of material into the streams and wetlands.

All earthworks should be undertaken in accordance with engineering standards and practices, and a condition of consent will require that an Erosion and Sediment Control Plan (ESCP) be prepared by a suitably qualified person and submitted to Council for approval prior to any earthworks commencing.

Conclusion

In conclusion, it is the writer's opinion that provided an Erosion and Sedimentation Control Plan is prepared and approved, and the works are carried out in accordance with the plan, along with the recommendations in the Swanney Geotechnical Report, the environmental effects will be no more than minor.

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

Suggested Conditions

1. The earthworks shall be completed in general accordance with the amended application by Staig and Smith dated August 2005 , and accompanying geotechnical report by Swanney Geotechnical and Civil Engineering dated April 2005.
2. Earthworks shall only be undertaken between 7.00 am and 6.00 pm Monday to Saturday.
3. Earthworks shall be kept to a minimum to ensure the least disturbance to the existing landform, and to limit the transportation of sediment in water particularly on the steeper slopes or close to watercourses.
4. No spoil shall be placed in any watercourse (or wetland) (whether intermittent or continuously flowing), or to land where it may move or wash into a watercourse (or wetland).
5. The consent holder shall adopt all practicable measures to avoid the discharge of sediment from earthworks undertaken at this site. For the avoidance of doubt all practicable measures includes measures specified in Auckland Regional Council Technical Publication No.90 Erosion and Sediment Control - Guidelines for Land Disturbance Activities.
6. No stormwater runoff shall have a suspended sediment concentration exceeding 100 grams per cubic metre of water, as measured at the site boundary.
7. No earthworks shall commence until an Erosion and Sediment Control Plan (EandSCP), prepared by a suitably qualified person, detailing how conditions 5 and 6 will be met has been forwarded to and approved by the Council's Engineering Manager and Compliance Monitoring Officer (Land Disturbance).
8. All sedimentation mitigation or control measures shall be maintained by the consent holder for as long as there is a potential for sediment movement (resulting from earthworks) to occur and until the site is adequately reinstated/vegetated.
9. The generation of dust shall be adequately controlled, such as by watering exposed areas and stockpiles as necessary, so that it does not create a nuisance to adjoining properties or the general public.

10. All exposed ground shall be reinstated, so that erosion is minimised by the following spring or autumn (whichever occurs first) and in no circumstances later than 12 months after the earthworks are completed. If a vegetative cover (such as standard rye grass/clover mix) is to be used to achieve this, compliance with this condition is considered to be when 100% vegetative cover has been established. If stormwater control measures are to be utilised they must be maintained and kept in operational order at all times.
11. All earthworks and stormwater control measures shall be planned and supervised under the direction of a person experienced in large-scale earthworks and soils engineering and Council shall be advised of who this person is, in writing, when lodging the Engineering Plans for the subdivision.
12. The consent holder shall advise in writing the Council's Coordinator Compliance Monitoring and provide a copy of the approved engineering plans (earthworks) at least 72 hours prior to the commencement of any earthworks on site. All costs of monitoring and any subsequent remedial works required as a result shall be paid by the consent holder.
13. Should waahi tapu or other cultural sites be unearthed during earthworks the operator and/or consent holder shall:-
 - (a) cease operations;
 - (b) inform local iwi;
 - (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
 - (d) take appropriate action, after discussion with the New Zealand Historic Places Trust, Council and iwi to remedy damage and/or restore the site. Note: In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), an authority from the New Zealand Historic Places Trust is required if the site is to be modified in any way.
14. The suitably qualified person required under Condition 11 shall confirm in writing prior to the section 224(c) certification of the subdivision that all the earthworks conditions of this consent have been met.
15. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:
 - (a) deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; or
 - (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor plan; or
 - (c) when relevant national environmental standards have been made under Section 43 of the RMA.

NOTATIONS

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
4. Pursuant to Section 127 of the Resource Management Act 1991, the consent holder may apply to the consent authority for the change or cancellation of any condition of this consent.
5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

DURATION OF CONSENT

If consent is granted it should be for a period of five years.

This report on Land Use (Earthworks) was prepared by Donna Hills, Consent Planner, Natural Resources for 19 and 20 December 2005 hearing.

RM050377, Discharge Permit (Wastewater)

PURPOSE OF REPORT

This staff report has been prepared by the Council's Consent Planner, Discharges in relation to the application for discharge consent RM50377 sought by Galeo Estates Ltd, associated with the subdivision and residential development proposed under RM050370. The following is my assessment of the application lodged by Galeo Estates Ltd.

APPLICATION BRIEF

Proposal and Background

The application is for a discharge to land consent.

The applicant has sought consent to discharge up to 35 cubic metres of tertiary treated domestic wastewater to land by drip irrigation from 29 residential allotments proposed for a 33 hectare property.

The lower part of the site, where the wastewater treatment plant is proposed to be located, was previously the site of an old Baigent sawmill. This mill operated until the mid 1970s, when the sawmill was replaced by a piggery which operated until approximately 1999. The site has been planted in forestry, subject to 2-3 rotations of pines.

Originally two applications were lodged with Council 11 May 2005, RM050376 proposed to discharge domestic wastewater to land from individual treatment and disposal systems on each of the proposed 29 allotments, and RM0500376 that proposed collection of wastewater from the 29 allotments to a communal treatment plant for processing before disposal at a common disposal area. These proposals were intended to act as an interim solution until Council's wastewater reticulation scheme was available at the site (intended to occur 2006-2007). Further information was requested by Council 16 June 2005 and at this time Council had released interim decisions abandoning their proposal to provide wastewater reticulation. Consequently, when the applicant responded to the request for further information Option 1 (individual treatment and disposal) had been abandoned and Option 2 was modified to address concerns with the topography of the proposed disposal site.

Amendments to the application were received 2 December 2005 after the completion of this report, I have attempted to modify this report incorporate these changes where possible.

Location and Legal Description

The property is located on Maisey Road, Redwood Valley, and extends from Maisey Road in a westerly direction towards an adjoining Carter Holt Harvey forestry block. The site of the proposed wastewater treatment plant is legally described as Pt Lot 4 DP 8851 Blk I Waimea SD (specifically proposed Lot 35). The site of the proposed wastewater disposal field is legally described as Pt Lot 4 DP 8851 Blk I Waimea SD (specifically proposed Lot 30).

Notification and Submissions

The applications relating to the application to discharge domestic wastewater (RM050377) and all others relating to the subdivision and residential development (RM050370, RM050375, RM050378, RM050405) were collectively notified 27 August 2005, 14 submissions were received. These submissions have been summarised in the Staff Report prepared by Ross Shirley, so to avoid repetition only those submissions that made particular reference to the application to discharge domestic wastewater have been summarised below.

Nelson-Marlborough District Health Board – Matt Malloy

- No details have been provided on the actual treatment system, applicant based treatment options on minimum performance levels. Acknowledges that there are a variety of systems that would be able to meet these standards.
- Provision of UV treatment supported.
- Disposal area needs to be signed, fenced off and animal access prevented and regular inspections. Supports development of wastewater irrigation management plan.
- Recommends 50 metre setback from any domestic water supply bore, not the 20 metres proposed.
- Connect to Council system if it becomes available.
- 35 year term of consent may be too long.
- Generally support proposed monitoring and compliance conditions.
- Support provision of Operations Management Plan.

In this submission Matt Malloy indicated that he wished to be heard in support of his submission, however, a letter was received by Council dated 19 October 2005 which stated "I have received further information on the effluent treatment and disposal for the Galeo Estate Development from Tuebridge Callender Beach (TCB). The issues raised by the Public Health Service have been adequately addressed, explained or clarified. TCB have also provided an amended copy of the proposed consent conditions to take into account our issues. The Public Health Service therefore does not wish to attend any hearing".

David Barrett

- Requests an assurance from the developer and Council that the sewer treatment plan will not create unpleasant odours.

M A and C I McGee

- A communal wastewater treatment plant is preferable to 29 individual systems.

- Ensure strict controls to prevent poor plant performance with the wastewater treatment system leading to odours for adjacent residences.

G and P Henderson

- Future services costs

R A and B L Gardner

- Need for further assurances regarding wastewater system.
- It is not clear who will be responsible for breakdowns of the wastewater system.
- Have more stringent conditions on the wastewater system.

Colin Garnett

- Any wastewater scheme should be owned by Council, unwise to expect community committees to run and maintain their own systems.
- Should have Council reticulated sewerage.
- Discharge rate of 2.85 millimetres is too high for saturate Moutere clay soils.
- Nuisance effects from spraying effluent to ground in an urban environment.
- Ensure all costs relating to the provision of wastewater are fully met by the developer.
- If to be granted maximum rate of wastewater discharge should be such that no overland flow of discharge water will occur in the wettest conditions likely to be encountered at the site.

