



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Mark Morris, Senior Consent Planner, Subdivision

REFERENCE: RM060538, RM060539, RM060542, RM060544, RM060550 and RM060551

SUBJECT: **HODDY DEVELOPMENTS COMPANY LIMITED - REPORT EP07/01/01** - Report prepared for 19 January Hearing.

1. APPLICATION BRIEF

1.1 Proposal

The application is for the following consents:

RM060538 Subdivision and Landuse

To subdivide an existing 7.689 hectare title to create five allotments being:

- Lot 1 of 0.908 hectares;
- Lot 2 of 4.475 hectares;
- Lot 3 of 0.65 hectares (containing an existing dwelling);
- Lot 4 of 0.977 hectares; and
- Lot 5 of 0.628 hectares to vest as esplanade reserve.

A land use consent is also sought to create an access crossing onto Hoddy Road with sight distances of 140 metres and 100 metres.

RM060539

A land use consent to erect single dwellings on each of proposed Lots 1, 2 and 4, that are within the coastal environment area.

A landuse consent to construct the proposed Lot 2 dwelling to a maximum height of 7.2 metres.

A five year lapsing period starting from the date the titles are issued for the proposed subdivision is sought for the land use consent.

RM060542

A landuse consent to create building platforms on the proposed Lots 1, 2 and 4 of the subdivision outlined above (RM060538) and to partially fill the existing pond on the proposed Lot 1.

RM060543

A water and discharge permit to divert and discharge storm water to land and water from the proposed dwellings, construction sites associated with the proposed subdivision RM060538.

RM060544

To discharge 900 litres of secondary treated domestic wastewater per day to land on the proposed Lot 1.

RM060550

To discharge 1,080 litres of secondary treated domestic wastewater per day to land on the proposed Lot 2.

RM060551

To discharge 720 litres of secondary treated domestic wastewater per day to land on the proposed Lot 4.

My report will be assessing the subdivision consent application (RM060538) and the landuse consent for the dwellings (RM060539).

An engineering report has been provided by Dugald Ley which is appended to this report as Attachment 1.

The remaining consents (RM060542-060544, RM060550 and RM060551) are being assessed by Michael Durand and his report is appended to this report as Attachments 2, 3 and 4.

In response to concerns from submitters, the applicant has volunteered certain conditions to meet some of their concerns. These include the covenant over Lot 2 preventing subdivision for a period of 10 years, a footpath along the frontage of the site and 45,000 litres of water storage per dwelling instead of just 23,00 litres.

A copy of the letter outlining these volunteered conditions is appended as Attachment 5.

1.2 Location and Legal Description

The property is located at 70 Hoddy Road, Waimea Inlet.

The legal description of the land is Lot 8 DP 954 Certificate of Title NL 46/172

1.3 Zoning and Consent Requirements

The land is zoned Rural Residential under the proposed Tasman Resource Management Plan. As there are no outstanding references on the Rural Residential zoning it is considered that the Rural Residential zoning is operative pursuant to Section 19 of the Resource Management Act 1991. Therefore no assessment is required under the Transitional District Plan.

The subdivision is considered to be a restricted Discretionary Activity under 16.3.11AA of the Proposed Tasman Resource Management Plan in that the minimum lot size is less than 2 hectares required under the controlled activity rule 16.3.10 for the Rural residential (Waimea Inlet) zoned land.

The proposed building sites for Lots 2 and 4 are within the Coastal Environment Area, as set down in the Proposed Plan. This means that any new building would require a resource consent as a controlled activity under rule 18.14.3 of the Proposed Plan.

The proposed dwelling on Lot 4 is a Restricted Discretionary activity under Rule 18.14.4 in that it is within 100 metres of the line of Mean High Water Springs.

The proposed dwelling on Lot 2 is also a restricted discretionary activity under Rule 18.14.4 in that it is 7.2 metres in height and is within the Coastal Environment Area which has a 6.5 metre height limit as a controlled activity.

2. INTRODUCTION

2.1 The Proposal

The applicant's wishes to subdivide their existing title into five allotments Lot 1 being 0.908 hectares, Lot 2 of 4.475 hectares and Lot 3 of 0.65 hectares, Lot 4 of 0.977 hectares and Lot 5 of 0.6280 hectares to vest as an esplanade reserve.

2.2 AFFECTED PARTIES CONSENT

The applicant has provided the written consent of the following parties:

1. M W and A J Tolmie Lot 1 DP 348585
On the other side of Hoddy Road, to north of the property.
2. L O Johnson Pt Lot 11 DP 954
The property that adjoins the western property of the site.
3. S L and L J Barrett Lot 1 DP 11600
Property on the other side of Hoddy Road to the north east of the site.
4. N B Jones 34 Hoddy Road Lot 2 DP 19386
Property close to the north western corner of the property.

3. NOTIFICATION AND SUBMISSIONS

The application was publicly notified on 21 October 2006.

Eight submissions were received plus one late submission.

The following is a summary of the submissions received:

L O Johnson (26 Hoddy Road)

Supported the application.

Does not wish to be heard.

E A Johnson (68 Hoddy Road)

Opposed to the application for the following reasons:

- The subdivision creates a precedent for further subdivision of the larger lot 2.
- If approved, other properties on Hoddy Road will use this as precedent to also create further sub standard sized allotments.
- Further subdivision will exacerbate the sub-standard sight line requirements which create a hazardous situation for traffic.
- Existing water capacity is already under pressure and this will be further aggravated by the creation of further undersized allotments.
- There is no safeguard that the larger lot will not be subject to further subdivision.
- Intensification of development is real possibility should this application be approved.

The submission did not indicate whether this submitter wished to be heard or not.

B W and KAR King Family Trust (66 Hoddy Road)

Opposed to the application for the following reasons:

- The lot sizes are well below the 2 hectare minimum in the Plan and density of allotments (four) is more than what is allowed in the plan which would be no more than three lots on a 7.6 hectare property.
- The size of Lot 2 at 4.4 hectares creates the potential for further subdivision and more intense development.
- Hoddy Road is very narrow and winding and is often used by pedestrians. Any increase in traffic volumes resulting from the subdivision will increase the potential for accidents. The sight lines to the south of the proposed entrance are very poor.
- Any increase in effluent discharges has the potential to adversely affect the environment and especially the nearby estuary.
- The existing area has low density of housing and still retains a rural atmosphere. If the application is approved then it is likely that this will create a precedent for further smaller lots in area leading incremental adverse effect without any unique reasons.

If the application was approved, they wanted special conditions imposed on stormwater, landscaping, underground power and telephone servicing and a prohibition of further subdivision of Lot 2

Wished to be heard.

S J and E M Richards (50 Hoddy Road)

Opposed to the application for the following reasons:

- The allotments are smaller than what is allowed in a rural residential zone.
- It will create a precedent for further subdivision in the local area.
- It is likely that Lot 2 will be further subdivided in the future.
- More intense development will spoil the rural character of the area.
- Concerned about the potential effects on the estuary of effluent and stormwater discharges.

Wished to be heard.

Tiakina te Taiao Ltd (PO Box 13 Nelson)

Conditional support for the application.

Stated that the proposed development is in close proximity to number of taonga (Maori treasures) which could be adversely affected by the proposed development.

Did not wish to be heard.

G D Diemal (166 Hoddy Road)

Opposed to the application for the following reasons:

- The density of allotments is higher than what is allowed in the District plan.
- Most of the property is suitable for primary production.
- Hoddy Road is dangerous with many blind corners and narrow sections. Dwelling density should be kept to a minimum until the road is upgraded.
- The proposed access crossing does not give sufficient sight distance for pedestrians.
- There is not sufficient land or it is too steep to allow for adequate on-site effluent disposal.
- The subdivision will create the potential for further subdivision of the larger lot 2 in the future.

Wanted the Hoddy Road to be upgraded with footpaths if the application was approved.

Did not wish to be heard.

New Zealand Historic Places Trust (Po Box 19173 Wellington)

Opposed to the application for the following reasons:

- No archaeological assessment has been carried out of the property.
- The site is in a coastal area that is particularly sensitive for archaeological resources.

Wished to be heard.

Royal Forest and Bird Society (Tasman Branch) (C/- 279 Hampden Street Nelson)

Neither supported or opposed the application but made the following points:

- The site is within the Coastal Environment Area that has high value to the community and special constraints need to be imposed on any proposed activities.
- The proposal has the potential to affect landscape, amenity and natural character values of the area and the ecological values of the Waimea Inlet.
- Supported the establishment of the proposed esplanade reserve which should be at least 20 metres in width.
- Supported the removal of weed species and the proposed indigenous vegetation planting programme and should be included as conditions of consent.
- Because of the ecological importance of the Waimea Inlet, covenants should be imposed on the proposed allotments prohibiting the keeping of dogs and cats as pets.
- Special maintenance conditions should be imposed on the wastewater discharge consents .
- Special conditions should be imposed on stormwater runoff to prevent any sediment getting into the estuary.
- Wanted the gullies and water courses planted out to mitigate the effects of stormwater run-off.

Wished to be heard.

C Cotton (Late) (93 Hoddy Road)

This submission was received by Council on the 21st November, one day after the close of submissions.

Opposed to the application for the following reasons:

- The proposal is a clear contravention of the TDC Plans.
- The allotment sizes are considerably less than what is allowed in the Plan.
- It is likely that Lot 2 will be further subdivided in the future.
- The building site on Lot 4 is very close to the ridgeline and is likely that it will be highly visible from Hoddy Road.
- The increased density of housing will have an adverse detrimental effect on the character of the area and will set strong precedent for further subdivision in the area.

Wished to be heard.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act

Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed subdivision must be deemed to represent the sustainable use and development of the land resource. The critical issue of this consent is the potential effect of that subdivision and development on rural land values.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

Section 104

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of allowing the subdivision to go ahead (Section 104 (1) (a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));

- Any other relevant and reasonably necessary matter(s) to determine the consent (Section (1) (c)).

In respect of Section 104 (1) (b), the Proposed Tasman Resource Management Plan is now considered to be the relevant planning document, given the operative status of the Rural Residential zone rules.

Section 104B sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

4.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate landuse and development.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

4.3 Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in: Chapter 5 'Site Amenity Effects' and Chapter 7 'Rural Environment Effects'. These chapters articulate Council's key objectives: To protect rural land from inappropriate subdivision and development and to ensure character and amenity values are maintained or enhanced.

The most relevant Rules which follow from these imperatives are contained in Chapter 16.3 'Subdivision' and Chapter 17.6 'Rural Residential Zone'. The assessment criteria set out in 16.3A, which are provided to guide Council in evaluating the proposed subdivision.

Detail of the assessment of the proposed subdivision and landuse consents in terms of these matters is set out in the chapters following.

5. ASSESSMENT

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

5.1 Assessment of Environmental Effects

Pursuant to Section 104 (1) (a) of the Resource Management Act, the following effects assessment has been set out. For the sake of brevity, both subdivision and landuse matters will be considered within the following assessment.

Rural Land Productivity

It is accepted that with the rural-residential zoning that the requirement for productive versatility within each lot is not required. However the property clearly does have productive value for horticultural and viticultural potential based on the previous use as an apple orchard and gently sloping north facing slopes which could be used for olives or viticulture. The adjoining property to the eastern is currently planted in grapes.

The applicant has sought to retain the bulk of the productive land on the property, within one title. While the applicant does not intend to use the land for anything more than grazing, at present, the proposed Lot 2 will still retain its existing productive potential for any future landowner to develop. The proposed layout with the larger Lot 2 is more likely to retain the productive potential than if the site was evenly split in to three lots because then the productive land would be fragmented in to three instead of being contained within one allotment.

In the context of the rural residential zoning it is considered that the adverse effects of the subdivision on productive values are no more than minor.

Servicing Effects

According to the application the proposed lots will be serviced by on-site effluent disposal. The assessment of this is covered in Michael Durand's report. (Attachment 2)

Storm water effects are also covered in Michael Durand's report. (Attachment 2)

Because there is no additional capacity within the Redwood Valley water scheme the additional allotments depend on roof tank water storage with additional firefighting supplies from the pond on Lot 4. The applicant has volunteered 45,000 litres of water storage for each of new dwellings to be provided.

Underground power and telephone connections can be provided to each of the building sites.

In conclusion it is considered that the three additional allotments can adequately serviced without adverse effects on the environment, provided the recommended servicing conditions are adhered to.

Pesticide Contamination

Because the site was used for orcharding prior to 1975, there is the potential that there may be spray residues in the soil of DDT, Copper, Arsenic and Lead which were commonly used at the time.

The applicant has commissioned MWH New Zealand to carry out testing of all the former orchard land on the property to check for pesticide levels.

