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## STAFF REPORT

**TO:** Environment & Planning Subcommittee  
**FROM:** Gary Rae, Consultant Planner  
**REFERENCE:** RM070757, RM070758 and RM070760  
**SUBJECT:** **Sunnycroft Limited - REPORT EP08/01/04**  
Report prepared for 28 January 2008 hearing

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### 1. APPLICATION BRIEF

#### 1.1 Proposal

The application is for the following consents:

##### **RM070757**

A subdivision consent to subdivide Lot 1 DP 334154, CT 140104 into 22 allotments, comprising nineteen residential allotments (Lots 1 – 19) ranging in size from 629m<sup>2</sup> to 1,220m<sup>2</sup>, i.e. to a density consistent with the Residential zone. Lot 21 is proposed as a Walkway Reserve, Lot 20 is proposed as Esplanade Reserve to vest in Council, and Lot 22 is proposed as Road to vest in Council.

Consent is sought to stage the subdivision as follows:

- Stage 1 – Lot 19
- Stage 2 – Lots 1-5, 16-18 and 20.
- Stage 3 – 6-15 and 21.

##### **RM070758**

A land use consent to construct a single dwelling on each of the proposed Lots 1-18 of the subdivision described above (Application RM070757). There is an existing dwelling on Lot 19. The application is that the Residential Zone permitted activity rule criteria of the Proposed Tasman Resource Management Plan will apply to each dwelling on the proposed Lots 1-18.

##### **RM070760**

Consent is sought to discharge stormwater collected from buildings, roads, and other hardstand areas to the stream adjacent to proposed Lot 20. Stormwater systems include rain gardens for stormwater from road surfaces and piped stormwater from buildings. A term of 35 years is sought.

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The assessment of the stormwater discharge is covered under Michael Durand's report which is Attachment 3 to this report.

## **1.2 Location & Legal Description.**

The property is located at 50 Champion Road, Richmond.

The legal description of the land is Lot 1 DP 334154, CT 140104

## **1.3 Zoning and Consent Requirements**

The land is zoned Rural Residential (Serviced) in the Proposed Tasman Resource Management Plan.

The subdivision is considered to be a Discretionary Activity, in that the lot sizes are less than the threshold of 2000 square metres for consideration as a Controlled Activity in the serviced part of the Rural Residential zoned land.

The land use consent is a Restricted Discretionary Activity, with the exercise of discretion restricted to matters set out in Rule 17.6.5 (which are referred to later in this report).

The discharge of storm water is a Controlled Activity, under Rule 36.4.3A.

## **2. INTRODUCTION**

### **2.1 Reporting Officer**

My name is Gary Rae. I am a Director within Incite, an environmental and resource management consulting firm. I have a Bachelor of Science degree (Geography) and a Diploma in Town Planning. I have 24 years experience in resource management, including the assessment of applications for subdivision and land use in Tasman District.

I have been engaged by Tasman District Council to prepare the Council's Officer Report, under Section 42A of the Resource Management Act 1991, on the subdivision application made by Sunnycroft Ltd.

Council's subdivision officer Mark Morris, and other Council officers, have assisted me in the preparation of conditions for the consent should they be granted.

### **2.2 The Application Site**

This 1.8794 hectare site is on the south-western side of Champion Road. There is an existing dwelling on Lot 19, the remainder of the land is vacant and in pasture.

To the north-west of the application site the land is largely within the Residential zone, which is part of the Templemore subdivision. Opposite the site on the eastern

side of Champion Street is the land that has been recently approved for subdivision as part of the Wahanga residential development.

The south-western boundary adjoins a stream which has been vested with the Council from the centreline of that stream back to the boundary of Lot 4 DP 352146. The Applicant's title currently goes to the centreline of the stream. The Stillwater Garden Retirement Village adjoins the application site, on Templemore Drive.

Along the south-eastern boundary the zoning is Rural Residential, with five dwellings established on the adjoining allotments.