No submission was received from the Department of Conservation or from local iwi on this application, however, the applicant reported that they undertook an archeological file check and attended the Motueka Iwi Resource Management Advisory Komiti Meeting on 13 June 2005.

STATUTORY CONSIDERATIONS

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 applicants 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, when considering a consent application to do something that would contravene Section 15 or Section 15B the consent authority must in addition to the matters in Section 104(1) have regard to the nature of the discharge and the sensitivity of the receiving environment to adverse effects and the applications reasons for the proposed choice and any possible alternative methods of discharge, including discharge into any other receiving environment.

Tasman Regional Policy Statement

The Regional Policy Statement is a strategic tool to promote sustainable resource management of natural and physical resources in the Tasman District. The policy statement sets out general objectives for achieving this goal and identifies significant issues in this region. Contaminant discharges, land and freshwater resources are all identified as a significant issues to this region within the Policy Statement. There are a number of policies that are of direct relevance to this proposal, these are listed below:

Policy 7.4

The Council will:

1. preserve the natural character of wetlands, rivers and lakes, and
2. protect and enhance or support the protection and enhancement of natural, recreational, cultural, intrinsic, and instream features and values of wetlands, rivers (including karst rivers) and lakes, in particular those that are of international, national or regional significance. In relation to all significant wetlands, rivers, and lakes, the risk adverse effects on their natural, recreational, cultural, intrinsic or instream values shall be relevant to achieving such protection or enhancement.

Policy 10.1

Council will classify significant water bodies for which water quality is to be maintained and enhanced for specific purposes.

Policy 10.4

Council will avoid, remedy, or mitigate adverse effects of the disposal of solid or liquid waste contaminants, by seeking land disposal of such wastes where it is the best practicable option.

Transitional Plan

The discharge of septic tank waste was covered by the General Authorisations of the Transitional Plan, authorising the discharge of waste from any domestic septic tank treating domestic sewage into ground in circumstances which may not result in the waste entering natural water, thus was considered a permitted activity. Numerical limits to the volume of waste were not included in the restrictions of the authorisation but specific reference to the discharge of waste from a domestic septic tank was made. Therefore this authorisation would not cover the discharge from a community scheme as proposed in this application. An activity not covered by these General Authorisations would have been considered a discretionary activity.

Proposed Tasman Resource Management Plan

The Proposed Tasman Resource Management Plan (proposed TRMP) contains more detailed policies and objectives based on the issues identified in the Regional Policy Statement and sets out specific rules for various types of contaminant discharges.

There are a number of policies contained in the proposed TRMP of relevance to this proposal. These include:

Policy 5.1.3A

To ensure that the characteristics, including size, soil type and topography of each lot of any proposed subdivision or built development are suitable for sustainable on-site treatment of domestic waste in unreticulated areas, particularly in areas where higher risks of adverse effects from on-site disposal of domestic wastewater exist.

Policy 33.1.1

To recognise and provide for the uses and values of water through a system of classification that establishes the water quality standards required to protect the water quality needs of those uses and values.

Policy 33.1.5

To ensure that existing water quality is not degraded after reasonable mixing as a result of any discharge of contaminants into water and to take into account certain criteria outlined in the Plan when determining what constitutes reasonable mixing.

Policy 33.1.6

To take into account the following factors in determining the significance of actual or likely adverse effects on the receiving water of or from contaminant discharges:

- (a) Any water classification given in any schedule to Chapter 36 or water conservation order.
- (b) Existing water quality of the receiving water.
- (c) The significance or sensitivity of the aquatic life or ecosystem.
- (d) The extent of the water body adversely affected.
- (e) The magnitude, time of year, frequency and duration of the adverse effect(s), including any cumulative effects as a result of the discharge.
- (f) The range and intensity of uses and values of the water body.
- (g) The conflicts between uses and values of the water body.
- (h) The nature of the risks of adverse effect(s).
- (i) Any relevant national or international water quality guidelines or standards, or water conservation order.

Policy 33.1.10

To promote and encourage discharge of waste to land or constructed wetlands in preferences to water where:

- (a) discharge to land or constructed wetlands has less actual or potential adverse environmental effects than discharge to water;
- (b) land disposal system design and operation is such that the adverse effects on the environment, including soil and surface and groundwater quality are avoided, remedied or mitigated; and
- (c) the discharge to land is the best practicable option.

Policy 33.4.1

To ensure householders are aware of potential adverse effects that may be created by discharges from on-site wastewater disposal systems, and methods of avoiding, remedying or mitigating them.

Policy 33.4.2

To avoid the adverse effects, including cumulative effects, of on-site disposal of domestic wastewater in the Rural 3 and Rural 3A zones and nearby areas through a requirement for connection to Council provided reticulated wastewater systems and careful evaluation of any transitional on-site systems.

Policy 33.4.4

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.

The discharge of domestic wastewater to land is a permitted activity in most parts of the region (excluding the Coastal Tasman Area affected by Variation 32) provided compliance with a number of associated conditions (Rules 36.1.4 and 36.1.5). Any discharge of domestic wastewater within the Coastal Tasman Area (the area affected by Variation 32 including Rural 3, Rural 3A and the Services Contribution Areas) requires a discharge consent as it is specifically excluded from the permitted activity rules. Chapter 37 sets out the information requirements and Schedule 36.1D of the proposed TRMP sets out the criteria to be taken into account when assessing applications for resource consents and in imposing conditions.

Affected Rules - 36.1.4(aa) and 36.1.5(aa) of proposed TRMP

Variation 46

At the time of writing this report, the proposed Tasman Resource Management Plan had not been varied to incorporate decisions made as a result of submissions on Variation 32 and the related proposed Variation 46. Currently, the discharge of domestic wastewater at the subject site is a discretionary activity as outlined above but policy implies that on-site disposal is intended to be an interim decision until wastewater reticulation is provided by Council. However, Council have released an interim decision abandoning the proposal to provide reticulated sewerage to the area and have released a draft variation to the proposed TRMP ("Variation 46") intended to provide the regulatory framework for managing on-site wastewater disposal in this area in the long term. The writer is aware that the final decisions on Variation 32 and Variation 46 are intended to be publicly notified on Saturday, 3 December prior to the hearing of this application. So although the draft of Variation 46 does not have any legal status at the time of writing, comment has been provided in this report because the writer considered this was useful as it provides guidance on Council's intended policy direction and may assist the Committee in making their decision on this application (which will be after the notification of the Variation).

Changes to policy, rules, information requirements for subdivision and discharge consent applications and assessment criteria are to be introduced to the pTRMP through Variation 46. These changes have been introduced to reflect Council's decision to withdraw their proposal to provide wastewater servicing to the Coastal Tasman Area, to promote better management of wastewater disposal in this area over the long term. The key aspects of the rule relevant to this application are outlined below, however, this report has not covered the specific changes to policy and objectives, assessment criteria and information requirements as Variation 46 had not been released in its final form. The writer will table these amendments at the hearing, at what time the Variation will be available in its final form.

The introduction of Rule 36.1.14A with Variation 46 applies to discharges of domestic wastewater on newly created lots in the Coastal Tasman Area, the draft Variation indicates that the following standards will apply:

- The rate of discharge of domestic sewage does not exceed 2 cubic metres per day per household.
- The treatment and disposal system is designed to cater for the peak daily loading.
- There is no surface ponding as a result of the discharge or any direct discharge or runoff of wastewater into any water body.
- There is no increase in the concentration of pathogenic organisms in any groundwater bore used for domestic water supply as a result of the discharge.
- There is a minimum depth of 0.6 metres of unsaturated soil (or depth to the normal winter water table) below the land disposal area.
- The disposal area is located more than:
 - (i) 20 metres from any surface water body including the margin of a wetland, or the coastal marine area;
 - (ii) 20 metres from any bore for domestic water supply or community water supply bore;
 - (iii) 5 metres from any adjoining property;
 - (iv) 20 metres from the edge of any other domestic wastewater disposal field.
- The wastewater treatment system does not create an offensive or objectionable odour discernable beyond the property boundary.
- Overland stormwater flows are diverted away from the disposal area.
- There is no discharge onto land where the predominant slope is over 20 degrees.
- The wastewater treatment design provides for additional treatment required for contribution from garbage grinders.
- Where the disposal system serves a single household there must be at least 100 percent of the design land disposal area available as a land treatment area.

- The quality of effluent being discharged into or onto land meets the following standards:

BOD5 < 35 milligrams per litre
TSS < 40 milligrams per litre

- There is no stock or traffic movement on the disposal area.
- The wastewater is distributed evenly into the disposal field at a rate not exceeding 2 millimetres per day except where the soil category is assessed as being a Category 6 soil.

Proposals that cannot meet these requirements fall to be considered as non-complying activities in accordance with Rule 36.1.16A.