The report found that the site was within guideline levels and that the property was suitable for residential development.

Traffic Effects

The proposed application will involve the creation of three additional allotments which will create additional traffic movements along Hoddy Road. The road is very narrow with poor sight visibility in places, which means that additional road users could pose a traffic hazard.

To help mitigate the traffic effects the applicant has volunteered the construction of a walkway along the frontage. However this would only be of real benefit if the walkway continued all the way along to the Coastal Highway and this would not be able to be achieved because of lack of space within the road reserve.

An assessment of traffic effects is dealt with Dugald Ley's report (Attachment 1) which is appended to this report.

Mr Ley's conclusion is the Hoddy Road seal formation will need to be widened to enable it to safely carry the additional traffic movements generated by the subdivision.

Part of Council's assessment criteria in terms of Schedule 16.3A of the PTMP is the following:

(26C) The extent to which an existing road needs to be upgraded to manage effects of traffic generated by the subdivision, taking into account the existing state and the use of the road and the construction standards of Chapter 18.10 rules for that particular class of road.

Rural Character and Amenity Values

The rural character of this particular area of the Waimea Inlet is predominantly characterised by high level of natural amenity with an associated low density of built form and structures with most of the existing development well away from the estuary edge.

Historically most of the development has been close to the ridgelines near the road, leaving the estuary edge largely undeveloped and still retaining its natural form, in spite of the rural-residential zoning.

There is concern amongst submitters of the adverse effects on the rural amenity of approving further small rural residential allotments of the size proposed in this subdivision.

The area has important coastal values and the Waimea Inlet is listed as an "Area with Nationally Important Natural Ecosystem Values" under Schedule 15.1F of the Proposed Plan.

The Council's policies and objectives on the Rural Environment seek to protect the rural environment from the adverse effects of activities including of subdivision and urbanisation and thereby maintaining and enhancing the rural character and amenity values of the area.

Amenity values, as defined in Section 2 of the Resource Management Act 1991, means:

“Amenity values” means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

The area of the subdivision has a high degree of natural and rural amenity, with a corresponding low level of built development particularly close to the estuary edge.

Since 1998 when the southern side of Hoddy’s road was rezoned Rural Residential, there has always been the potential for a change to existing rural environment in terms of additional dwellings and allotments.

The applicant has provided a landscape assessment from Landscape Architect Tom Carter.

This includes an assessment of the proposal in relation to the Coastal Tasman Area Design Guide and Frank Boffa’s coastal landscape study commissioned by Council in August 2005.

Mr Carter has assessed the proposal in relation to the existing landscape of the Hoddy Peninsula. His conclusion is that the rural character and the landscape qualities of this particular area can still be maintained, subject to specific mitigation measures and landscaping of the site.

These include extensive landscape plantings to mitigate the effects of the dwellings, preventing any built development close to the estuary and retaining a open rural landscape over the gentle north facing slopes that make up the bulk of the proposed Lot 2.

Any assessment on character and amenity values needs to be done in the context of what level of development could be done “as of right” on the property, which for subdivision would be a controlled activity subdivision. In this location the site could be split into three allotments of just over 2 hectares plus the esplanade reserve. It is likely this would involve three rectangular lots each with a dwelling on the top of the escarpment, with no controls over the form of housing and building sites except the height control for the coastal environment area.

The present application also involves three dwellings along the ridge, but there is also an additional allotment (Lot 1) and the lots are not of equal size.

In comparison with a controlled activity subdivision with few controls on development, the proposed subdivision and proposed landscaping and development controls will achieve a level of amenity that is comparable or even better than the likely outcome of controlled activity development with few or no controls.

5.2 Relevant Plans and Policy Statements.

The subdivision and resulting landuse activities must be deemed to be consistent with relevant objectives and policies pursuant to Section 104 (1) (c) and (d) of the Act. The most relevant Plan is considered to be the proposed Tasman Resource Management Plan and will be used in this assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered satisfy an assessment under the Policy Statement.

The following summarises the most relevant plan matters and provides brief assessment commentary:

Chapter 5 - Site Amenity Effects Council must ensure that the rural character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed subdivision must be avoided remedied or mitigated, including cross boundary effects.

Objectives: 5.1, 5.2, and 5.3 As detailed in the assessment of effects (Chapter 5.1), there will be an effect of the proposed activity on character and amenity values. An additional two small rural residential

Policies: 5.1.1, 5.1.3A, 5.1.9, 5.2.1, 5.2.7, 5.2.8, 5.3.2, 5.3.3, 5.3.5 allotments would be created in a rural landscape, contributing to a loss of rural character and amenity in the area.

Chapter 7 – Rural Environment Effects The productive potential of land resources must be protected, and used efficiently. Rural character and amenity values should be maintained or enhanced within the framework of the rural-residential zoning.

Objectives: 7.1, 7.2, 7.3 The actual adverse effects on productive values is not considered to be significant, particularly in regard to the rural-residential zoning.

Policies: 7.1.1, 7.1.2, 7.1.2A, 7.1.3, 7.2.1, 7.2.2, 7.2.4, 7.3.1, 7.3.3, 7.3.7, 7.3.8. Rural amenity values may be affected by the additional residential activity in the area. These matters are discussed in more detail in the assessment of effects (Chapter 5.1).

Chapter 10 – Significant Natural Values and Cultural Heritage Archaeological sites of significance must be protected, including any sites of significance to Maori.

A notation as part of earthworks consent if granted may be provided to alert the applicant of their obligations in terms of the Historic Places Trust. There are no known sites of heritage value.

Objectives 10.1

Policies 10.1.3, 10.1.5.

Chapter 11 - Land Transport Effects The actual and potential effects of the proposed subdivision on traffic safety must be avoided, remedied or mitigated.

- Objectives 11.1, 11.2, 11.1.2B, 11.1.3, 11.1.4A. The proposed subdivision and additional dwellings will result in additional traffic on to Hoddy Road. This matter is discussed in more detail in the assessment of effects (Chapter 5.1).
- Chapter 16.2 – Permitted activity performance conditions that manage Transport vehicle access, parking and road standards are contained in this rule.
- Chapter 16.3 – Requires Discretionary Activity resource consent for Rural Subdivision Residential Zone subdivision, namely the creation of allotments that will be less than 2 hectares.
- Assessment Criteria: Rule 16.3A Assessment criteria set out in Rule 16.3A provide guidance in the assessment of the application for determining appropriate conditions. Key matters such as servicing, amenity values and the effect of the proposal on key resources must be addressed when assessing any application for subdivision consent. Matters most relevant to this application have been covered in the assessment of effects of this report (Chapter 5.1).
- Chapter 17.6 – Any activity on the proposed lots is subject to permitted Rural Residential activity performance standards and conditions set out in Rule Zone Rules 17.6.4, Rural Residential Zone rules.
- Chapter 36.1 – The discharge of wastewater to land for the additional Discharges to Land allotments is required, as there is no permitted activity rule for the Waimea Inlet rural-residential zone.

Chapter 7 *Rural Environment Effects* is concerned with the effects of land fragmentation on all productive land whether it be highly productive or not.

In Objective 7.1.0 it sets out its principle objective to:

“Avoid the loss of potential for all land of existing and potential productive value”.

Policy 7.1.2 seeks to: *“avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.”*

Policy 7.1.2A seeks to avoid, remedy or mitigate the *“cumulative effects on the soil resource and productive value of the land.”*

It is acknowledged that with the rural residential zoning the effect on productive values will not be significant.

Section 7.2A “ISSUES COASTAL TASMAN AREA” sets out the specific policies for the Coastal Tasman Area.

The policies that would be particularly relevant to the proposal are:

7.2A.3 To ensure that the valued qualities of the Coastal Tasman Area, in particular rural and coastal character, rural and coastal landscape, productive land values, and the coastal edge and margins of rivers and streams are identified and protected from inappropriate development.

7.2A.15 To mitigate adverse effects on rural landscape and character by evaluating subdivision and development proposals together, when providing for further residential and rural- residential development in the Coastal Tasman Area.

7.2A.16 To take into account, and avoid or mitigate potential cumulative adverse effects on rural character, rural landscapes and amenity values, when assessing the effects of subdivision and development in the Coastal Tasman Area.

It is considered that this proposal, subject to the proposed mitigation measures, is in accordance with these policies.

Objective 7.3.0 states:

“Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities on rural character and amenity values.”

The following policies are relevant to this application:

7.3.3 To provide for the maintenance and enhancement of local rural character including such attributes as openness, greenness, productive activity, absence of signs, and separation and style and scale of structures.

7.3.4 To exclude from rural areas, uses or activities (including rural residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedies or mitigated.

7.3.9 To avoid, remedy or mitigate servicing effects of rural subdivision and development, including road access, water availability and wastewater disposal.

It is my conclusion that Council’s planning documents and the policies seek to provide opportunities for rural-residential development in rural residential zones such as the Wamea Inlet zone. However, the policies and objectives particularly those in 7.3.0, 7.3.3 and 7.3.4 still seek to retain a degree of rural character and amenity.

The discretionary status assumes that some lots will be below 2 hectares, but there would need to be some compensatory measure such as a larger balance area lot size to mitigate the effect of the smaller lot size. In this case the Lot 2 provides that , though there is the problem that Lot 2 can be further subdivided as a controlled activity.

The applicant has volunteered a covenant to be imposed on Lot 2 preventing further subdivision. However I do not believe this would be enforceable in that they are trying to restrict what could be done as controlled activity, which Council is obligated to approve under Section 77B(2) (aa) of the Resource Management Act 1991. It

would be only of useful if subdivision of Lot 2 was a discretionary activity, which it would be if it was less than 4 hectares in area.

An alternative would be to alter the lot layout so that Lot 3 is made larger and Lot 2 is reduced in size to just under 4 hectares. Thereby making any further subdivision a discretionary activity.

5.3 Part II Matters

The proposed subdivision and associated landuse activities are considered to be inconsistent with the purpose and principles contained in Part II of the Resource Management Act.

Section 6 (a) requires, as a matter of national importance, the “preservation of the natural character of the coastal environment”, and the protection of the coastal environment from “inappropriate subdivision, use and development.”

Part II of the Act is concerned about “maintaining and enhancing amenity values” under Section 7 (c). It considered that proposed landscaping mitigation measures will ensure that amenity values are maintained and enhanced.

It is considered that the application is consistent with the Act’s purpose of achieving the sustainable management of natural and physical resources.

5.4 Other Matters

Precedence and Cumulative Effects

Precedence in itself is not an “effect” but the subsequent approval of this subdivision is likely to lead to lead to other similar applications from Rural 2 properties each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 (d) of the Act.

In resource management terms, the cumulative effect of establishing a pattern of consent decisions based on other applicants wanting similar outcomes, can have adverse effects on significant resource management issues.

In the case of this application to subdivide, the key issue is the potential for a cumulative loss of rural character and amenity values associated with more dense residential development in the rural landscape.

The issue of "precedence" must be acknowledged in practical terms as giving rise to cumulative adverse effects.

- Applications for consent are lodged on the basis that consent to previous applications have been granted under like conditions.
- Council can expect pressure to act consistently in its application of Plan objectives, policies, rules and assessment criterion. That is, Council is expected to be consistent in its decision-making.

Permitted Baseline Test

Under Section 104 (2) of the Resource Management Act, a consent authority may use what is called the “permitted baseline test” to assess what are the actual and potential effects on the environment of allowing the activity.

Under this principle the proposal is compared with what could be done as permitted activity under the relevant Plan.

In this case because most of the site is within the Coastal Environment Area which requires Controlled Activity consent for all new buildings, very little building development could occur as a permitted activity.

As there is no subdivision as a permitted activity under the Proposed Plan, and no land use has been applied for, it is considered that the permitted baseline test is not relevant to this application.

6. CONCLUSIONS

- 6.1 The proposal is a Restricted Discretionary Activity under the Proposed Tasman Resource Management Plan.
- 6.2 The property is zoned Rural Residential under the Proposed Plan.
- 6.3 The Waimea Inlet and the Hoddy Peninsula have very high scenic values.
- 6.4 The application has provided for a layout and landscaping plan that enables a high level of amenity to be retained even with the three additional dwellings on the site.
- 6.5 The policies and objectives of the Proposed Plan seek to avoid the adverse effects of fragmentation on productive values of all rural land (objective 7.1.0), though it is accepted that with the rural residential zoning the effects on productive values will not be significant.
- 6.6 The Proposed Plan under objective 7.3.0 seeks to avoid, remedy or mitigate the adverse effects of subdivision and associated development on rural character and amenity and has specific policies regarding development in the Coastal Tasman Area under 7.2A. It is considered that the proposed subdivision and the proposed mitigation measures is in accordance with these objectives and policies.
- 6.7 The proposed subdivision will still achieve a reasonable level of open and natural character in spite of three of the lots being less than 1 hectare in area.. This proposal is considered to be in accordance with the principles of sustainable development of resources required under Part II of the Resource Management Act 1991.
- 6.8 Part II of the Resource Management Act includes a matter of national importance in Section 6, the protection of the Coastal Environment from inappropriate subdivision and development. In this regard, in the context of the rural residential zoning, it is considered that the proposed subdivision is an appropriate form of development for this area.