Therefore, the application in its initial form would be considered to be a non-complying activity under the rule regime to be introduced by Variation 46 because the wastewater application rate exceeds rates specified in these rules. However, the amendments to the application received 2 December 2005, reduce the application rate to reflect the provisions of Variation 46, therefore increasing the area of land available for disposal of wastewater.

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.

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 is required. This was addressed in the Assessment of Environmental Effects prepared by Lisa Gibellini and the Truebridge Callender Beach Report. Additional information of relevance was also contained in parts of other professional reports submitted with the application. The following section addresses the assessment criteria contained in the pTRMP for assessing applications for resource consent to discharge contaminants to land (Schedule 36.1D). Specific assessment criteria from the pTRMP are listed in italics below.

Receiving Environment

The nature and sensitivity of the receiving environment and the likely effects of the proposed discharge either by itself or in combination with existing discharges.

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. The treated domestic wastewater is proposed to be disposed of to an area of gently sloping rolling land with a north west north aspect. Downslope, an ephemeral stream passes through a pond on the applicant's property, before reaching an adjacent pine plantation and finally exits to the Waimea Inlet in the north. The applicant noted in

their Assessment of Environmental Effects that the catchment of this pond and ephemeral watercourse is relatively small (less than 20 hectares) and is generally dry.

The surface water bodies in the vicinity are yet to be classified in the pTRMP, however, the water courses in the lower reaches of this catchment are likely to be degraded from land use practices, and in stream damming of water.

Surveys of freshwater and coastal water in the region generally show compliance with recommended guidelines for swimming and in-water recreation, although occasional breaches have occurred anecdotally attributed in part to discharges of domestic wastewater. The coastal waters of the Coastal Tasman Area have been classified in the pTRMP and are considered regionally significant and this is reflected in the Regional Plan and associated Planning Maps, with areas between Mapua, Ruby Bay and Kina with classifications from Class FAE (management for aquatic ecosystems, fisheries and fish spawning), Class SG (management for shellfish gathering) and Class CR (management for contact recreation).

The climate of the area was described by Chris Glasson (Appendix 3 of the application) as being one of the lowest rainfall areas in Nelson and highest sunshine hours, but the occurrence of high intensity storms was noted.

The area of land to be used for the discharge, including setbacks and buffer zones.

The area of land intended for wastewater disposal is approximately 1.2 hectares in area, with an additional 0.4 hectare area adjoining the primary field that has been nominated as a reserve disposal area. The applicant proposed that the following setback/buffer distances would apply, and these formed part of their recommended conditions of consent:

- 0.6 metre separation to groundwater; and
- 20 metre buffer distance to any surface water body; and
- 20 metres from any bore for domestic water supply; and
- 10 metres from any adjoining property.

These setbacks are consistent or better than current setback requirements in the proposed Tasman Resource Management Plan for permitted discharges of domestic wastewater and are equivalent to those that will be introduced as standards and terms through Variation 46.

The writer received amendments to this application 2 December 2005 which increase the disposal area to 1.75 hectares with an equivalent reserve area. The location of the reserve area was not specified in the amendments to the application but the applicant is expected to provide further detail in this regard at the hearing. A clear site plan will be required indicating the proposed primary disposal area (in accordance with all required setbacks and restrictions) and the proposed reserve disposal area or areas. The 2 December 2005 amendments also included an increase in the buffer distances from domestic bores, this has been increased (in the volunteered conditions) to 50 metres at the request of the Nelson Marlborough District Health Board. The changes introduced through these recent amendments reflect a more conservative approach, in keeping with the policy and regulatory indications from Variation 46.

The nature of the land to be used for the discharge, including rock type, soil type, permeability and drainage characteristics, and depth to groundwater.

The soils at the site were identified as Mapua Hill Soils (in accordance with the DSIR Soil Bureau Bulletin 30 classification) in the Agfirst assessment. The test pits excavated across the site by the applicant's geotechnical engineer were reported to reveal a consistent soil profile across the site consisting of Moutere Gravel overlain by an occasional thin layer of grey, low plasticity clayey silt and a mixed depth of topsoil. Further investigation of the disposal area sought to be authorised by this application identified that the topsoil was overlain by a grey silt which, in turn overlies Motuere clay (found at depths of 200-300 millimetres below the surface). The applicant will need to extend their soil investigation to reflect the increase in proposed disposal area and the proposed location of reserve disposal areas. The grey silt was identified as a Category 4 soil in accordance with ASNZS1547:2000, and the Moutere clay a Category 5-6 soil. These soils are recognised for their poor drainage characteristics, a point noted by all of the professionals who provided accompanying reports to this application (Agfirst, Swanney Geotechnical and Civil Engineering, Chris Glasson Landscape Architects Ltd, Tom Kroos and Associates Ltd, Truebridge Callender Beach Ltd, JP McCartin). The poor drainage characteristics of solids in the area are clearly identified through Variation 46 and many of the restrictions introduced are a result of these soil characteristics. The geotechnical investigation noted minor instability in steep gullies but confirmed that overall the risk was low. Swanney stated that "the introduction of effluent into the upper layers of the soils present at a rate of 20 millimetres per week would be unlikely to initiate new instability in the area".

The applicant's geotechnical and civil engineer reported that no free groundwater was encountered in any of the test pits excavated to 3.5 metres during his initial inspections, however, these were undertaken on the 19 November 2004 close to summer time. Further investigative work undertaken in response to Council's request for further information identified groundwater at 700 millimetres below the surface within the proposed disposal area. Also mottling was observed at shallow depths indicating the presence of a seasonal water table. This field work was undertaken on 26 July 2005. Potential difficulties due to the depth of the water table at the proposed disposal site were evident from the application, in addition to comments from Swanney and TCB reports, the Agfirst report stated that areas towards the lower slopes suffer from drainage problems (general seeps and wet areas). Council's Resource Scientist Water and Special Projects expressed concern at risk to shallow groundwater. In recognition of concern expressed by Council, the applicant amended their application 2 December 2005 to include a groundwater monitoring bore to be installed downslope of the proposed disposal area prior to the pond. The Swanney report implied that the presence of groundwater at the proposed disposal area indicates better drainage characteristics than a Category 5-6 soil, however, permeability testing was not provided to justify these comments. Reduced loading rates, a high level of treatment and specific monitoring is recommended to minimise this risk and to assess any ongoing risks.

Collection, Treatment and Disposal Systems

The level of treatment provided by, and the adequacy of the proposed discharge collection, treatment and disposal system and methods to contain, remedy or treat the discharge. The extent to which reasonable measures have been taken to minimise the quantity of contaminants in the discharge and the concentrations and loadings of contaminants in the discharge.

Consent has been sought to discharge up to 35 cubic metres of domestic wastewater to land from the proposed subdivision and residential development sought to be authorised through RM050370.

Auckland Regional Council's Technical Publication 58¹ recommends a wastewater flow allowance for upmarket/luxury households of 220 litres per person and recommends that for a four bedroom house, design flows should accommodate six persons. Utilising these design parameters the total wastewater flow for the 39 lot residential development would equate to 38, 280 litres per day. ASNZS1547:2000 recommends a wastewater flow allowance for upmarket houses of 220 litres per person and an allowance of six-seven persons for a four bedroom dwelling, thus equating to up to 44, 660 litres per day. The draft provisions for On-site Wastewater Management in the CTA recommend a default design flow calculation of 200 litres per person per day for a 10 person household in the absence of specific information about the proposed dwellings, however, an allowance for a lower maximum amount for cluster developments has been suggested for consideration because of the buffering effects of clusters on wastewater generation. Provided a flow metre is installed, maintained and monitored on the proposed discharge the volume sought by this consent can be accurately assessed during the staging of this subdivision to ensure that design flows are sufficiently conservative to accommodate actual flows once dwellings are constructed. Water saving appliances (and other related advice) should be recommended through the proposed Water Management Brochure for new lot owners.

The applicant has proposed that the reticulation of wastewater will generally conform to Council's Engineering standards. The topography of the site dictates that not all lots can be gravity fed to the proposed communal treatment plant, Lots 22-26, 27-28, Lot 9 and Lots 21 and 29 will require pumping.

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 to a tertiary standard (primary, secondary and tertiary treatment) prior to disposal to land. Additional treatment was proposed to minimise nitrogen concentrations within the discharge to minimise risks of nutrient enrichment. Treatment methodology was not been specified by the applicant as they wished to retain flexibility to enable the process to be tendered. The applicant proposed that a Rotating Biological Contactor, a trickling filter system or an Activated Sludge System would be used. The applicant proposed that wastewater would be treated to meet the following contaminant limits:

Biochemical oxygen demand	20 milligrams per litre
Total Suspended solids	30 milligrams per litre
Faecal coliforms	1000 faecal coliforms per 100 millilitres
Total nitrogen	15 milligrams per litre

¹ Auckland Regional Council Technical Publication 58, On Site Wastewater Systems: Design and Management Manual. Third Edition 2004.