- 6.9 It is considered that the proposal is not contrary to the policies and objectives of both the Regional Policy Statement and the Proposed Plan and providing the recommended conditions are adhered to, and property is not further subdivided the adverse effects on the environment will be no more than minor.
- 6.9 I acknowledge that there is an issue of further subdivision of Lot 2 which in its present form could be further subdivided as a controlled activity. The only way to effectively prevent further subdivision of Lot 2, is to amend the subdivision plan so that Lot 2 is less than 4 hectares, making subdivision a discretionary activity and then having a consent notice on Lot 2 prohibiting further subdivision. I would strongly recommend that applicant volunteer this at the hearing to ensure that Council and the public can be satisfied that environmental outcome of the subdivision will be achieved and there will not be further subdivision of the property.

7. RECOMMENDATION

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **approves** its consent to the application by Hoddy Developments Ltd to subdivide CT NL 46/172 into five allotments (RM060538) and for a land use consent to erect a dwelling on each of the proposed Lots 1, 2 and 4.

8. RECOMMENDED CONDITIONS

If the committee decides to grant consent, I would recommend that the following conditions be imposed:

SUBDIVISION CONSENT

- 8.1 The Subdivision Plan shall be amended so that Lot 3 is enlarged to at least 1 hectare in size by moving the western boundary approximately 40m to the west, to include the small adjoining gully.

he northern boundary of Lot 4 shall moved north by 10m, so that the overall area of Lot 2 becomes less than 4 hectares in area.

An accurate scaled plan shall be prepared by the applicant, showing amended lot layout set out above and submitted to Council within 15 working days of this decision.

The Lot 5 esplanade reserve shall be at least 20 metres in width along the entire coastal frontage of the site.

- 8.2 Financial contributions are required on three allotments (Lots 1, 2 and 4).

The following will apply:

Reserves and Community Services

Payment of a reserves and community services levy assessed at 5.5% of the total market value of a 2,500 square metre notional building site contained within each of Lots 1, 2 and 4

The valuation will be undertaken by Council's valuation provider within one calendar month of Council receiving a request for valuation from the Consent Holder. The request for valuation should be directed to Jill Wallace at Council's Richmond office. The cost of the valuation will be paid by Council.

If payment of the financial contribution is not made within two years of the date of this consent and a revised valuation is requested as provided by Rule 16.5.5(d) of the Proposed Tasman Resource Management Plan, the cost of the revised valuation shall be paid by the Consent Holder.

Advice 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 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 the amount to be paid and will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on three allotments in respect roading and water.

- 8.3 A corner snipe on the corner of proposed Lot 1 and Hoddy Road where that corner lies within the Hoddy Road carriageway shall vest as road at no cost to Council. The road reserve boundary will be approximately 6.0 metres from the existing carriageway.
- 8.4 Existing fences shall be repositioned back onto the legal boundary but no closer to the existing carriageway from their present position.
- 8.5 Hoddy Road shall be upgraded from the right-of-way A as shown on the plan to Westdale Road to achieve a 5.0 metre sealed carriageway. This shall be via seal widening incorporating a 2-coat chip seal. Centreline paint markings shall be installed on all horizontal curves from the right-of-way out to Westdale Road.
- 8.6 Right-of-Way

The right-of-way shall be constructed to a 4.5 metre sealed width together with grassed side drains and rock weirs, as per the Engineering Standards as shown on the Cameron Gibson and Wells Ltd plan 12573, sheet 5. (the side drains shall also formed part of the storm water detention system to keep flows to their pre developed state)
- 8.7 The two existing culverts shall have their inlets and outlets cleaned and opened up (to drain away, and may require work on adjacent properties) together with the installation of rock rip rap at each end for a 2.0 metres.
- 8.8 All access to the proposed lots shall be from the right-of-way A, i.e. no direct access to Hoddy Road.

8.9 No plants above 1 metre high shall be planted on northern part of Lot 1 such that sight distance of at least 100 metres is achieved from the right-of-way "A" in a westerly direction along Hoddy Road.

8.10 Prior to the commencement of works, engineering plans shall be submitted for approval by the Councils Engineering Manager, detailing the access and right-of-way works and the Hoddy Road upgrade. All plan details shall be in accordance with Tasman District Engineering Standards.

At the completion of works, a suitably experienced chartered professional engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required and in accordance with the approved engineering plans.

8.11 Underground power and telephone servicing are to be provided to each of the building sites on Lots 1, 2 and 4 in accordance with TDC Engineering Standards.

8.12 Certification of the building sites for residential development on Lots 1, 2 and 4 shall be provided by a Chartered Professional Engineer in accordance with TDC Engineering standards Section 11 Appendix B and certification that all engineering works have been completed in accordance with TDC Engineering Standards or to the satisfaction of the Council's Engineering Manager. The certification for Lot 1 shall also include certification of the fill of the filled portion of the pond in accordance with NZS 4431.

8.13 The applicant shall provide a full specimen planting plan for the proposed landscape planting plan set out in the Tasman Carter Landscape concept plan Annexure A – Sheet 4 dated 1 June 2006. The Plan shall identify species of plantings, plant spacings and the maintenance plan for the first two years of growth. The planting plan shall ensure that visibility for road users along the Hoddy Road frontage is not adversely affected.

The plan shall include landscaping of the Lot 5 esplanade reserve with locally indigenous coastal species and shall be submitted to Council for approval by Council's Community Services Manager prior to commencement of any works.

The planting plan shall be fully completed prior to the signing of the Section 224 (c) certificate for the subdivision.

8.14 Consent notices on the proposed Lot 2 including the following:

- a) Restriction that no building shall be erected within 100 metres of the line of Mean High Water Springs.
- b) Residential buildings on Lot 2 shall be restricted to the Building site area marked "D" on the Title Plan
- c) The landscaping plantings as set out in the Tasman Carter Landscape concept Plan Annexure A Sheet 4 dated 1 June 2006 shall be maintained in perpetuity by the landowner.

- d) No further subdivision of Lot 2 shall be permitted, unless it complies with the controlled activity rules under the relevant District Plan.

8.15 Consent notices on the proposed Lot 1 including the following:

- a) Residential buildings on Lot 1 shall be restricted to the Building site area marked "C" on the Title Plan
- b) The landscaping plantings as set out in the Tasman Carter Landscape concept Plan Annexure A Sheet 4 dated 1 June 2006 shall be maintained in perpetuity by the landowner.

8.16 Consent notices on the proposed Lot 4 including the following:

- a) Residential buildings on Lot 4 shall be restricted to the Building site area marked "E" on the Title Plan
- b) The landscaping plantings as set out in the Tasman Carter Landscape concept Plan Annexure A Sheet 4 dated 1 June 2006 shall be maintained in perpetuity by the landowner.

8.17 Easements for all services located outside the allotments that they serve.

8.18 All works and engineering plan details are to be in accordance with Tasman District Engineering Standards or to the satisfaction of the Tasman District Engineering Manager.

LAND USE CONSENT RM060539

8.19 The commencement date for this consent is the date of titles issuing of titles for the proposed Lots 1, 2 and 4. The consent period shall last for a period of five years from the date of titles issuing.

8.20 The dwelling shall be located within the Building site C for lot 1, Building site D for lot 2 and building site E for Lot 4.

8.21 The maximum height of the dwellings shall be 6.5 metres except for the Lot 2 dwelling which shall be 7.2 metres.

8.22 The dwellings shall be constructed in accordance with the plans submitted with the application.

8.23 Any earthworks shall be in accordance with RM060542.

8.24 Any stormwater drainage works shall be in accordance with RM06060543.

8.25 On-site effluent disposal shall be in accordance with the discharge consents RM060544 for Lot 1, RM060551 for Lot 2 and RM060552 for Lot 4.

8.26 The exterior colours of the dwelling shall be in accordance with the colour scheme set out in Annexure 10 provided with the subdivision application RM060538.

8.27 Each dwelling shall be provided with at least 45,000 litres of potable water storage together with 50mm Camlock coupling fire fighting connection.

Note: The 45,000 litres of water storage condition has been volunteered by the applicant.

Mark Morris
Senior Consent Planner
(Subdivisions)

STAFF REPORT

TO: Environment & Planning Subcommittee
FROM: Dugald Ley, Development Engineer
REFERENCE: RM060538
DATE: 13 December 2006
SUBJECT: **A and H COLE – HODDY ROAD**

1. INTRODUCTION

This application is to create four rural residential lots plus a right-of-way, together with an esplanade reserve along the estuary abutting the title.

2. BACKGROUND

The planner's report sets out the application and this report discusses the engineering effects of the creation of potentially three new dwelling houses or approximately 24 additional vehicle movements per day on Hoddy Road.

Hoddy Road is an access road on Council's hierarchy and its seal width varies between 4 to 5 metres on its sealed section. It carries approximately 230-250 vehicles per day and exits on to Westdale Road which has a 7.0 metre seal width carrying upwards of 300 vehicles per day and was previously the state highway before a realignment made the status redundant. Access roads in the TRMP and Engineering Standards required a sealed road width of 6.0 metres seal width plus 2 x 600 mm shoulders on each side and one footpath.

The speed environment that these roads should be designed to is between 50 and 70 kilometres per hour (kph) whereas Hoddy Road is limited to 30 kph due to its horizontal and vertical alignment and has limited sight distance due to encroachment of fences close to the carriageway.

Hoddy Road would be classed as "at its limit" for traffic movements and additional traffic would, in my opinion, be unsafe if left as it is.

Council's LTCCP outlines roading and other capital projects for the next ten year which are due to growth. Hoddy Road is not mentioned in this document and therefore Council has no intention to enlarge/reconstruct this road in that timeframe. It is the responsibility of the developers in the locality of Hoddy Road to upgrade this road when they create adverse effects.

Right-of-Way

The property is to be served by a right-of-way shown as "A" and this is proposed to be sealed to 4.5 metres together with concrete edge restraints, grassed swales

draining to slightly under sized roadside culverts. The applicant proposes to fully comply with Council's right-of-way standards as set out in the TRMP and Engineering Standards.

Services

Each of the lots proposed is to be self-serviced for water supply, stormwater discharge and wastewater disposal except, I understand, for water supply for the existing dwelling on proposed Lot 3 which is to relinquish its Redwood Valley water supply and allocate its restricted supply to proposed Lot 2. This restricted supply as shown on Council's records has four cubic metres per day supply.

It is noted that the Redwood Valley supply has had a moratorium placed on it and no new connections are available. It is envisaged that when a coastal pipeline is developed in the area then future restricted water connections will be made available. However, as outlined in the LTCCP, this water supply will not be available until 2014.

3. SUMMARY

The only impediment to this subdivision (barring any planning reasons as outlined in the planner's report) would seem to be the substandard nature of Hoddy Road out to Westdale Road.

As mentioned Hoddy Road has an abrupt vertical and horizontal alignment necessitating speeds of approximately 30 kph and these alignments cannot be altered without a major realignment at a large cost.

It would not be fair or reasonable to allocate this cost solely to the applicant.

However, the road width can be altered within the road reserve boundaries to meet a lesser standard than that proposed in the TRMP, table 18.10a.

Therefore, it is my opinion that any part of the road where the sealed carriageway is less than 5.0 metres, then the applicant be required to widen the seal width (in places 4.0 metres) to meet the minimum 5.0 metre seal width.

This width will allow vehicles to pass at slow speeds as the alignment dictates.

4. RECOMMENDATION

It is my view that the effects of this subdivision which are increased traffic movements and therefore the potential for accidents on this substandard road could be mitigated by the widening of Hoddy Road to at least 5.0 metres seal width.

Should the Committee, after hearing all evidence, decide to approve the subdivision then it would be appropriate to impose engineering conditions as set out below:

8.10 A corner snipe on the corner of proposed Lot 1 and Hoddy Road where that corner lies within the Hoddy Road carriageway shall vest as road at no cost to Council. The road reserve boundary will be approximately 6.0 metres from the existing carriageway.

- 8.11 Existing fences shall be repositioned back onto the legal boundary but no closer to the existing carriageway from their present position.
- 8.12 Hoddy Road shall be upgraded from the right-of-way A as shown on the plan to Westdale Road to achieve a 5.0 metre sealed carriageway. This shall be via seal widening incorporating a 2-coat chip seal. Centreline paint markings shall be installed on all horizontal curves from the right-of-way out to Westdale Road.
- 8.13 Right-of-Way
The right-of-way shall be constructed to a 4.5 metre sealed width together with grassed side drains and rock weirs, as per the Engineering Standards as shown on the Cameron Gibson and Wells Ltd plan 12573, sheet 5. (the side drains shall also formed part of the storm water detention system to keep flows to their pre developed state)
- 8.14 The two existing culverts shall have their inlets and outlets cleaned and opened up (to drain away, and may require work on adjacent properties) together with the installation of rock rip rap at each end for a 2.0m.
- 8.15 All access to the proposed lots shall be from the right-of-way A, ie no direct access to Hoddy Road.
- 8.16 No plants above 1 metre high shall be planted on northern part of Lot 1 such that sight distance of at least 100 metres is achieved from the right-of-way "A" in a westerly direction along Hoddy Road.
- 8.17 Development contributions to pay as per the LTCCP for roading and water.
- 8.18 Engineering plans are to be submitted for approval for the above

Dugald Ley
Development Engineer

Michael Durand, Consent Planner – Discharges**Hoddy Development Company Limited**

RM060544, Discharge of domestic effluent, Lot 1

RM060550, Discharge of domestic effluent, Lot 2

RM060551, Discharge of domestic effluent, Lot 4

1. INTRODUCTION

Hoddy Development Company Limited proposes to subdivide Lot 8 DP954 into five lots. Four of these lots are proposed for rural-residential use (Lots 1-4) and Lot 5 is proposed as an esplanade reserve. The intention is that new dwellings will be constructed on Lots 1, 2 and 4, whilst Lot 3 will contain an existing dwelling currently on the site.

There are no reticulated sewerage or stormwater services at the site. An on-site wastewater treatment and disposal system must therefore be installed to serve any new dwelling constructed on Lots 1, 2 and 4. The existing dwelling is served by an on-site wastewater system. Likewise, stormwater management systems must be constructed to properly control stormwater flows generated on each site.

The proposed subdivision lies in the Wastewater Management Area (WMA). The proposed Tasman Resource Management Plan (TRMP) contains special provisions for wastewater treatment and disposal in the WMA. Since 20 December 2003 there has been no provision for permitted new discharges of domestic wastewater in the WMA; since this time all new domestic wastewater discharges in the WMA have required resource consent (discharge permit).¹

The applicant has applied for resource consent to discharge secondary-treated effluent to land via dripper line irrigation on Lots 1, 2 and 4.

This report provides an assessment of resource consent applications RM060544, RM060550 and RM060551. These applications were lodged with a view to authorising domestic effluent discharges on the proposed Lots 1, 2 and 4, respectively.

2. STATUS UNDER TRANSITIONAL AND PROPOSED PLANS

The proposed subdivision lies within the WMA in which any new discharge of domestic wastewater discharge must be authorised by a resource consent (discharge permit). Resource consent to discharge domestic wastewater to land is required under the following rules of the TRMP (Table 1):

¹ Note that the existing wastewater discharge from the existing dwelling on Lot 8 DP954 (which is proposed to be on Lot 3) is a permitted activity at present. Installation of a new on-site wastewater treatment and disposal system to serve this dwelling (if unaltered) is a permitted activity because the discharge existed before 3 December 2005.

Table 1.
Status of RM060544, RM060550 and RM060551 under the TRMP.

Proposed Lot Application No.	Lot 1 (9,080 m ²) RM060544	Lot 2 (4.4750 ha) RM060550	Lot 4 (9,770 m ²) RM060551
Control	New discharges of domestic wastewater are not permitted in the WMA	New discharges of domestic wastewater are not permitted in the WMA	New discharges of domestic wastewater are not permitted in the WMA
Affected Rule	36.1.4(aa)	36.1.4(aa)	36.1.4(aa)
Reason	Disposal is proposed in soils with low or very low permeability.	Disposal is proposed in soils with low or very low permeability.	Disposal is proposed in soils with low or very low permeability.
Affected Rule	36.1.13A(a)(ii)	–	36.1.13A(a)(ii)
Reason	Discharge is proposed on a lot that is proposed to be less than 2 ha in area.	–	Discharge is proposed on a lot that is proposed to be less than 2 ha in area.
Affected Rule	36.1.14A(f)(i)	–	–
Reason	Disposal field is located closer than 20 m from a surface water body.	–	–
Rules for compliance	36.1.16A	36.1.13A	36.1.14A
Status	Non-complying	Controlled	Restricted Discretionary

Therefore:

- The discharge proposed on Lot 1 is a non-complying activity because the discharge is proposed to occur closer than 20 m from a surface waterbody.
- The discharge proposed on Lot 2 is a controlled activity (the most permissive status for a new discharge in the WMA).
- The proposed discharge on Lot 4 is a restricted discretionary activity because the lot is smaller than 2 ha in area.

3. STATUTORY CONSIDERATIONS

3.1 Resource Management Act (1991)

Section 15 of the RMA requires that resource consent be obtained to discharge contaminants into the environment, unless the discharge 'is expressly allowed by a rule in the regional plan and any relevant proposed regional plan.' New discharges of domestic wastewater in the Wastewater Management Area are not permitted under the rules of the TRMP and resource consent is required.

In reaching its decision the committee should have regard to matters raised in Part II of the Act and the following sections:

- 104A (Determination of activities for controlled activities),
- 104B (Determination of activities for discretionary or non-complying activities) and
- 105 (Matters relevant to certain applications)

In addition the committee should note that the proposed discharge from Lot 1 has been deemed to be a non-complying activity and the committee should have special regard to matters raised in section 104D of the Act. Although this discharge has been deemed to be a non-complying activity, it is my assessment that the effects on the environment will be no more than minor and that the activity is consistent with the matters raised in Part II of the Act.

3.2 Tasman Regional Policy Statement (2001)

The relevant policies of the RPS are Policies 10.3, 10.4 and 10.9 which concern the treatment and discharge of wastes into the environment whilst avoiding, remedying or mitigating adverse environmental effects.

3.3 Proposed Tasman Resource Management Plan

Potential adverse environmental effects resulting from the proposed activity are discussed in Chapter 33 of the TRMP. However, it is considered that the proposed discharges are consistent with Objective 33.4.0 and Policies 33.4.1 – 33.4.4. The recommended consent conditions and the proposed wastewater system designs, are consistent with the methods set out for implementing the Plan's objectives as described in section 33.1.20.

The activities described in applications RM060544, RM060550 and RM060551 have been assessed and judged to be consistent and not in conflict with these objectives and policies.

4. ASSESSMENT OF EFFECTS

4.1 Background to the proposed wastewater treatment and disposal

The manufacturers and types of wastewater systems proposed have not been named by the applicant. However, it is implicit in the application that treatment of wastewater to a secondary standard is proposed, and the wastewater is to be

discharged to land via pressure-compensating drip irrigation lines. Proposed locations of the disposal fields are shown in the application.

Secondary treatment usually means that the household wastewater (blackwater and greywater combined) goes through two stages of treatment in tanks that are arranged in series. First the separation of solids, grease and oils takes place in a 'septic tank'. Here there is also some anaerobic biodegradation of organic matter in the wastewater. Second, wastewater is treated under aerobic conditions in a second chamber or via dosing to a filter medium (e.g sand) in which aerobic conditions are maintained. From here wastewater is pumped to a land disposal system.

Secondary treatment systems produce effluent that is of high quality relative to that from conventional septic tanks. Following discharge, bacteria in the soil breakdown organic components of the wastewater still further. The treated wastewater can be used for irrigation purposes and if the discharge is properly managed it should pose little risk of contamination to groundwater and surface water bodies.

Two measures for wastewater standards commonly used are the 5-day biochemical oxygen demand (BOD₅) and total suspended solids (TSS). In the WMA it is expected that wastewater systems be designed to discharge relatively high quality wastewater at less than 30g/m³ BOD₅ and less than 45 g/m³ TSS. Secondary treatment systems that are functioning correctly should meet these standards. Likewise, if functioning properly, there should be no odour generated by either the treatment system or the discharge.

There is a wide range of proprietary systems available which use various technologies; a number of models can be purchased as 'package plants', to which a site-specific disposal field is connected. Although the treatment plants are currently unspecified, the disposal fields proposed by the applicant are specific to the size of the dwellings planned to be built on each lot. They are specific in terms of the volume of wastewater to be discharged, and therefore a specific land area for the discharge has been provided.

In all cases it is proposed that the discharge will occur via pressure compensating dripper irrigation lines with the discharge rate not exceeding 2 litres per square metre per day (equivalent of 2 mm per day). This rate of discharge is conservative (even for the clay soils found in the Hoddy Rd area). It is not anticipated that surface ponding or overland flow of discharged wastewater will occur as a result of this rate of discharge.

The volume of wastewater proposed to be treated is based upon the number of potentially habitable bedrooms in the planned dwellings. A volume of 180 litres per person per day has been used by the applicant to calculate the maximum volume of wastewater to be generated (and hence discharged) per day. This is a widely accepted rate of water use for dwellings connected to reticulated water supply, such as those planned in this case. Therefore the expectation that wastewater systems in the WMA are designed for peak daily flows has been satisfied in this case.

It is important to note, however, that should dwellings be planned that comprise additional bedrooms (or potential bedrooms) to those described in the application, the proposed wastewater disposal fields would be considered undersized. In such a

case, a variation to consent conditions would need to be sought, and any existing wastewater disposal field would need to be enlarged.

The expectation that a 100% reserve area be provided has been satisfied in the application.

4.2 Consideration of effects in the application

The Auckland Regional Council's publication TP58² (regarded in New Zealand as one of the two design and management manual for on-site wastewater systems) suggests that the following matters should be paid close regard when designing on-site wastewater systems (Table 2). Table 2 indicates whether or not each matter has been paid regard to in the applications for resource consent, and whether or not the possible environmental effect is considered by Council to be more than minor.

In the application considerable regard has been given to most of the matters listed in Table 2. The design of the proposed wastewater systems reflects the assessment of the site that was made by the applicant. Matters that were not considered fall into three categories: (i) those that are more suitable to be dealt with at the final design stage or; (ii) matters that are specific to the make and model of wastewater system that is eventually installed, and (iii) matters that are usually covered by consent conditions.

Therefore there are no outstanding matters that would mean a proper assessment of the activity's effects cannot be made.

4.3 Assessment: Key potential environmental effects

Key potential environmental effects that may be associated with discharges from the proposed on-site wastewater treatment and disposal systems are (in this case):

- Impact on surface water (the pond on Lot 1)
- Impact on coastal water (the Waimea Inlet)
- Impact on groundwater
- Impact on soils
- Impact on amenity values

These matters have been considered by the applicant and are discussed below.

² Ormiston, A.W. and Floyd, R.E. (2004). On-site Wastewater Systems: Design and Management Manual. *Auckland Regional Council Technical Publication No. 58 (TP58)*. Third Edition.

Table 2.

Matters considered in the assessment of potential adverse effects on the environment.

Matters to be considered	Considered in application?	Adverse environmental effect more than minor?		
		Lot 1	Lot 2	Lot 4
Conservative approach at design stage	Y	N	N	N
Robust treatment system	N*	N	N	N
High level of treatment	Y	N	N	N
Mitigation measures to protect against failure	N*	C	C	C
Conservative hydraulic loading rates	Y	N	N	N
Measures to ensure even distribution of wastewater disposal	Y	N	N	N
Protection of land disposal area with stormwater cut off drains	N	C	C	C
Description of the soil types and categories on the property	Y	N	N	N
Description of the land application area	Y	N	N	N
Separation from surface water	Y/N	D	N	N
Separation from groundwater	Y	N	N	N
Separation from surface water bores	Y	N	N	N
Determination of potential flood risk	Y	N	N	N
Provision for reserve allocation	Y	N	N	N
Provisions to discourage access	N	C	C	C
Odour effects	N*	N	N	N
System management plan	N*	C	C	C
System maintenance contract	N*	C	C	C
Education of system users	N*	C	C	C

Notes:

Y – Yes ; N – No

C – Not addressed in the application, but to be addressed by consent conditions, which should ensure that effects are no more than minor;

D – Potential problems with separation distances from surface water on Lot 1 must be dealt with in design plans to be submitted to Council before the installation of any system and prior to the exercise of any consent granted;

* These matters are not always discussed explicitly at the design stage. They are dependent to a large degree on the particular make and model of wastewater system to be installed; many manufacturers' systems comprise alarms, power back-up and other systems to prevent failure and associated environmental effects.