However, in response to concern expressed by submitters and Council staff the amendment to the application received 2 December 2005 indicated that a Fixed Activated Sludge Treatment System was proposed. Monitoring results were provided from these systems operating in America, these indicated that the levels proposed by the applicant for the four parameters outlined above were achievable with these treatment systems.

Tertiary treatment for disinfection was proposed prior to disposal by ultra violet radiation but design specifications were not provided. Generally, Council have required tertiary treatment for larger domestic wastewater discharges, particularly where concerns with site limitations and the receiving environment exist. The requirement for UV treatment is supported by the District Health Board in their submission. The applicant has proposed the inclusion of automotive self cleaning capacity on the UV system of the proposed wastewater treatment plant through their amended conditions submitted 2 December 2005.

Properly designed land treatment of wastewater avoids surface or groundwater pollution which may occur if wastewater is discharged directly into rivers, groundwater lakes or the sea. Loading rates are critical, particularly on poorly draining soils such as the Moutere Clay soils found in this vicinity. Disposal of wastewater was proposed to occur to a 1.3 hectare area of land at a rate not exceeding 2.85 millimetres per day. This application rate is recommended in ASNZS1547:2000 for Category 5 soils, however, Auckland Regional Council's TP58 and the proposed Variation 46 recommend a lower rate of 2 millimetres. The applicant has since amended their application (2 December 2005) to reflect the reduced loading rate promoted through Variation 46.

A comprehensive water balance should be prepared for the site to justify the proposal and to provide further information and clarification to concerns raised regarding potential surface runoff of wastewater. The applicant has indicated this will be provided at the hearing.

The applicant proposed that dripper lines would be installed at approximately 100 millimetres below the surface, encouraging evapotranspiration while minimising potential surface runoff or inappropriate contact with wastewater. The applicant proposed that the disposal area would be planted in pasture but did not want to isolate the area. Fencing of these areas is generally required to reduce potential for human contact with wastewater and to minimise disturbance of the disposal area. It is acknowledged that the high level of treatment proposed (including UV disinfection) and the subsurface method of disposal minimises risks of human contact. The writer is aware that the applicant has had discussion with Nelson Marlborough District Health Board over this matter and the writer would expect further clarification of this matter at the hearing. The Ag First report notes the gentler topography of the western slopes (in comparison to the rest of the site) on which wastewater disposal is proposed to occur, stating that this area could be planted for productive purposes but that irrigation water is unlikely to be available. Perhaps the relocation of the disposal field to this site will enable specific planting of the area, although appropriate crop selection would be critical.

Contingency Measures

The mitigation measures and safeguards incorporated into the design of the various components of the proposed effluent, treatment and disposal system.

The applicant proposed that they would install and operate a remote electronic monitoring system whereby all tanks and pumps of the treatment system and all pumps of the reticulation system are monitored on a continuous basis. The applicant proposed that the treatment plant would incorporate an emergency storage tank capable of storing up to 24 hours flow. The applicant did not submit an operations or contingency plan with the application, however, a condition was volunteered requiring the preparation of such a plan prior to commissioning of the system.

No consent was sought to discharge wastewater from the reticulation network or pump stations so the collection network must be entirely contained. Emergency works provisions of Section 330 of the Resource Management Act would not apply to a privately managed wastewater system (not public work or network utility operator) so any unauthorised discharge of wastewater would be liable to enforcement action.

Ongoing Operation, Maintenance and Monitoring

Any proposed monitoring programme to monitor the effects of the discharge.

The applicant proposed that a sample of the discharge prior to disposal should be collected and analysed weekly for the first six months of operation, two weekly for two months and then monthly for the following six months. Following the first twelve months the applicant proposed that monitoring would be reduced to a bimonthly basis. No monitoring of the receiving environment was proposed by the applicant in the initial application but has been recommended by proposed conditions of consent attached to this report. The amendments to the application received 2 December 2005 included provision for the installation of a monitoring bore to assess effects on shallow groundwater in the vicinity.

Supervision or management of the operation.

The applicant has proposed that a Residents Association will be established to carry responsibilities of the wastewater treatment and disposal system for the duration of the consent, however, consent has been sought by the developer who would be responsible for the consent unless/until it is formally transferred. Legal documents prescribing the details of the constitution of the residents association have not yet been provided to Council, the applicant has proposed that these will be provided as a condition of subdivision consent prior to the issue of the 224 certificate. The applicant proposed that the Residents Association would charge an annual sum to each lot owner to cover operation and maintenance costs, the annual fee will include provision for regular replacement of mechanical components. The applicant estimated that total costs to land owners would equate to approximately \$500 per allotment. This management approach is still relatively untested in our region although recent subdivisions within the Coastal Tasman Area have utilised similar approaches, but these consents are yet to be exercised. Opinions and experiences from other parts of the country where these approaches are more common differ considerably. If Council were to grant consent they would need to be confident that a robust and binding arrangement could be developed so that the owners of each lot and their successors in title were jointly liable for all management and maintenance functions of the wastewater system.

The applicant proposed that a Service Contract would be entered into with appropriate personnel, this company will be responsible for the ongoing maintenance of the reticulation network, treatment plant and disposal system in accordance with the requirements of the "Wastewater Operations Management Plan". Effective and appropriate maintenance is a key component in the successful ongoing operation of a treatment and disposal system, given the technology proposed in this application.

The likely duration of the activity and the duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

The proposal involves the ongoing discharge from residential allotments, the intended use of the proposed dwellings is unknown but it is assumed that these are likely to be residential dwellings so wastewater flows are expected to be fairly consistent year round. A 35 year term of consent has been sought, however, recommended conditions of consent attached to this report recommend consent is granted for a period of 20 years. This reflects the uncertainties that exist with treatment methodology and uncertainties regarding the ability of the Moutere Clay soils to cope with long term ongoing discharges of domestic wastewater, while acknowledging the need to take into account the financial commitment associated with this proposal. A review condition has been proposed in the recommended conditions attached to this report.

Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

A bond has been recommended in conditions attached to this report, as a last resort measure to deal with emergency work if necessary. However, it would be undesirable for Council to ever have to utilise this bond, instead any non-compliance with consent conditions should be rectified immediately by the consent holder and enforced by Council's Compliance team through abatement notices, infringement fines or other enforcement tools where necessary.

The scale, location and potential adverse effects of the activity and adequacy of the Assessment of Environmental Effects. The potential effects of the discharge on water quality, including effects of any water quality standards specified in any relevant water classification or water conservation order.

The application contained reports from a number of professions which provided a broad consideration of potential issues and mitigating measures required. The site and soil assessment provided by the applicants Geotechnical and Civil Engineer provided a general assessment of conditions at the site but the second study of the proposed disposal area could have provided more detail. Test pits carried out during the second investigation only observed to a depth of 700 millimetres. Concerns were identified with groundwater flows and levels but this investigation and discussion was not taken any further. Although the applicant proposed compliance with a 0.6 millimetre separation to groundwater, the site and soil assessment indicates that subsurface cuff off drains to divert flows will be necessary. The receiving surface water environment was discussed briefly in several reports, although monitoring information of the pond and gully beneath the proposed discharge area was not provided. It is acknowledged that the location of this field may have altered from when some of these reports were completed. Pre discharge monitoring has been proposed in the recommended conditions of consent to ensure appropriate baseline data is collected before the exercise of this consent. The writer is not aware of any direct discharges to the stream that originates from this gully before it enters the

Waimea Inlet. However, the mixed landuses it encounters are likely to have led to a degradation in the quality of that water.

Water in streams in the vicinity of this proposal has yet to be classified in the pTRMP, however, quality is likely to be degraded in lower reaches. The coastal waters have been classified, the Waimea Inlet at the point at the gully stream discharges to the sea classifications reflect the regional importance of these coastal waters. Provided compliance with the contaminant limits proposed and provided disposal rates are reduced to an appropriate rate to minimise any potential for surface discharges, this proposed discharge is not expected to adversely affect water quality.

Alternatives

Any assessment of alternatives, whether or not the proposed treatment and disposal system is the best practicable option and the degree of compliance with relevant industry codes of practice.

The applicant considered the following options in their application:

Option 1, Individual on-site secondary treatment and disposal on each lot

This option was proposed in RM050376 but was subsequently withdrawn following Council's decision to abandon their wastewater reticulation proposal as the lot sizes did not allow sufficient provision for disposal of wastewater and risks increased through the increasing number of treatment systems.

Option 2, secondary treatment on each lot and further treatment at a communal treatment plant and communal disposal area

This option was not pursued by the applicant because they acknowledged the potential difficulties of operating and maintaining 29 separate on-site treatment systems.

Option 3, communal treatment and disposal

This option was selected by the applicant as it was considered a more sustainable long term option following Council's decision to abandon the provision of servicing, in additional construction, operation and monitoring of this option gives greater certainty.