4.3.1 Impact on surface water quality (the pond on Lot 1)

Separation between the wastewater discharge and the pond is required to minimise its contamination; under the TRMP the normal separation distance required is 20 m. When a 20 m border is included in the area of the pond, it occupies 4600 m², or 51% of the total area of the proposed lot. The loss of available land is compounded by the normal expectation for a 5 m setback between wastewater the wastewater disposal

area and property boundaries, as well as various other site constraints (including the significant land area that would be used by the proposed dwelling and its access).

The volume of water proposed to be discharged is up to 900 L per day. On Category 6 soils that are present here, a maximum discharge rate of 2 L per m² per day will require a disposal field of 450 m². From the information provided in the application, it appears that it may be difficult to position the wastewater disposal field in such a way that a 20 m setback between the discharge and pond is achieved. For this reason the discharge has been deemed to be a non-complying activity.

However, in my assessment, a setback from a waterbody of less than 20 m should not lead to any adverse environmental effect that is more than minor in this case. The wastewater to be discharged shall be of a high standard. It is worth noting for comparison that the 20 m rule also applies to conventional septic tanks whose discharge is of a considerably lower quality than that proposed here. In this particular case I recommend that the wastewater disposal field be located as far as is practicable from the pond. A setback of more than 7.5 m would be acceptable to Council in this case. Consent conditions shall require that detailed plans be submitted to Council for approval before the installation of any system and before the exercise of any consent granted.

It is understood that the pond is proposed to be modified and reduced in size by filling a proportion of the western end. It should be noted that fill materials are not recommended for wastewater disposal (and regardless, the most of the reclaimed land will be less than 20 m from the water edge). Therefore this modification will increase the area of dry land on the lot (and the separation distance), but it will not increase significantly the area of land available for wastewater disposal.

4.3.2 Impact on coastal water quality (the Waimea Inlet)

The proposed wastewater disposal system on Lot 4 is the closest to the Waimea Inlet at approximately 40 m. This is a significant set-back and approximately twice that required under the permitted activity rules outside of the WMA and controlled activity criterion within the WMA. The proposed site lies away from any stormwater flow paths. Given (i) the high quality of the wastewater to be discharged, (ii) the extremely limited chance of this wastewater forming flow paths over land, and (iii) the unlikely possibility that the discharge would be transported to the estuary via stormwater flows, it is my assessment any adverse effect of the proposed discharge upon water quality in the Waimea Inlet will be either immeasurably small or non-existent.

4.3.3 Impact on groundwater quality

Depth to groundwater measurements were not provided in the application. However, the proposed disposal fields are to be located on shallow-sloping hillsides away from gullies. High winter groundwater levels are unlikely in this area. The proposed wastewater discharges are to be located > 400 m from the nearest bore and therefore contamination of bore water from the proposed wastewater discharges is almost impossible.

There are other on-site wastewater systems located much closer to bores in the area; these systems – many of which may produce a relatively low quality effluent – pose a

significantly greater risk of contamination to ground water and bore water than do the proposed discharges.

Although the disposal field for Lot 1 may need to be placed closer than 20 m (horizontal) from the pond, it is unlikely that this discharge will meet with groundwater. The likely disposal field lies to the north of the pond where the gently sloping land surface is elevated by >2.5 m above the pond surface. From the edge of the pond a steep (approx. 45°) slope climbs over a lip to the sloping ground where wastewater disposal is likely to take place. The water table here is likely to be >1 m deep, even within a few metres of the pond edge.

4.3.4 Impact on soils

Long term damage to soils is possible when primary treated (septic tank) wastewater is discharged to land. However, in this case the proposed discharge will be a high quality and is proposed to be discharged over a wide area. The conservative discharge rate will allow soils to 'rest' between wastewater doses. Current professional opinion is that irreparable clogging is extremely unlikely from secondary treated wastewater discharges; in most cases land can be rehabilitated by rotary-hoeing or a similar method should problems occur. In the majority of cases, disposal fields that are suitably planted sustain healthy vegetation and there is little or no adverse effect on soil quality in the long term.

4.3.5 Impact on amenity values

The proposed wastewater systems have been designed with large set-backs from property boundaries. Notwithstanding this, there should not be any odours or other adverse cross-boundary effects. Disposal fields are commonly planted and covered with mulch, or the dripper lines are buried at shallow depth below grassed or otherwise vegetated areas. There is little or no adverse visual impact of such systems.

4.4 Summary

In my opinion the general wastewater system designs that have been proposed are suitable for the site and are consistent with currently accepted best practice in the wastewater industry nationally and internationally. Adverse effects on surface water, coastal water and groundwater are exceedingly unlikely if the systems are (i) properly maintained and serviced and (ii) used according to the manufacturers' guidelines. Consent conditions proposed below aim to enforce a maintenance and monitoring regime that should forewarn of any pending malfunction. Any adverse environmental effect that is more than minor should therefore be avoided.

5. SUBMISSIONS

Four of the nine submitters raised wastewater issues. Their concerns are discussed in Table 3.

Table 3.

Submitters' comments regarding domestic wastewater disposal at the proposed subdivision.

Submitter and wastewater comment	Discussion
<p>B.W. and K.A.R. King Family Trust.</p> <p>“Any increase in effluent discharges has the potential to affect the environment and especially the nearby estuary. Strict monitoring of such discharges would be required by Council. Specific design of sewerage systems, along with maintenance contracts is sought.”</p>	<p>Discharge rules in the Wastewater Management Area demand that a high quality of wastewater is discharged from new wastewater systems. Further treatment of the water takes place in the soil following discharge. The adverse environmental effects of the proposed discharges will be considerably less significant than those that may occur as a result of discharges from old conventional septic tanks and / or soak pits that may exist in the Hoddy Rd area. There are significant set-backs between the proposed discharges and the estuary itself, and it is our assessment that adverse effects on the estuary are extremely unlikely.</p> <p>Specific design, maintenance contracts and monitoring of wastewater quality should be sought through consent conditions.</p>
<p>Stephen James Richards and Elizabeth Mary Richards</p> <p>“We are concerned about adequate effluent and stormwater disposal for this number of dwellings, and the potential effect on pollution of the estuary. We would wish the Council to ensure that measures are taken to prevent this, and discharges will be regularly monitored to protect the estuary.”</p>	<p>As discussed above, maintenance contracts and monitoring of wastewater quality should be sought through consent conditions. Adverse effects on the estuary are extremely unlikely.</p>
<p>George and Denise Deimel</p> <p>“Under the council waste water reticulation proposals we cannot see how there will be sufficient land, to meet the disposal requirements, that is not too steep on lots 3 and 4. If this disposal is not sufficient then it is likely to drain at the bottom of the property that passes onto the Tolmies' property</p>	<p>There is sufficient land on the proposed Lots 1, 2 and 4 for proper wastewater disposal. Discharge is to occur through pressure compensating dripper irrigation lines, which distribute the discharged water evenly over a large area. Overland flow of wastewater is unlikely even on sloping ground. Consent conditions should ensure that plant species suitable for uptake and transpiration of wastewater</p>

will become unsatisfactory.”	shall be planted in the disposal areas.
<p>Forest and Bird (Nelson Tasman Branch)</p> <p>“Septic tank disposal of wastes in this extremely sensitive estuarine area could give rise to significant adverse effects on habitats, feeding grounds and ecosystems. Council is also well aware that the history of septic tank maintenance, efficiency and effectiveness in the District has not been at an acceptable level. We seek the incorporation of set maintenance periods for the waste disposal units as conditions on the discharge permits, if the subdivision is approved. This must be enforceable.”</p>	<p>‘Septic tanks’ are not proposed here, but rather, secondary wastewater treatment systems. Systems of this type generate wastewater that is of very high quality relative to conventional septic tanks. The treated wastewater from such systems is commonly used as irrigation water on gardens. In this case the wastewater shall sustain species planted in the disposal areas. The requirement for maintenance and monitoring has been discussed above and should be sought through consent conditions.</p>

6. RECOMMENDATION

In my assessment, any adverse environmental effects of wastewater discharge on the proposed Lots 1, 2 and 4 will be no more than minor. This assessment is subject to the systems being designed as described in the applicant’s report, and subject to consent conditions that ensure the long term and proper function of the wastewater systems.

Therefore, after giving this matter detailed consideration I recommend that consent be granted to discharge secondary treated domestic wastewater on the proposed Lots 1, 3 and 4 subject to conditions.

7. CONDITIONS

RM060544, Discharge of domestic effluent, Lot 1

General Conditions

1. The rate of discharge shall not exceed 900 litres per day.
2. The discharge shall consist only of domestic wastewater that has been treated to secondary standards.

Treatment and Disposal System

3. A detailed design for the on-site domestic wastewater treatment and disposal system shall be submitted to Council for approval prior to the exercise of this consent.

Advice Note:

This design should be based upon findings from a complete site and soil assessment carried out by a suitably qualified or experienced wastewater engineer.

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). The disposal area shall be no less than 450 square metres in area and incorporate at least 450 lineal metres of pressure-compensating drip irrigation line. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each dripper shall emit wastewater at a rate of not exceeding 1.6 litres per hour. Lateral lines shall be laid at no more than 1 metre spacings.
5. The treated wastewater entering the disposal field, as measured at the sampling point required to be installed in accordance with Condition 10, shall comply at all times with the following limits:
 - a) the five day biochemical oxygen demand (BOD₅) in any single sample shall not exceed 30 grams per cubic metre; and
 - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems.

The person supervising the construction and installation of the system shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Condition 4 and shall also confirm the following:

- a) 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 and the manufacturers' specifications; and
 - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the Council's Co-ordinator Compliance Monitoring that shows the location 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, with particular regard to the sampling point (required to be installed in accordance with Condition 10).
 9. No large grazing stock (such as sheep, cattle or horses) shall be allowed access to the disposal field at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the disposal area to prevent access by such animals.

10. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the disposal area.

Maintenance and Monitoring

11. The TSS and BOD₅ of the treated wastewater shall be determined by an accredited environmental testing laboratory at 6, 12 and 24 months following the exercise of this consent. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 20 working days of each measurement.
12. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

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

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

13. Notwithstanding Condition 12, the wastewater treatment and disposal system shall be inspected and serviced not less than every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:
 - a) the date the inspection was undertaken and the name of the service provider;
 - b) a list of all components of the treatment and disposal systems that were inspected and the state of those components;
 - c) any maintenance undertaken during the visit or still required;
 - d) a description of the appearance of the filter/s and tanks;
 - e) the location and source of any odour detected from the system during the inspection; and
 - f) a description of the appearance of the disposal area (ponding, vegetation growth etc).

Reserve area

14. A reserve area equivalent to 100% of the disposal field should be kept free from development on the site and be made available for wastewater disposal in the event that the first disposal field fails.

Review of Consent Conditions

15. The Council may, during the month of January each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
 - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Expiry

16. This resource consent expires on 31 January 2022.

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
3. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.
4. All associated excavation work must comply with the permitted activity requirements of the Tasman Resource Management Plan unless either are otherwise authorised by a resource consent.
5. 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 these works.
6. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.

7. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-ordinator, Compliance Monitoring.
8. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust 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.

RM060550, Discharge of domestic effluent, Lot 2

General Conditions

1. The rate of discharge shall not exceed 1080 litres per day.
2. The discharge shall consist only of domestic wastewater that has been treated to secondary standards.

Treatment and Disposal System

3. A detailed design for the on-site domestic wastewater treatment and disposal system shall be submitted to Council for approval prior to the exercise of this consent.

Advise note:

This design should be based upon findings from a complete site and soil assessment carried out by a suitably qualified or experienced wastewater engineer.

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). The disposal area shall be no less than 540 square metres in area and incorporate at least 540 lineal metres of pressure-compensating drip irrigation line. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each dripper shall emit wastewater at a rate of not exceeding 1.6 litres per hour. Lateral lines shall be laid at no more than 1 metre spacings.
5. The treated wastewater entering the disposal field, as measured at the sampling point required to be installed in accordance with Condition 10, shall comply at all times with the following limits:
 - a) the five day biochemical oxygen demand (BOD₅) in any single sample shall not exceed 30 grams per cubic metre; and
 - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.

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

The person supervising the construction and installation of the system shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Condition 4 and shall also confirm the following:

- a) 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 and the manufacturers' specifications; and
 - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the Council's Co-ordinator Compliance Monitoring that shows the location 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, with particular regard to the sampling point (required to be installed in accordance with Condition 10).
 9. No large grazing stock (such as sheep, cattle or horses) shall be allowed access to the disposal field at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the disposal area to prevent access by such animals.
 10. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the disposal area.

Maintenance and Monitoring

11. The TSS and BOD₅ of the treated wastewater shall be determined by an accredited environmental testing laboratory at 6, 12 and 24 months following the exercise of this consent. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 20 working days of each measurement.
12. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

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

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

13. Notwithstanding Condition 12, the wastewater treatment and disposal system shall be inspected and serviced not less than every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:
- a) the date the inspection was undertaken and the name of the service provider;
 - b) a list of all components of the treatment and disposal systems that were inspected and the state of those components;
 - c) any maintenance undertaken during the visit or still required;
 - d) a description of the appearance of the filter/s and tanks;
 - e) the location and source of any odour detected from the system during the inspection; and
 - f) a description of the appearance of the disposal area (ponding, vegetation growth etc).

Reserve area

14. A reserve area equivalent to 100% of the disposal field should be kept free from development on the site and be made available for wastewater disposal in the event that the first disposal field fails.

Review of Consent Conditions

15. The Council may, during the month of January each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.

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

Expiry

16. This resource consent expires on 31 January 2022.

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
3. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.
4. All associated excavation work must comply with the permitted activity requirements of the Tasman Resource Management Plan unless either are otherwise authorised by a resource consent.
5. 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 these works.
6. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
7. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-ordinator, Compliance Monitoring.
8. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust 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.

RM060551, Discharge of domestic effluent, Lot 4

General Conditions

1. The rate of discharge shall not exceed 720 litres per day.
2. The discharge shall consist only of domestic wastewater that has been treated to secondary standards.

Treatment and Disposal System

3. A detailed design for the on-site domestic wastewater treatment and disposal system shall be submitted to Council for approval prior to the exercise of this consent.

Advise note:

This design should be based upon findings from a complete site and soil assessment carried out by a suitably qualified or experienced wastewater engineer.

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). The disposal area shall be no less than 360 square metres in area and incorporate at least 360 lineal metres of pressure-compensating drip irrigation line. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each dripper shall emit wastewater at a rate of not exceeding 1.6 litres per hour. Lateral lines shall be laid at no more than 1 metre spacings.
5. The treated wastewater entering the disposal field, as measured at the sampling point required to be installed in accordance with Condition 10, shall comply at all times with the following limits:
 - a) the five day biochemical oxygen demand (BOD₅) in any single sample shall not exceed 30 grams per cubic metre; and
 - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems.

The person supervising the construction and installation of the system shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Condition 4 and shall also confirm the following:

- a) 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 and the manufacturers' specifications; and
 - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the Council's Co-ordinator Compliance Monitoring that shows the location 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, with particular regard to the sampling point (required to be installed in accordance with Condition 10).

9. No large grazing stock (such as sheep, cattle or horses) shall be allowed access to the disposal field at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the disposal area to prevent access by such animals.
10. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the disposal area.

Maintenance and Monitoring

11. The TSS and BOD₅ of the treated wastewater shall be determined by an accredited environmental testing laboratory at 6, 12 and 24 months following the exercise of this consent. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 20 working days of each measurement.
12. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and disposal systems.

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

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

13. Notwithstanding Condition 12, the wastewater treatment and disposal system shall be inspected and serviced not less than every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:
 - a) the date the inspection was undertaken and the name of the service provider;
 - b) a list of all components of the treatment and disposal systems that were inspected and the state of those components;
 - c) any maintenance undertaken during the visit or still required;
 - d) a description of the appearance of the filter/s and tanks;
 - e) the location and source of any odour detected from the system during the inspection; and
 - f) a description of the appearance of the disposal area (ponding, vegetation growth etc).

Reserve Area

14. A reserve area equivalent to 100% of the disposal field should be kept free from development on the site and be made available for wastewater disposal in the event that the first disposal field fails.

Review of Consent Conditions

15. The Council may, during the month of January each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
 - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Expiry

16. This resource consent expires on 31 January 2022.

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
3. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.
4. All associated excavation work must comply with the permitted activity requirements of the Tasman Resource Management Plan unless either are otherwise authorised by a resource consent.

5. 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 these works.
6. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
7. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-ordinator, Compliance Monitoring.
8. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust 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.

Michael Durand, Consent Planner – Discharges

Hoddy Development Company Limited

RM060542, Land disturbance

1. INTRODUCTION

Hoddy Development Company Limited proposes to subdivide Lot 8 DP954 into five lots. Four of these lots are proposed for rural-residential use (Lots 1-4) and Lot 5 is proposed as an esplanade reserve. The intention is that new dwellings will be constructed on Lots 1, 2 and 4, whilst Lot 3 will hold the existing dwelling currently on the site.

This report provides an assessment of resource consent application RM060542 that was lodged with a view to authorising land disturbance necessary to create building platforms on the proposed Lots 1 and 4 and to partially fill the existing irrigation pond on the proposed Lot 1.

2. STATUS UNDER TRANSITIONAL AND PROPOSED PLANS

The applicant is seeking resource consent for the following:

- (i) Construction of a building platform on the proposed Lot 1
- (ii) Partially filling of the irrigation pond on the proposed Lot 1
- (iii) Construction of a building platform on the proposed Lot 4

Parts of the application are ambiguous and it is unclear whether or not the proposed works should be deemed permitted or controlled activities. The committee should note that the applicants themselves were unsure of the status of their proposed land disturbance activities: Their application opens with the rather vague assertion that “resource consents sought are: [...] a land disturbance consent [...] to the extent required.” An assessment of exactly why resource consent for land disturbance is sought has not been provided. Furthermore, the application’s imprecise descriptions of the proposed land disturbance activities have not assisted Council in determining the extent to which consents are required. The extents to which adverse effects on the environment may occur are also unclear.

The following is an assessment based upon the limited information provided in the application.

2.1 Proposed land disturbance on Lot 4

The property is zoned Rural Residential and lies in Land Disturbance Area 1 (LDA 1). The property is also partly within the Coastal Environment Area (CEA) (meaning that parts of the property lie within 200 m of the Coastal Marine Area(CMA)).

Under the TRMP rules for LDA 1, Rule 18.6.2(ia) stipulates that consent is required for land disturbance works if (i) more than 1,000 m² of land is disturbed within a 12-month period, and (ii) if the works will be visible from the CMA. Land disturbance

outside the CAE is a permitted activity if it complies with requirements of Rule 18.6.2 (a)–(r).

The proposed works on the proposed Lot 4 may contravene Rule 18.6.2(ia)(i) – i.e. more than 1000 m² of land disturbance may occur during any 12 month period (this is unclear in the application).

Clarification: It should be noted that, from the information provided in the application, it is unclear whether the area of land disturbance proposed on Lot 4 exceeds 1000 m². Less than 1000 m² of land disturbance in a 12-month period is permitted in this area under Rule 18.6.2(ia)(ii). It is possible that, should consent be granted, the area of land disturbance that may eventuate on the proposed Lot 4 is less than 1000 m². In this regard, any consent for land disturbance that is granted may be superfluous to requirements.

2.2 Proposed land disturbance on Lot 1

The proposed Lot 1 lies in excess of 200 m from the CMA. However, the proposed building platform construction may contravene permitted activity Rule 18.6.2(h)(ii) by being within 10 m of the bed of a lake. This is unclear in the application.

Notwithstanding this, works are proposed to partly fill the existing pond on the proposed Lot 1; this work shall clearly contravene Rule 18.6.2(h)(ii), and so resource consent is required for this work, and is deemed to be controlled according to Rule 18.6.3.

2.3 Building platform for the proposed Lot 2

This activity was authorised by resource consent RM060091; the work has been completed and therefore no further land disturbance is necessary on the proposed Lot 2. There is no need for further resource consent(s) on the proposed Lot 2.

2.4 Summary

- The earthworks involved in the excavation of a building platform on the proposed Lot 4 have been deemed to be **controlled** in accordance with Rule 18.6.3 of the TRMP.
- The earthworks involved in the excavation of a building platform and the partial filling of an existing pond on the proposed Lot 1 have been deemed to be **controlled** in accordance with Rule 18.6.2.
- A building platform for the proposed Lot 2 already exists and was constructed during work authorised by RM060091.

3. STATUTORY CONSIDERATIONS

3.1 Resource Management Act (1991)

Section 9 of the Resource Management Act 1991 (RMA) requires that no person may use any land in a manner that contravenes a rule in a district plan, regional plan, proposed district plan or proposed regional plan unless expressly allowed by a

resource consent. As outlined above, it has been deemed that land disturbance activities described in the application RM060542 contravene Rule 18.6.2 of the TRMP (regarding land disturbance on the proposed Lot 4).

In reaching their decision the committee should have regard to matters raised in Sections 9 (Restrictions on use of land), 104A (Determination of activities for controlled activities) and 105 (Matters relevant to certain applications).

3.2 Proposed Tasman Resource Management Plan

The issue of land disturbance effects is discussed in Chapter 12 of the TRMP. The relevant objectives of Chapter 12 are the avoidance, remedying or mitigation of adverse effects of land disturbance including (a) damage to soils, (c) sediment contamination of water and subsequent deposition, (d) damage to fisheries or wildlife habitats and (e) adverse visual effects. The relevant policies are (12.1.1) to promote land use practices that avoid adverse environmental effects, and (12.1.2) to avoid remedy or mitigate adverse environmental effects that may occur as a result of land disturbance activities.

The activities described in application RM060543 has been assessed and judged to be consistent and not in conflict with these objectives and policies.

4. ASSESSMENT OF EFFECTS

4.1 Background to the proposed land disturbance

4.1.1 Lot 1

It has been proposed that a building platform for a new dwelling be excavated from an area to the western edge of the proposed Lot 1.

It has also been proposed that the western end the existing irrigation pond be filled "with material taken from a high area within this [proposed] lot." His process has been described as involving "stripping and stockpiling topsoil, cutting and benching the subgrade and spreading then compacting selected on-site clay material." The applicant's report has suggested that this work be directed by a Chartered Engineer experienced in soils.

No further details of the work proposed in Lot 1 were included in the application.

4.1.2 Lot 4

It has been proposed that a building platform for a new dwelling be excavated from an area to the eastern side of the proposed Lot 4. No further details of the work proposed in Lot 4 were included in the application.

4.2 Consideration of effects in the application

According to the objectives and policies of the TRMP, regard should be given to a range of possible adverse environmental effects that may result from land disturbance activities. Table 1 summarises the regard for each of these possible effects in the application.

Table 1.

Matters to be considered in the assessment of potential adverse effects on the environment due to land disturbance activities.

Matters to be considered	Considered in appl.?	Adverse effect more than minor?	
		Lot 1	Lot 4
Mobilisation of soils	N	C	C
Sediment transport by stormwater	N	C	C
Contamination of freshwater by mobilised sediment	N	C	C
Contamination of coastal water by mobilised sediment	N	C	C
Land ecosystem destruction	N	N	N
Adverse visual effects	N	N*	N*

Notes:

Y – Yes ; N – No

C – Not addressed in the application, but to be addressed by consent conditions, which should ensure that effects are no more than minor.

* Adverse visual effects of land disturbance should be no more than minor since the visual effect should be temporary.

There was therefore a lack of regard given to potential environmental effects of land disturbance. These possible effects, however, should be no more than minor if, should consent be granted, appropriate consent conditions are imposed and adhered to without exception.

4.3 Assessment: Key potential environmental effects

Key environmental effects that may be associated with discharges of stormwater from the proposed subdivision are (in this case):

- Sediment mobilisation and contamination of water and damage to river beds or aquatic ecosystems
- Removal and / or destruction of sensitive ecosystems on land
- Adverse visual effects

The potential for adverse environmental effects are discussed below.

4.3.1 Sediment mobilisation and potential associated effects

Earthworks inevitably strip vegetation and soils with the potential effect of allowing soils to be mobilised by wind and water. Of particular importance is sediment transport by runoff during and following rainstorm events. The potential adverse

environmental effect of this process is twofold: first, soil is removed and 'lost' from its stockpile or intended position, and second sediment is transported and deposited either on land elsewhere or in watercourses or in the coastal marine environment. Sediment deposition has potential adverse effects for aquatic environments since it can smother vegetation, alter the base sediment load of waterways, and have adverse effects on stream and near-shore water clarity. These potential effects should be avoided as far as is practicable by (a) preventing the mobilisation of sediment by rainfall and runoff, and (b) preventing the movement of suspended sediment beyond the property boundary.

Measures that are possible to employ to avoid, remedy or mitigate these potential effects were not discussed in the application (Table 1). However, it is standard practice for detailed sediment control plans to be included in proposals to conduct earthworks. Temporary stormwater cut-off drains, settlement ponds, straw-bail filter systems and other methods may be employed to divert stormwater flows from areas where soils may be mobilised, and capture a large proportion of sediment that does become suspended in runoff.