The applicants initial application for communal treatment and disposal proposed that wastewater would be discharged on Lot 35, but following Council's decision to abandon wastewater servicing and discussions with Council officers the proposal was modified such that disposal of wastewater was proposed to occur on Lot 30. Lot 35 has a south east aspect and fairly steep topography, while the proposed part of Lot 35 slopes in a north-west direction and is of a gentler slope.

Other Matters

Odour

Wastewater treatment plants commonly discharge to air in the form of an odour and aerosols. The odour associated with fresh, aerobic domestic wastewater is often likened to kerosene or freshly turned earth, contrastingly, aged anaerobic wastewater is

considerably more offensive with the characteristic rotten egg odour of hydrogen sulphide (Davis and Cornwell, 1991)². The applicant has proposed that the treatment plant will include a biofilter to treat potentially odour air from the treatment tanks. This system is intended to extract air from the treatment tanks and discharge it into the bottom of a bark biofilter. Micro-organisms in the biofilter will treat the odours to ensure as proposed by the applicant “no odours are emitted from the plant”. The applicant intends to install this filter next to the treatment plant. The applicant proposed that permitted activity provisions would be met so have not sought consent to discharge contaminants (namely odour) to air associated with the wastewater treatment plant so compliance with permitted activity provisions is required unless subsequently authorised by resource consent. In particular the discharge may not create any offensive or objectionable odour beyond the property boundary. Odour concerns were raised by a number of submitters, particularly given the lack of detail provided on the proposed treatment methodology. Without an application to discharge contaminants to air, specific conditions cannot be imposed with respect to this activity (unless volunteered by the applicant). However, compliance with permitted activity provisions has been proposed and should consent be granted should be carefully monitored by Council on an on-going basis.

Noise

Consent has not been sought to breach noise standards applicable for the zone so compliance with permitted activity provisions is required.

Permitted Baseline Test

Recent Environment Court and Court of Appeal cases have established the principle of “permitted baseline test” as a way of assessing whether the effects are more than minor. Under this principle the proposal is compared to what could be done as a permitted activity under the relevant Plan. Following Variation 32 in December 2003 ALL new discharges of domestic wastewater in the Coastal Tasman Area (including this site) require a specific discharge consent so there are no permitted activity rules for discharges of domestic wastewater that are relevant here. In other parts of the region, the discharge of domestic wastewater is a permitted activity up to a weekly average flow of 2000 litres per day provided compliance with the conditions of the relevant permitted activity rules.

TERM OF CONSENT

The applicant has sought a 35 year term for their discharge permit, 35 years is the maximum possible term allowable for a discharge permit in accordance with 123 of the Resource Management Act, 1991. If the Committee were to grant consent a 20 year term of consent is considered more appropriate given the lack of specific detail provided in the application and uncertainties which exist regarding the long term ability of the Moutere Clays to cope with on-going discharges of domestic wastewater.

CONCLUSIONS

1. Amendments to the application provided to Council 2 December 2005, addressed several points of concern; these include the provision for a greater area of land for disposal, reduced application rates, the provision of a monitoring bore and they provided more certainty with regards to the treatment methodology proposed. The

² Davis M and Cornwell D, 1991. Introduction to Environmental Engineering, Second Edition, McGraw-Hill.

applicants consideration and amendments to reflect concerns raised during the processing of this application (both by staff and submitters) is appreciated.

2. If the committee are of the mind to grant consent for the discharge of domestic wastewater robust, comprehensive and enforceable conditions should be imposed to minimise potential adverse effects.
3. 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. It is considered that proposed discharge is capable of meeting the provisions of the Resource Management Act, 1991, the proposed Tasman Resource Management Plan and the Tasman Regional Policy Statement provided the wastewater treatment system is installed, operated and maintained as proposed in the application and in accordance with the recommended conditions of this consent.

Note:

This application has been assessed against objectives, policies and rules within the proposed Tasman Resource Management Plan at the time of writing of this report, it is likely that the relevant parts of the proposed TRMP are to be varied (by proposed Variation 46) prior to the hearing of this application.

RECOMMENDATION

That pursuant to Section 104C of the Act the Committee grants consent for the discharge of domestic wastewater to land sought by Galeo Estates Ltd, subject to the following conditions:

DISCHARGE PERMIT (RM050377) – DISCHARGE DOMESTIC WASTEWATER

Site and Discharge Details

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

Discharge Restrictions

2. The maximum daily discharge volume shall not exceed 35,000 litres.
3. The discharge shall only contain treated domestic wastewater from the 29 dwellings authorised by RM050370, no industrial or trade waste shall be included.

4. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day).

Advice Note:

For a daily discharge volume of 35, 000 litres per day the primary disposal area will need to be at least 17, 500 square metres, with an additional 17, 500 square metres suitable reserve area.

5. The application of treated wastewater shall be at a rate of not more than 100 kilograms of nitrogen per hectare per year by itself or in combination with other sources.
6. The treated wastewater entering the disposal field, as measured at the sampling point required to be installed by Condition 27, shall comply at all times with the following limits:
 - (i) carbonaceous biochemical oxygen demand (cBOD₅) 20 milligrams per litre;
 - (ii) total suspended solids 30 milligrams per litre; and
 - (iii) faecal coliforms 1000 faecal coliforms per 100 millilitres; and
 - (iv) total nitrogen 15 milligrams per litre.

Advice Note:

Conditions 5 and 6 have been volunteered by the applicant.

7. The discharge shall not cause any of the following effects on the receiving waters (ground or surface waters) beyond the boundary of Lot 30 on which the discharge occurs:
 - (i) the production of any conspicuous oil or grease film, scums or foams, or floatable or suspended material; or
 - (ii) any conspicuous change in the colour or visual clarity; or
 - (iii) any emission of objectionable odour; or
 - (iv) any significant adverse effects on aquatic life; or
 - (v) any increase in concentration of pathogenic organisms in any groundwater bore used for potable water supply.
8. There shall be no objectionable odour from the treatment plant at the boundary of the lot on which it is located. The facilities shall include specifically designed and operated odour treatment systems to minimise the risk of odours at the boundary.

Advice Note:

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

Collection, Reticulation and Treatment Systems

9. The consent holder shall submit a detailed "Wastewater Treatment and Disposal Design Report", prepared by a person who is suitably experienced in designing wastewater treatment and disposal systems, to the Council's Manager, Environment and Planning prior to the construction of the collection, treatment or disposal systems. This report shall provide evidence of how design requirements imposed by this consent of the treatment and disposal systems of this consent shall be met and shall include, but not be limited to, the following information:
- (i) certification that the selected disposal areas (including reserve areas) are of suitable topography and soil type and are suitable for the loading rates proposed and sufficiently stable for wastewater disposal; and
 - (ii) the location and dimensions of disposal areas (including reserve areas), including setbacks from neighbouring properties, watercourses and domestic bores, depth of unsaturated soils beneath dripper lines and avoidance of slopes greater than 15 degrees; and
 - (iii) public health matters; and
 - (iv) protection of the disposal system from public access and damage; and
 - (v) details of how the disposal system will be operated and criteria to be used to determine the timing, period and rate of application. The criteria shall be based on, amongst other things, climatic data, soil moisture status, and groundwater levels within the disposal areas;
 - (vi) details regarding management of vegetation at the disposal area for the duration of consent; and
 - (vii) the measures proposed to minimise stormwater infiltration and inflow into the disposal field; and
 - (viii) the proposed method of wastewater treatment including specific design details and evidence of how the contaminant limits required by Condition 6 will be complied with on a consistent basis; and
 - (ix) the location of the wastewater treatment plant; and
 - (x) inspection programme for the disposal area and monitoring requirements.
10. The construction and installation of the wastewater treatment plant and disposal system shall be carried out in accordance with information submitted with the application for resource consent RM050377 and under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems.

The person supervising the construction and installation of the system shall provide a written certificate or producer statement to the Council's Co-ordinator, Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Conditions 12, 14, 15, 16, 17 and 18 (inclusive) and shall also confirm the following:

- (i) that the wastewater system (including the collection system, treatment plant and the disposal area) is capable of treating the design flows and that it has been designed generally in accordance with standard engineering practice, AS/NZ Standard 1547:2000 for On-Site Domestic Wastewater Management; and
 - (ii) that all components of the wastewater system (including the treatment plant and the disposal area) have been inspected and installed in accordance with standard engineering practice, the manufacturer's specifications; and
 - (iii) that the components used in the facility are in sound condition for continued use for the term of this resource consent.
11. The consent holder shall submit a set of final "as-built" plans to the Council's Co-ordinator, Compliance Monitoring which show the siting of all components of the wastewater treatment and disposal system. For the purpose of this condition, the consent holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans.
12. All wastewater shall be treated prior to disposal using a primary treatment process, followed by a biological secondary treatment process followed by tertiary treatment for nutrient reduction, followed by filtration of no coarser than 130 microns and an ultra-violet disinfection treatment process to ensure the wastewater meets the standards specified in Condition 6.