Consent conditions recommended below ensure that detailed plans in this regard – i.e. sediment control plans for earthwork on the proposed Lots 1 and 4 – be submitted to Council for approval prior to the exercise of any consent that may be granted.

4.3.2 Removal and / or destruction of significant ecosystems on land

Destruction of significant ecosystems is possible during earthworks. However, in this case the proposed earthworks are planned to be undertaken in a rural environment whose historical natural state has been heavily modified by agricultural activities. There are no significant 'natural' ecosystems on the site. Therefore, should consent be granted, the loss of grassland and other habitats that will occur during the land disturbance does not constitute the loss of any regionally significant ecosystem. Rather, the loss of this type of habitat on a similar scale could occur elsewhere as a permitted activity, and otherwise could occur on the present site following changes in landuse. The site is zoned rural residential, with the intention that landuse be small-scale, intensive agriculture. Therefore, the significance of any habitat loss as a result of land disturbance is no greater than might occur irrespective of the proposed subdivision.

The applicants have proposed a detailed rehabilitation strategy that will enhance existing habitats on the site. This can be viewed as an offset to habitat loss that will occur as a result of any land disturbance.

In my assessment, therefore, the potential for adverse environmental effects as a result of habitat loss due to land disturbance should be no more than minor.

4.3.3 Adverse visual effects

Adverse visual effects of land disturbance are to a large degree unavoidable in the short term. In this case, the areas proposed to be disturbed are largely obscured from view from other dwellings and the road by existing hedges and trees around the boundaries, and by the topography of the site. Adverse effects of exposed building platforms are temporary and disappear once dwelling have been completed. To

reduce the visual effect in the short term, prior to construction of dwellings (and also to prevent immobilise disturbed soils' see 4.3.1 above), consent conditions suggested propose that areas of land disturbed, including building platforms, are re-vegetated with grass as soon as is practicable following the proposed earthworks.

In my assessment, therefore, the potential for adverse visual effects as a result of land disturbance should be no more than minor.

5. SUBMISSIONS

None of the submitters specifically raised land disturbance and associated issues.

6. RECOMMENDATION

After giving this matter detailed consideration I recommend that consent be granted to conduct land disturbance activities related to the proposed subdivision, subject to conditions. These activities shall be limited to the construction of building platforms on the proposed Lots 1 and 4, and the partial filling of the irrigation pond on the proposed Lot 1.

7. CONDITIONS

1. A complete plan for the land disturbance and associated stormwater and sediment control shall be submitted to Council for approval prior to the commencing of land disturbance on the site.
2. The Consent Holder shall contact Council's Coordinator Compliance Monitoring at least 24 hours prior to commencing any works for monitoring purposes.
3. The works should be carried out during fine weather periods as much as is practicable, and all machinery used for the works should be re-fuelled and maintained away from all watercourses.
4. No spoil shall be placed in any watercourse (except as part of the partial filling of the irrigation pond) or where it may move or wash into a watercourse or onto adjoining land.
5. All construction areas shall have adequate sedimentation mitigation or control measures. These shall ensure that no stormwater discharge has a suspended solid level exceeding 40% as measured by black disk:
 - (i) more than 100 m downstream of the point the property boundary in the ephemeral stream to the north of Hoddy Rd; and
 - (ii) 100 m from the point of discharge in the Coastal Marine Area.
6. All sedimentation mitigation or control measures shall be maintained by the consent holder for as long as there is a potential for sediment movement to affect off-site areas or natural water.

7. All excavations over 1 metre depth and the construction of any stormwater detention structures shall be planned and supervised under the direction of a geotechnical engineer experienced in earthworks and soils engineering.
8. The culverts under Hoddy Rd shall be maintained such that they remain free of debris during the period of land disturbance and during the period of potential sediment movement on the site.
9. All exposed ground around the excavated area shall be re-instated with vegetation as soon as is practicable or at least within three months of the completion of the earthworks to limit erosion and reduce adverse visual effects. This condition shall be considered achieved Council's Co-ordinator Compliance Monitoring judges that 100% vegetative cover has been established.
10. The Consent Holder shall ensure that all excess materials are removed from the site on completion of the works and that the site is left in a neat and tidy condition. No soil material or vegetation shall be left where it may enter water or result in cause adverse effects tht are more than minor in any stream habitat or the coastal environment area.
11. If there is any archaeological find during the earthworks the consent holder shall ensure that all works cease immediately until, or unless authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.
12. Council may review the conditions of consent every three months for the duration of the consent(s) 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) 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.

Expiry

13. This resource consent has been granted for a period of 5 years and expires on 31 January 2012.

Michael Durand, Consent Planner – Discharges

Hoddy Development Company Limited

RM060543, Discharge of stormwater to land and water, Lots 1, 2, 3 and 4

1. INTRODUCTION

Hoddy Development Company Limited proposes to subdivide Lot 8 DP954 into five lots. Four of these lots are proposed for rural-residential use (Lots 1-4) and Lot 5 is proposed as an esplanade reserve. The intention is that new dwellings will be constructed on Lots 1, 2 and 4, whilst Lot 3 will hold the existing dwelling currently on the site.

There are no reticulated sewerage or stormwater services at the site. Likewise, stormwater management systems must therefore be constructed to properly control stormwater flows generated on each site. Domestic wastewater disposal is discussed in Attachment 2.

The applicant has applied for resource consent to discharge stormwater to land and water from Lots 1, 2, 3 and 4. This report provides an assessment of resource consent application RM060543 that was lodged with a view to authorising these proposed discharges.

2. STATUS UNDER TRANSITIONAL AND PROPOSED PLANS

The proposed subdivision lies within the Rural Residential zone. Under Rule 36.4.2(2) of the TRMP the discharge or diversion of stormwater to land or water is not permitted in this zone if the discharge commences after 19 September 1998.

The proposed subdivision will potentially alter the volume and intensity of stormwater flows from the catchments on the site; in this regard, the discharge is deemed to be a new discharge and therefore a resource consent (discharge permit) is required.

The discharge is deemed to be a controlled activity because it should meet all of the requirements of Rule 36.4.3A.

3. STATUTORY CONSIDERATIONS

3.1 Resource Management Act (1991)

Section 15 of the RMA requires that resource consent be obtained to discharge contaminants into the environment, unless the discharge 'is expressly allowed by a rule in the regional plan and any relevant proposed regional plan.' The requirements of Sections 104A (Determination of activities for controlled activities), 104B (Determination of activities for discretionary or non-complying activities), 105 (Matters relevant to certain applications) and 107 (Restriction on grant of certain discharge permits) have been met.

3.2 Tasman Regional Policy Statement (2001)

The relevant issue described in the RPS is the Effects of Contaminant Discharges on Water Quality. Stormwater may wash contaminants from driveways and roadways and convey them to watercourse or coastal water. These issues are addressed by Policies 9.8, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.9.

The activities described in application RM060543 have been assessed and judged to be consistent and not in conflict with these policies.

3.3 Proposed Tasman Resource Management Plan

Potential adverse environmental effects resulting from the proposed activity are discussed in Chapters 33 and 35 of the TRMP. However, the proposed discharges are consistent with Objectives 33.1.0, 35.1.0 and Policies 33.1.2, 33.1.5, 33.1.6, 33.1.8, 33.1.9, 35.1.2, 35.1.5, 35.1.6 and 35.1.13. The consent conditions proposed in this document, and the proposed stormwater system designs, are consistent with the methods set out for implementing the Plan's objectives as described in sections 33.1.20 and 35.1.20.

The activities described in application RM060543 have been assessed and judged to be consistent and not in conflict with these objectives and policies.

4. ASSESSMENT OF EFFECTS

4.1 Background to the proposed stormwater discharges

4.1.1 Existing stormwater discharges

The property proposed to be subdivided spans a broad ridge, to the north of which lies Hoddy Rd, and to the south of which lies the Waimea Estuary. To the north three catchments on the property receive stormwater and discharge it to culverts under Hoddy Rd; from here stormwater enters an ephemeral stream lying to the north of the road. To the south four catchments discharge stormwater via vegetated gullies into the Waimea Estuary.

Please note that the report provided by the applicant contained errors where north-facing and south-facing catchments were distinguished from each other; north and south appear to have been reversed in the report, although the reason for this is unclear. The following discussion is therefore inconsistent with the applicant's report, but the orientation of catchments is correct in this document.

The current state of these catchments and environmental impacts of stormwater are summarised in Table 1 below.

Table 1.

Summary of existing stormwater catchments, flow paths and related environmental issues

N / S facing	Catchment	Source of stormwater	Flow path and destination*	Potential environmental impacts †
N	1	Right-of-way and upslope areas to the west	Irrigation dam and stormwater ditch beside right-of-way → under-road culvert → ephemeral stream	Silt / debris transport from unsealed right-of-way; transport of hydrocarbons from right-of-way. Entry of contaminants into ephemeral waterway to the north of Hoddy Road. Flooding.
N	2	Right-of-way and upslope areas to the east	Stormwater ditch → under-road culvert → ephemeral stream	As above.
N	3	Gully to east of right-of-way	Grassed shallow gully → under-road culvert → ephemeral stream	Flooding.
S	1	Western catchment in proposed Lot 2	Grassed / vegetated gully → estuary	None.
S	2	Eastern catchment in proposed Lot 2	Grassed / vegetated gully → estuary	None.
S	3	Catchment in proposed Lot 3	Grassed / vegetated gully [§] → estuary	Temporary sediment transport related to logging operations.
S	4	Catchment in proposed Lot 4	Grassed / vegetated gully [§] → estuary	Temporary sediment transport related to logging operations.

* All the gullies draining south-facing slopes cross the proposed Lot 5.

† Note that listed potential environmental impacts are those that may occur currently; i.e. they may occur irrespective of the proposed subdivision.

§ South facing catchments 3 and 4 were planted in pines until approximately February 2006 and remaining slash collected and burned during October 2006. The state of re-vegetation is unclear at present.

The stormwater report submitted by the applicant suggested that rainfall events with 5-year return periods may overwhelm the existing culverts under Hoddy Rd; i.e. that they are undersized for the potential stormwater flows that may be generated on the site in its current state. This report also discussed changes in stormwater flow intensities and volumes that may result from the proposed subdivision and construction of new dwellings. These proposed changes to stormwater flows and their effects are discussed below.

4.1.2 Proposed modifications to stormwater flow

It is proposed that roof runoff shall be collected and stored in holding tanks of each property. This may supplement domestic supply, and / or be used for irrigation purposes. It should not be considered that these tanks offer a significant retention capacity such that runoff events are less severe than otherwise; indeed it is likely that that storm events will occur when the tanks are full, and therefore they will offer little or no retention capacity. Stormwater flow calculations presented in the applicant's report (correctly) ignored any potential retention capacity of these tanks.

Runoff from the dwelling on the proposed Lot 1 shall flow into the existing irrigation pond before being discharged via the western culvert under Hoddy Road. The pond also may act as a means for stormwater retention, but has been ignored in the calculations.

The proposed subdivision has the effect of increasing the total area of impermeable surfaces feeding stormwater to the existing catchments; changes in stormwater flow were calculated based on the increased runoff potential from the proposed dwellings (based on their proposed surface areas. Hard surfaces were given a coefficient of 0.9, and non-hard surfaces a coefficient of 0.4.

4.1.3 Effects of the proposed subdivision on stormwater flows

Changes in the maximum rate of stormwater flow from each catchment were calculated in the stormwater report submitted with the application. These increases are summarised in Table 2 below.

Table 2.*

Modified from Table 2, the calculated increase in stormwater flow in each catchment that may occur as a result of the proposed subdivision and construction of dwellings.

N / S facing	Catchment	Source of stormwater	% increase in stormwater flow*
N	1	Right-of-way and upslope areas to the west	3
N	2	Right-of-way and upslope areas to the east	6

N	3	Gully to east of right-of-way	0
S	1	Western catchment in proposed Lot 2	0
S	2	Eastern catchment in proposed Lot 2	18
S	3	Catchment in proposed Lot 3	8
S	4	Catchment in proposed Lot 4	8

* Please note that the report provided by the applicant contained errors where north-facing and south-facing catchments were distinguished from each other; north and south appear to have been reversed in the report, although the reason for this is unclear. The following discussion is therefore inconsistent with the applicant's report, but the orientation of catchments is correct in this document.

4.2 Consideration of effects in the application

Matters that should be considered in the assessment of potential adverse environmental effects of stormwater discharges are listed in Table 3. The table shows whether or not these matters were discussed by the applicant, and summarises any potential adverse effects in each catchment.

Table 3.

Matters considered in the assessment of potential adverse effects on the environment.