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

Advice Notes:

- (a) The treatment plant shall be designed such that it is configured for nitrogen removal as required to meet conditions of conditions of consent.
- (b) The consent holder has proposed that an ultra violet light disinfection system will be used to provide tertiary treatment of wastewater. The specific design of the disinfection system has yet to be determined, but it is expected that the consent holder will provide sufficient technical information to the Council for it to be confident that the required viral reduction can be consistently achieved.

13. The consent holder shall include in the "Wastewater Treatment and Design Report" required by Condition 9, two copies of a monitoring methodology that is proposed to be used to continuously measure the effectiveness of the disinfection system required to be installed in accordance with Condition 12. This monitoring methodology shall be designed to provide sufficient data to allow the Council to confirm that the wastewater has always received the prescribed minimum level of disinfection. The approved monitoring methodology shall be incorporated into the "Operation and Management Plan" required by Condition 20.

Disposal/Land Application System

14. The disposal areas shall be located in accordance with the conditions of this consent and as specified in the application for discharge consent RM050377. Where specifications differ, the conditions of this consent shall be adopted.
15. All wastewater shall be discharged to ground by way of pressure compensating dripper lines (s) laid at 100 millimetres below the ground surface and running parallel to the contours of the site.
16. The wastewater disposal area shall be fenced to prevent access by stock or unauthorised persons and shall be clearly labelled in at least two visible places with visible warning signs which read "Wastewater Disposal Area – Avoid Contact" or equivalent. The details of such signage shall be submitted to Council's Co-ordinator, Compliance Monitoring, prior to the exercise of this consent.

Advice Note:

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

17. The disposal areas (including reserve areas) shall not be located on slopes averaging greater than 15 degrees over a 10 metres length and shall not be located within:
 - (i) 20 metres of any surface water body; and
 - (ii) 50 metres of any bore for domestic water supply; and
 - (iii) 10 metres of any adjoining property; and
 - (iv) 600 millimetre separation from dripper line to seasonal water table.
18. There shall be no surface flow of wastewater from the disposal areas. Subsurface cut-off trenches shall be constructed up slope of the disposal areas to divert, as far as is practicable, stormwater and shallow groundwater away from the disposal areas. Subsurface cut-off trenches shall also be constructed downslope of the disposal areas to direct any potential surface flows through trenches that shall be backfilled with sawdust or similar carbon material to a depth of at least 300 millimetres.

19. A suitable wastewater disposal reserve area equivalent to not less than 100% the size of the primary disposal area (**1.75 hectares as shown on Plan X to be provided by the applicant at the hearing**) shall be kept available for future use for wastewater disposal and shall be owned by the consent holder or protected by a consent notice in favour of the consent holder for the treatment and disposal of wastewater on the site. This reserve area shall remain undeveloped and shall be located within the boundaries of the subdivision authorised by RM050370 and owned by the consent holder.

Advice Note:

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

Wastewater System Operation and Maintenance

20. A chartered professional engineer or suitably qualified consultant experienced in wastewater engineering shall prepare an "Operations and Management Plan" for the wastewater treatment and disposal system. This plan shall be prepared in accordance with the conditions of this consent and shall contain, but not be limited to, the following:
- (i) an inspection programme to verify the correct functioning of the wastewater treatment and disposal systems including not less than monthly inspections of the wastewater treatment plant and disposal field; and
 - (ii) a schedule for the daily, weekly, monthly and annual operational requirements including monitoring requirements of consent conditions; and
 - (iii) a schedule of maintenance requirements for the pumps, septic tanks, recirculation tanks, treated effluent holding tank, flow meters and stormwater control drains; and
 - (iv) a schedule of maintenance requirements for the management of vegetation on the wastewater ground disposal area; and
 - (v) a contingency plan specifying the actions to be taken in the event of failure of any component of the system and any non-compliance with the conditions of this resource consent; and
 - (vi) details of how the ground disposal system will be managed; and
 - (vii) emergency contact details (24 hour availability) for service provider and consent holder shall be provided.
21. A copy of the "Operations and Management plan" required by Condition 20 shall be submitted to the Council's Environment and Planning Manager prior to the exercising of this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator, Compliance Monitoring prior to them taking effect.

22. The consent holder shall enter into, and maintain in force, a written maintenance contract with an experienced wastewater treatment plant operator suitably trained in wastewater treatment plant operation by the system designer, approved by the Council's Environment and Planning Manager for the ongoing maintenance of the treatment and disposal systems and control of the remote monitoring system as required by Condition 25. This contract shall require the operator to perform maintenance functions and duties specified in the Operations and Management Plan and required by Condition 20. A signed copy of this contract including full contact details for the service provider shall be forwarded to the Consent Authority, prior to the exercising of this consent. Any changes to this maintenance contract must be in accordance with the conditions of this consent and submitted in writing to Council's Co-ordinator, Compliance Monitoring prior to them taking effect.

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

Advice Note:

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

23. The collection and treatment tanks shall be inspected not less than once every three months. All tanks shall be cleaned out once the combined depth of the sludge and scum in any tank occupies half of the tank's volume. Material collected from the desludging of tanks shall be removed from site for disposal at a facility authorised to receive such material.
24. The consent holder shall submit an "Asset Management Plan" for the wastewater collection, treatment and disposal system for approval by Council's Environment and Planning Manager prior to the exercise of this consent. This plan shall be prepared by a suitably experienced person and shall detail financial asset management requirements (including depreciation considerations) of the wastewater collection, reticulation, treatment and disposal systems for the duration of the consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Environment and Planning Manager prior to them taking effect.

Advice Note:

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

Contingency Measures

25. A telemetered 24 hour remote advance warning system shall be installed and operated that is capable of warning of any failure within the collection, treatment or disposal systems (i.e. pump failure, mechanical blockage or UV disinfection system failure). This warning system shall be configured to be remotely monitored by the wastewater treatment plant operator for all systems and to activate an audible and visual alarm system located adjacent to the treatment plant or other prominent place on the site for the central treatment plant. The details of the alarm and monitoring systems shall be included in the "Operations and Management Plan" required by Condition 20 and shall achieve as a minimum the following:

- (i) notify operators of any alarm; and
- (ii) monitor and record daily flow readings from all water meters (or pump station pump hours); and
- (iii) store and transmit daily reports to the operator of the discharge volume meter reading and system status from each site; and
- (iv) in the event of any alarm activating, the remote monitor and management system shall immediately notify the maintenance operator and shall continue notifying the operator until the condition has been remedied and cleared by the operator.

The consent holder shall maintain clearly visible signage adjacent to all external alarm panels at the plant to provide a 24 hour contact number in the event of an alarm being activated.

26. The consent holder shall ensure that the treatment plant is designed and maintained so that wastewater can be retained within the treatment system above the alarm level without overflow for a period of at least 24 hours wet weather flow and in accordance with the provisions in the "Operations and Management Plan".

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

28. Should power disruption result in the 24 hour storage capacity at the treatment plant being utilised to 80% capacity, the consent holder shall ensure that the wastewater is removed from the storage tank at that time for the purpose of maintaining capacity. Wastewater shall be disposed of to a facility that is authorised to accept such wastes. The relevant details of how this will be achieved shall be incorporated in the "Operations and Management Plan" required to be prepared in accordance with Condition 20.

Monitoring

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

A sample of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 29. Samples shall be analysed for five day carbonaceous biochemical oxygen demand (cBOD₅), total suspended solids, total faecal coliforms, total nitrogen, pH, temperature. The frequency of sampling shall be as follows:

- (i) for the first six months following plant start up, samples shall be collected weekly when the plant is discharging to the disposal field and then two weekly for the two months following;
 - (ii) for the following six months samples shall be collected monthly;
 - (iii) following the first 12 months samples shall be collected at least every two months (a total of at least six samples a year) provided compliance with the contaminant limits specified in Condition 6. Should these limits not be met, the sampling frequency required in ii) above shall be continued until of compliance with the Contaminant limits of Condition 6 has been achieved over a six month period.
30. Prior to commissioning of the wastewater treatment and disposal system (required by Condition 10) the consent holder or their authorised agent shall collect at least two water samples from the monitoring bore proposed below the disposal site as marked on Appendix 1. The location shall be fixed by Global Positioning System (GPS) and submitted to the Council's Co-ordinator, Compliance Monitoring prior to sampling. Thereafter the consent holder or their authorised agent shall collect samples from the same sites four times per year when wastewater is being discharged to the disposal field. Samples shall be collected at no closer interval of one month between sampling. These samples shall be analysed to determine the presence and concentration of the following determinants:
- Faecal coliforms
 - Total ammonia nitrogen (total ammonia)
 - Nitrate/nitrogen
 - Nitrite/nitrogen
31. All sampling referred to in this consent shall be carried out by a suitably qualified person approved by the Council's Co-ordinator, Compliance Monitoring, using standard sampling methodologies and equipment and shall be transported to the laboratory under chain of custody. The detection limits specified in Appendix C1 (Applicable Detection Limits) shall apply. The samples shall be analysed using standard methodology by an IANZ accredited laboratory. The analytical results shall be forwarded to the Council's Co-ordinator, Compliance Monitoring within 10 working days of the results being received from the laboratory.