Matters to be considered	Considered in appl.?	Adverse effect more than minor?							
		N1	N2	N3	S1	S2	S3	S4	
Potential for flooding	Y	N	N	N	N	N	N	N	N
Potential for erosion	Y	N	N	N	N	N	N	N	N
Potential for contamination of fresh water	N	C	C	C	C	C	C	C	C
Potential for contamination of coastal water	N	C	C	C	C	C	C	C	C

Notes:

Y – Yes ; N – No

C – Not addressed in the application, but to be addressed by consent conditions, which should ensure that effects are no more than minor.

4.3 Assessment: Key potential environmental effects

Key environmental effects that may be associated with discharges of stormwater from the proposed subdivision are (in this case):

- Potential for flooding
- Potential for erosion of watercourses and / or land
- Potential for contaminants to enter fresh water
- Potential for contaminants to enter coastal water

These matters have been considered by the applicant and are discussed below.

4.3.1 Potential for flooding

The percentage increase in flows during a storm event of 5-year return period range from 0% to 18% in the calculations presented in the application. The largest increase is on the proposed Lot 2, where stormwater generated by the dwelling and driveway are proposed to flow through a culvert under the driveway and enter the eastern gully in the proposed Lot 2. This relatively large change is partly because the catchment, at present, is relatively small. Because of its small size, the proportion of impermeable surface in the catchment will increase to a greater degree than in the other catchments.

Notwithstanding this, the potential increase in stormwater flow does not mean that there is a potential for flooding as a result of the proposed subdivision and construction of a dwelling. Once stormwater has passed through the culvert under the driveway the flow will continue unobstructed to the estuary.

It has been the Council's Development Engineer's advice that the upgrading of culverts under Hoddy Road are not a necessary consequence of the proposed subdivision, and that the costs of any such future works should not be funded by the present applicant.

4.3.2 Potential for erosion of watercourses and / or land

The applicant has proposed that rock rip-rap be placed around discharge points. This is a suitable method for the dispersal of stormwater flows and prevention of erosion. In most catchments the potential increase in intensity and volume of stormwater flows are small and it is unlikely that any additional erosion that is more than minor will occur as a result of the subdivision. Placement of rock rip-rap at discharge points is a conservative measure in this regard.

However, in the eastern gully of Lot 2, which discharges into the Waimea Inlet (discussed in 4.3.1 above) there may be a significant increase in the volume and intensity of stormwater flow as a result of the proposed subdivision. The applicant has proposed new plantings in this area and this will help to prevent erosion of the land and avoid transport of sediment to the estuary. Vegetated gullies and swales are well recognised as being resilient stormwater structures. Therefore any erosion of watercourses that occurs as a result of the proposed subdivision should be no more than minor.

4.3.3 Potential for contaminants to enter fresh water

Rainfall may intercept contaminants that reside on hard surfaces (e.g. roofs, driveways) and stormwater flows may therefore convey these contaminants to receiving environments. There is a potential for contaminants from the driveways and roofs of the proposed dwellings to enter stormwater flows and be transported to the ephemeral stream to the north of the property and the Waimea Inlet to the south (see 4.3.4 below).

With regard to contaminants that may accumulate by dry deposition on roofs, it should be noted that the proposed dwellings are proposed to incorporate stormwater holding tanks; these should act as a settling tank for some insoluble contaminants (e.g. wind blown dust) that may accumulate on roofs between rainstorm events. Likewise, runoff from the proposed Lot 1 will enter the ephemeral stream via the irrigation pond; this pond should have sufficient capacity to allow settling of any sediment and insoluble contaminants prior to discharge into the ephemeral stream.

The common right of way is proposed to be sealed. This will help prevent transport of sediment from the driveway during rainstorm events. In this sense, the proposed subdivision will bring about an improvement in the current situation.

It is possible that hydrocarbons may be transported from driveways and other hard surfaces to freshwater. However, the right of way will serve only four proposed dwellings; the buildup of hydrocarbons from traffic on this surface is unlikely to lead to a breach of the permitted activity rules for stormwater runoff. This rule limits stormwater discharges to 15 milligrams of total hydrocarbons per litre of water discharged. During rainstorm events, when any hydrocarbons may be transported by stormwater flows, it is likely that the hydrocarbons will be so diluted by the flow that compliance with this permitted rule is maintained.

In my assessment, therefore, the potential for adverse environmental effects as a result of contaminants entering fresh water via stormwater, is no more than minor.

4.3.4 Potential for contaminants to enter coastal water

The potential for adverse effects to occur in the Waimea Inlet as a result of contaminants in stormwater flows is considered less significant than the possible effects in fresh water environments (discussed above in 4.3.3). The discharges that are proposed to occur into the estuary will have been sourced largely from roofs and, to a lesser degree from driveways and hard land surfaces where hydrocarbons may accumulate. The stormwater flows will also occur through vegetated gullies, which have an effect of filtering stormwater. Furthermore, any contaminants reaching the coast will be mixed through a large volume of water in the Inlet, in addition to being diluted by the stormwater flows themselves.

In my assessment, therefore, the potential for adverse environmental effects as a result of contaminants entering coastal water via stormwater, is no more than minor.

5. SUBMISSIONS

Three of the nine submitters raised stormwater issues. Their concerns are discussed here in Table 2.

Table 2.

Submitters' comments regarding domestic wastewater disposal at the proposed subdivision.

Submitter and stormwater comment	Discussion
<p>B.W. and K.A.R. King Family Trust</p> <p>“Since any new dwellings in the proposed subdivision will need to collect rainwater for domestic use, a small decrease in water run-off may occur in the short term. However, excess collected water and other run-off being channelled into formed waterways, especially during heavy rain, would need to be monitored by Council, to ensure that flooding in confined spaces such as culverts and drains does not occur.”</p>	<p>Flooding in drains and culverts is expected during heavy rainfall events. However, it has been considered that the increase in volume and intensity of stormwater flows that may occur as a result of the proposed subdivision will be negligible in the catchments that feed culverts and roadside drains.</p>
<p>Stephen James Richards and Elizabeth Mary Richards</p> <p>“We are concerned about adequate effluent and stormwater disposal for this number of dwellings, and the potential effect on pollution of the estuary. We would wish the Council to ensure that measures are taken to prevent this, and discharges will be regularly monitored to protect the estuary.”</p>	<p>The applicant's report and the assessment made here have suggested that stormwater disposal will be adequate on the proposed subdivision. Adverse effects on the estuary and on fresh water should be no more than minor.</p>
<p>Forest and Bird (Nelson Tasman Branch)</p> <p>“We [...] also support the use of low impact stormwater design methodology such as swales rather than culverts and piping. It is unclear [...] whether there are ephemeral or permanent running water courses running through the small gullies on this land. If they are these need to be planted with appropriate vegetation.”</p> <p>Requested that “conditions on consents cover [...] prevention of contaminated stormwater, sediment and other debris reaching the estuary. [and] removal of obstacles to fish passage in watercourses; planning of vegetation in gullies/watercourses”</p>	<p>Culverts are necessary in places, but vegetated gullies and swales have been proposed to be used as suggested by the submitter. The gullies in question have ephemeral flows. It is not clear whether the submitters comment “if they are” meant if they are ephemeral or if they are not; however, plantings are proposed to filter stormwater, reduce the intensity of runoff and prevent erosion. Suggested consent conditions will address the submitter's concerns with the exception of obstacles to fish passage; this is not relevant in the assessment of a discharge permit as the stormwater paths are ephemeral streams.</p>

6. RECOMMENDATION

After giving this matter detailed consideration I recommend that consent be granted to discharge stormwater from the proposed subdivision, subject to conditions.

7. CONDITIONS

General conditions

1. A complete stormwater system design for each of the proposed lots shall be submitted to Council and approved prior to the exercise of this consent.
2. The points of discharge shall be to land and water within the boundaries of the proposed Lots 1, 2, 3 and 4.
3. 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.
4. The stormwater disposal system shall not cause any damming or diversion of floodwaters that may adversely affect adjoining properties.
5. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain.
6. The discharge of stormwater shall not cause or contribute to any damage caused by flooding.
7. The stormwater disposal system will be designed in accordance with Tasman District Council's Engineering Standards 2004 and shall have sufficient capacity to pass flows with an annual exceedance probability (AEP) of 20% (1-in-5-year storm event). Secondary flow path(s) shall be identified and protected such that overland flows, produced by rainfall events of an AEP of $\leq 20\%$, are able to be disposed of without contravening the conditions of this consent.
8. The stormwater disposal points shall be located not less than 1.5 metres from any property boundary.
9. The quality of treated stormwater discharge authorised by this consent shall not exceed the following quality standards:
 - a) Total petroleum hydrocarbons 15 milligrams per litre
 - b) Total suspended solids 100 milligrams per litre

10. All systems and structures associated with the discharge (such as the interceptors and connecting drains) shall be maintained in effective, operational order at all times.
11. The Consent Holder shall ensure that the all stormwater flow paths on the property are maintained on a regular basis to ensure that water is allowed to flow freely at all times.
12. The Council may, in the month of January each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - c) reviewing the contaminant limits, design specifications, discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - d) reviewing the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.

Expiry

14. This resource consent is granted for a period of 35 years and will expire on 31 January 2042.

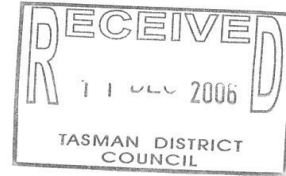
ADVICE NOTES

1. The Consent Holder is reminded that conditions have been imposed under RM060542 requiring management of stormwater and sediment during land disturbance activities on the site.
2. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
3. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991 and/or be authorised by a resource consent held by the Consent Holder.
4. All associated excavation work must comply with the permitted activity requirements of the Tasman Resource Management Plan unless otherwise authorised by a resource consent.
5. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-ordinator Compliance Monitoring.

6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering or disturbing an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust 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.

The Consents Manager
Tasman District Council
Private Bag 4
RICHMOND

14 of December 2006



Dear Sir,

RE: Submission on Hoddy Development Co Ltd-RM 060538 and RM060542

We have reviewed the submissions lodged on our resource consent application in order to understand and if possible accommodate concerns raised by the submitters. There is action that can be taken and we wish to advise you of this now so that you can take account of it when you prepare your report.

Concern about re-subdivision, especially lot 2 can be addressed by attaching a covenant to the title to prevent re-subdivision. It is not our intention to re-subdivide but submitters may feel easier if there is a legal instrument to cover this. Obviously in the longer term circumstances may change so the prohibition on subdivision should not be permanent.

We volunteer a condition that the title be subject to a restrictive covenant preventing application being made for re-subdivision of lot 2 for a period of not less than 10 years from the issue of title or unless the relevant subdivision rules change to allow subdivision as a controlled activity.

A submission by the Iwi liaison group is being addressed. We are arranging for a site inspection and depending on the outcome of this and any subsequent discussion with Iwi we may have modifications made or volunteer conditions to recognise Iwi concerns if any are raised. These will most likely be advised at the hearing but if we can we will advise you in time for you to refer to these in your report. We believe that this will also satisfy the Historic Places Trust's submission and we will not be commissioning a full archaeological report.

Some concern has been expressed about roading and traffic matters. There is limited opportunity for road improvement, but we have examined what can be done and are volunteering to construct a footpath to improve pedestrian safety. We can supply a diagram illustrating what we are suggesting so that the road engineer can comment on this. If our suggestion is accepted we will accept an appropriate condition. We also wish to point out that actual traffic speeds on Hoddy Road are only about half the posted speed limit, according to TDC traffic records which are included in our application.

Some submitters query adequacy of water supply. We understand that this is to be upgraded at some stage. We do not intend seeking additional units until these are available and in the meantime will be using other water conservation / supply methods. New lot owners will be encouraged to collect storm-water for non-potable use, except for roof run-off which can be collected for potable use. We would be prepared to accept a condition on the dwelling consents that each dwelling is

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provided with a minimum of 45,000 litres of water for potable use. This is approximately twice the standard requirement.

Several submitters have raised matters which we believe can be addressed by further consultation and we are contacting these people to arrange meetings. If anything results from these which will assist you in preparing your report we will advise you.

Most other matters raised by submitters are either able to be addressed by the usual range of conditions which attach to subdivision consents, or are points of view most appropriately responded to in the arena of the hearing.

If you have any queries or wish to discuss the specifics of any conditions we have volunteered please contact us directly. We would also be appreciative of advice on when you anticipate starting and finishing your report so that we can get any relevant information to you in time for you to take it into account.

Yours faithfully



Heather Cole (on behalf of)
Hoddy Development Company Ltd.

cc Frank Bacon, Bacon Planning Group