Reporting

32. The consent holder shall measure the wastewater exiting the wastewater treatment plant determined by an appropriately installed and calibrated flow meter capable of measuring to an accuracy of plus or minus 5%. The meter should be installed in accordance with the manufacturer's specifications and shall be operated and maintained so that it is able to be used to record the discharge volume.
33. The flow meter required to be installed in accordance with Condition 32 shall be read manually or electronically at the same time daily whenever the system is discharging to the disposal area. Copies of these records along with the lot number of each lot discharging to the treatment plant shall be forwarded to the Council's Co-ordinator, Compliance Monitoring quarterly in the Quarterly Monitoring Report required by Condition 38, within one month following the end of the three month period ending 31 March, 30 June, 30 September and 31 December each year.
34. Any exceedance of the permitted discharge volume shall be reported to the Council's Co-ordinator, Compliance Monitoring in writing within one week of the reading. This report must include any explanation for the non-compliance and an assessment of the likely effects of the functioning of the system and the receiving environment. This data shall be securely stored electronically for at least two years.
35. The consent holder shall log all complaints received relating to the exercise of this consent and shall maintain a register of complaints including the following information; Date and time of the complaint; nature of the complaint; name address and telephone number of the complainant if available; details of discharge at time of alleged problem; and any remedial action taken to rectify problem or mitigation proposed to prevent future complaints.
36. The consent holder shall report all complaints to the Council's Co-ordinator, Compliance Monitoring in writing within 48 hours of receipt and the log shall be made available to the Council upon request.
37. The consent holder or their authorised agent shall notify Council's Co-ordinator, Compliance Monitoring of any wastewater discharge to ground or water from the treatment plant or sewage reticulation system which is not authorised by this consent in writing as soon as practicable (but no more than 24 hours) after the discharge commenced.
38. The consent holder shall present a Quarterly Monitoring Report every three months for the duration of the consent to the Council's Co-ordinator, Compliance Monitoring, reviewing the performance of the treatment and disposal system and shall include the following:
 - actual monitoring results for monitoring undertaken in accordance with Conditions 28, 29 and 30 above, for the past quarter and compliance with discharge limits specified in Conditions 5, 6 and 7; and
 - an interpretation of monitoring results and an outline of any trends in changes in discharge volume, wastewater discharge quality and quality of the receiving waters. It shall also identify any actual and potential effects on the receiving environment identified since the previous report to the Council; and

- a summary of any difficulties that have arisen with the plant operation and/or public complaints received and any remedial actions taken as a result during the previous period.

Bond

39. The consent holder shall provide Council with a bond prior to the exercise of this consent to the sum of \$29, 000. Should the bond need to be utilised to undertake emergency works a replacement sum shall be provided within two months.

Advice Note:

This is a privately managed wastewater system, any maintenance or requirement to rectify a breach of consent is the responsibility of the consent holder (or authorised agent), Council has no responsibilities in the ongoing management of this system. The bond is only intended to provide Council with some security in an emergency that requires immediate work and the consent holder has failed to act appropriately.

General Conditions

40. The wastewater treatment system shall be located, and the surrounding area maintained, so that vehicular access for maintenance is readily available at all times
41. The Council may, in the period 31 May to 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
- (i) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - (ii) to require the consent holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - (iii) reviewing the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - (iv) reviewing the frequency of sampling, flow monitoring and/or number of determinants analysed if the results indicate that this is required and/or appropriate; and/or
 - (v) reviewing the suitability of the bond required by Condition 39 and inflationary changes.

42. Pursuant to Sections 35 and 36 of the Resource Management Act, 1991, the permit holder shall meet the reasonable costs associated with the monitoring and administration of this permit. Costs can be minimised by consistently complying with the conditions of this consent and thereby reducing the frequency of Council visits. This will include auditing of the consent holders monitoring programme and monitoring results presented to Council.
43. The consent holder shall administer the responsibilities and obligations of all persons who own lots connected to the wastewater treatment and disposal system, to comply with the conditions of this consent. The consent holder shall ultimately hold responsibility for ensuring that the owners of properties within the development:
 - (i) are connected and discharge to the reticulation and central treatment system whenever the respective dwellings first become occupied, and
 - (ii) are aware of and comply with the rules associated with the connection, including restrictions on the discharge of toxic substances.

ADVICE NOTES

1. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act, 1991.
2. The consent holder is reminded with regards to Advice Note 1, the discharge may not create an offensive or objectionable odour beyond the property boundary and all associated excavation work must comply with the permitted activity requirements of the Tasman Resource Management Plan unless authorised by resource consent.
3. The consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts. Building Consent will be required for the installation of any part of the wastewater treatment and disposal system.
4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by Council shall be made in the first instance to the Council's Co-ordinator, Compliance Monitoring.
6. The consent holder is advised that compliance with operating guidelines provided by the wastewater system manufacturer and system designer is recommended to reduce the likelihood of malfunction of the treatment or disposal system and a possible breach of consent conditions.
7. The consent holder is recommended to prohibit the installation of garbage grinders to all dwellings within the development as it is well recognised that such fixtures are likely to affect the level of contaminants in the wastewater and create problems in complying with the wastewater quality limits imposed by this consent.
8. If the site becomes part of an urban drainage area identified by Council when future reticulation is available, the consent holder will be required to provide connection from the dwellings or on-site treatment system to the sewer line.

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

Applicable Detection Limits

Parameter	Detection Limits	Units
pH	NA ²	-
Dissolved Oxygen	NA	g/m ³
Temperature	NA	°C
Conductivity	NA	mS/m
Carbonaceous biochemical oxygen demand	2	g/m ³
Total Suspended Solids	3	g/m ³
Escherichia coli (E coli)	10	MPN or cfu/100 mL
Total faecal coliforms	10	MPN or cfu/100 mL
Total Kjeldahl Nitrogen	0.02	gN/m ³
Total ammoniacal-N	0.1	gN/m ³
Nitrate-nitrogen	0.01	gN/m ³
Nitrite-nitrogen	0.01	gN/m ³
Total Phosphorus	0.01	gP/m ³
Dissolved Reactive Phosphorus	0.01	gP/m ³

Notes:

1. These detection limits apply unless other limits are approved in writing by the Manager.
2. NA = Not applicable.

This report on Discharge Permit (Wastewater) was prepared by Natasha Lewis, Consent Planner, Discharges for 19 and 20 December 2005 hearing.

RM050378, DISCHARGE PERMIT (STORMWATER)

THE PROPOSAL

Galeo Estate Ltd has applied to Council for consent(s) to subdivide approximately 32 hectares of land zoned Rural 3 located on Maisey Road. The proposal, if approved by the committee, will result in the creation of 29 allotments ranging in size from 2300 square metres to 9.19 hectares.

A stormwater diversion/discharge consent is required to dispose of stormwater from the proposed development.

SUBMISSIONS

There is no mention of the disposal of stormwater in any of the submissions.

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 as a discretionary activity for the diversion and discharge of stormwater from the subdivision under Rule 36.4.4.

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 of 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.

Policies

33.3.1

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

33.3.2

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

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 and Environmental Effects

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 applicant has applied for consent to divert and discharge stormwater from the impervious surfaces created by the residential development of this subdivision.

The catchment drainage characteristics will alter as a result of residential development from being primarily grassed land to roading, accessways, driveways and roofs.

The stormwater runoff from the proposed subdivision and development has been analysed by John McCartin in his report, and the following outlines the methods intended to control stormwater runoff on the property.

As discussed above, the main sources of runoff will be from impervious surfaces. Roof water will be captured and stored for a non-potable water supply.

Roof Water

Roof water will be collected and stored in 23,000 litre tanks (2 per lot) to be used for non-potable use for gardens, toilets and for fire fighting purposes.

Road and Paved Area Run-off

Stormwater from roads and other paved surfaces will be diverted to grass swales/water tables and discharged at multiple points into existing drainage gullies throughout the property, where it will travel overland into riparian areas for filtering before entering watercourses. The water will eventually flow into the stream running through the main gully, David's pond and the Entrance pond.

Flow calculations and other technical information can be sourced in the report by John McCartin dated August 2005. In his report John stresses that the runoff from the development will be minor once it reaches the main gully due to surface conditions, groundwater re-entry, and smaller gully factors encountered on its overland flow path.

The discharge of stormwater from a rural-residential development may result in adverse effects on the environment, including flooding, sedimentation, and damage to stream habitat values, and it is important that these potential effects are avoided, remedied or mitigated.

Providing the works progresses in accordance with the application and the following conditions of consent, the effects of post development runoff will be no more than minor.

SUGGESTED CONDITIONS

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

1. The diversion and discharge of stormwater shall be undertaken in accordance with the information supplied with the amended application by Staig and Smith dated August 2005, and accompanying report by John McCartin dated August 2005.
2. The discharge of stormwater shall not cause in the receiving water any of the following:
 - (a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - (b) any emission of objectionable odour;
 - (c) the rendering of freshwater unsuitable for bathing;
 - (d) the rendering of freshwater unsuitable for consumption by farm animals; and
 - (e) any adverse effect on aquatic life.
3. The discharge of stormwater shall not result in adverse scouring or sedimentation of any watercourse, adjoining properties or the coastal environment.
4. Sediment controls shall be implemented and maintained in effective operational order at all times.

5. The diversion and discharge shall not result in or contribute to flooding on adjoining properties.
6. The consent holder shall contact Council's Environmental Information Manager when construction of roading, right of ways, and building platforms commences to enable monitoring of the effectiveness of stormwater sediment and erosion controls to be carried out. The cost of monitoring and any subsequent remedial actions shall be borne by the consent holder.
7. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:
 - (a) deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
 - (c) when relevant national environmental standards have been made under Section 43 of the RMA.

NOTATIONS

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. Access by the Council's officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
4. Pursuant to Section 127 of the Resource Management Act 1991, the consent holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

DURATION OF CONSENT

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

This report on Discharge Permit (Stormwater) was prepared by Donna Hills, Consent Planner, Natural Resources for 19 and 20 December 2005 hearing.

ENGINEERING REPORT

The application is to subdivide the above 40 hectare property into 35 lots – 29 will be used for residential purposes and the remaining used for roads, reserves, and utility lots.

The main road constructed as part of the subdivision (Lot 36) will enter onto existing Maisey Road, some 220 metres from the SH 60 intersection. Maisey Road is classed as a collector road under the TRMP, of some 5.4 metres sealed width carrying some 250 vehicles per day. (Note: this application can potentially double the existing traffic).

The intersection of Maisey Road and SH 60 has been upgraded as part of the SH 60 realignment some years ago. Maisey Road itself is programmed in Council's LTCCP for upgrading in 2012/2013 and be designed to a sealed width of at least 6.5 metres to 7.0 metres.

INTERNAL ROADING

The roading design nearly complies with Council's standards, with a minimum 6.0 metre sealed carriageway proposal, together with swales and footpath. Typical road cross-sections are shown on plans supplied with the application. Minor discrepancies with the standards exist in regard to shoulder width and surfacing of the pedestrian footpath.

Four rights-of-way are proposed, however the right-of-way over Lot 34 servicing Pt Lot 23 DP 954 should be refused as it is too close the Maisey Road/SH 60 intersection and may cause traffic conflicts.

Right-of-way "C" services more than six users, ie seven, and will require a dispensation, however, Engineering concurs that this right-of-way should be retained in private ownership.

The plan shows two isolation or snipe strips shown as Lots 37 and 38. This clearly is at odds with Council's 2004 Engineering Standards, which state "*Subdividers are required to take roads to the adjoining boundary and they shall vest with Council, without isolation strips and to the Council's satisfaction*". Councillors will be fully aware of these isolation strips as per the recent NCC/Bird case in Tresillian Avenue, Nelson, where the Public Works Act has been invoked to resolve the issue.

Therefore, in regard to Clause 4.1.4 of the applicant's Assessment of Environmental Effects, Council will **not** be in a position to purchase, for a nominal fee, the two strips shown as Lots 27 and 38 and that the roads be physically and legally adjoined to the respective adjacent lots, by the subdivider.

The applicant has advised that they have been in negotiations with the adjoining owner, Carter Holt Harvey, with a view to providing road access to their land and others, or an alternative is to provide a better aligned access through the Carter Holt Harvest forestry block and then to the upper slopes of the applicant's land, thereby avoiding a potential sheltered/frosty area of road to vest near the frontages of Lots 1 to 4. The latter road alignment via Pt Lots 23 and 24 DP 954 is preferred by Council officers.

SERVICES

Wastewater

The applicant proposed a system of gravity pump stations and rising mains to discharge to a central treatment plant on Lot 31. After treatment it is pumped and discharged to a distribution field on Lot 30. The system and performance requirements are more detailed in the officer's report from Ms Lewis. As the system will be privately owned and monitored, engineering input is limited. However, any private pipeline on Council roads will require "licence to occupy" agreements in place and approved by Council, prior to a 224 Certificate.

Stormwater

The applicant proposes a system of discharging roof water to storage tanks for re-use on discharging to existing gullies and detention/storage dams. These consents and discharges are detailed more fully in the attached hearing documents.

Any ultimate discharge outside the subdivision shall be designed to that of the pre-developed state and such that no adverse effects are created.

The stormwater systems shall be designed for a 2% AEP storm event, plus 500 mm free board. Secondly, flow paths shall be created such that any erosion is controlled and flow paths over "roads to vest" shall be formed in concrete.

Water Supply

Presently the Redwood Valley water supply (50 mm diameter line) traverses the site as shown on plan 04 427 006 (existing water main alignment may be inaccurate).

The applicant advises they have secured 27 units. (1 unit = one cubic metre) from the scheme and propose to intercept the line, lay within road reserve where appropriate, and also construct and feed water into two 30,000 litre reservoirs opposite Lot 22. This restricted supply will be for potable supply and fire fighting (fire hydrants etc). On each lot, the standard 23,000 litre tanks reservoir will be required and filled via roof supply. All supplies will be available for fire fighting services.

Power and Telephone

The above services are required to be underground and to the line operator's requirements.

Should the Committee decide to grant consent, the following conditions should be included in the consent.

CONDITIONS

1. Street Names and Numbers

Street names will be allocated to this subdivision prior to a 223 Certificate. Three names shall be submitted for approval, plus reasons for each.

- (a) The street numbers shall be shown on the engineering plans and prior to the issue of a 223 Certificate.
- (b) The cost of a name plate for any new street or private way sign, together with pavement markings, shall be met by the consent holder on application to Tasman District Council.

2. Rights-of-way – Except Right-of-Way “E”

- (a) The rights-of-way shall be formed, and permanently surfaced to a minimum 5.0 metre width with kerb, stormwater control and a maximum gradient of 1-in-6.

Note:

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

- (b) The seal formation shall extend to the back of the edge of road seal.

3. Roding

- (a) The road to vest and out to the sealed formation, shall have a minimum sealed carriageway of 6.0 metres and comply with Council Engineering Standards. Roads shall be constructed to adjoining boundaries.
- (b) A 1.4 metre concrete footpath shall be constructed on the outside edge side of the road.
- (c) Stormwater control and sumps shall be installed in accordance with Tasman District Council's Engineering Standards and amendments.
- (d) All cut and battered slopes shall be immediately hydro-seeded/grassed down.
- (e) Design speeds for the main road Lot 36 shall be 50 km/hour.

4. Access

- (a) Practical access shall be constructed to each lot at a minimum grade of 1-in-6 and complying with the Tasman District Resource Management Plan.

5. Water Supply

Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed and a water restrictor shall be provided for each lot. Two x 30 m³ storage tanks shall be installed on Lot 32, together with fire fighting reticulation within road reserves.

6. Sewer

Prior to a 223 Certificate the consent holder shall provide a report of the proposed treatment and effluent disposal field contained within the subdivision. The report shall also define the area of a secondary field should the primary field fail. (Further conditions are imposed under the effluent discharge consent.)

7. Stormwater

Stormwater shall be discharged from the site such that no adverse effects occur outside the boundary of the site. All drainage shall be designed to a 2% AEP plus 500 mm free board. Secondary flowpaths shall be formed and flowpaths over road reserve shall be formed in concrete. Council will not be responsible for the fish passage pipes etc associated with the dam that are laid under the road.

8. Cabling

- (a) Live telephone and electric power connections shall be provided to each lot and all wiring shall be underground to the standard required by the supply authority.
- (b) Confirmation of the above from the supply authority and a copy of the supplier's Certificate of Compliance shall be provided to the Council.

9. Electricity

Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "Road to Vest" on the survey plan if adjacent to a road or road to vest.

10. Street Lighting

The consent holder shall provide street lighting in accordance with the Tasman District Council's Engineering Standards and amendments. This work will include installation of cabling, poles, outreach arms and lanterns.

11. Engineering Certification

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

12. Easements

Easements/easements-in-gross shall be shown on the survey plan if required by Council.

13. Roading Contribution – DC

14. Water Contribution- DC

15. Maintenance Performance Bond

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

16. Engineering Plans

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

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

This report on Engineering was prepared by Dugald Ley, Development Engineer for 19 and 20 December 2005 hearing.