### **3. NOTIFICATION, SUBMISSIONS AND FURTHER INFORMATION**

#### **Notification**

The application was publicly notified on 15 September 2007.

#### **Submissions**

Five submissions were received, though three of these were subsequently withdrawn. The current submissions are as follows:

##### **1. Bevan and Lillian Smith (10 Regent Lane)**

Opposed the application, they are concerned that the subdivision will adversely affect their privacy and daylight on their property.

If consent is granted they wish to have conditions imposed requiring the dwellings and any other buildings on Lots 8 and 9 be set back no less than 10m from their boundary.

The submitters wish to be heard.

##### **2. Robert Rea (8 Regent Lane)**

Made a neutral submission stating the following concerns:

- Potential for light spill from any consequential street lighting from the subdivision.

If consent is granted, the submitter requests that "full cut-off" luminaire optics are used in street lighting.

The submitter wishes to be heard.

## **Further Information**

I made a request for further information relating to the sewer line, storm water discharges, management plan for the rain gardens, and details of consultation undertaken, in a letter to the applicant on 23 October 2007.

A response was lodged on 15 November 2007.

These letters and the further information request are attached to this report as Attachments 1 & 2.

## **4. STATUTORY CONSIDERATIONS**

### **4.1 Resource Management Act**

#### **Part 2 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 2 of the Act.

If consent is granted, the proposed subdivision and land use development must be deemed to represent the sustainable use and development of the land resource. The key issues for this proposal are the potential effect of that subdivision and development on rural-residential land values, servicing matters and efficient use of the land resource.

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

#### **Section 104**

Subject to Part 2 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 104(1)(c)).

In respect of Section 104(1)(b), the Proposed Tasman Resource Management Plan is now considered to be the dominant planning document, given its progress through the public submission and decision-making process.

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 land use 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 Plan that is most relevant in the assessment of this application is the Proposed Tasman Resource Management Plan ('the PTRMP'), due to the fact that the Rural Residential zoning that applies to this property is effectively operative.

The most relevant Objectives and Policies are contained in: Chapter 5 'Site Amenity Effects' and Chapter 6 'Urban Environment Effects'. These chapters articulate Council's key policies and objectives that would relate to this site.

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

My assessment of the proposed subdivision and development 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 to 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.

#### **5.1.1 Amenity Effects**

The application site is in an area of largely residential development, and with some rural-residential development. This general area between Main Road Stoke and Hill Street has been subject to considerable change, and further change is expected as

the Wahanga residential development, being undertaken by Wakatu Incorporation, commences on the rural zoned land opposite the site on Champion Road.

Another subdivisions approved in the general area on land other than 'straight' residential zoning include the Midas Trust subdivision further up Champion Street (now 'St Leger') in May 2000 (RM990481), which allowed for the approval of 62 residential allotments with areas between 820 square metres and 1,242 square metres with an average area of 1,003 metres.

The applicants for the Midas Trust subdivision successfully argued that the Rural Residential Zone in this area, with the 2000 metre lot size and full urban servicing required, it would be more efficient and better use of the land if the lot sizes were smaller and with good design and landscaping a very attractive urban environment could be achieved.

Another more recent consent was granted to the application by I and N Kearney, near the Champion Road/Park Drive intersection (RM070169), this decision has been appealed to the Environment Court. The Kearney application was for a subdivision of Rural Residential zoned land into 17 allotments of between 830m<sup>2</sup> and 860 m<sup>2</sup>.

I am aware of further proposals for residential development on rural zoned land in this general area, including in the Nelson City Council jurisdiction. These developments collectively will reinforce the essentially residential character of this area.

The Sunnycroft Ltd proposal will maintain some slightly larger sections than may normally be expected in a Residential Zone (i.e. Lots 8, 9, 10, 11 and 19 range from 805 m<sup>2</sup> to 1,220 m<sup>2</sup>), allowing a range of choices and a range of potential house sizes to be established on them.

In my view, given the extent of higher density of urban development in this neighbourhood (with the exception of the lower density Regent Lane development), and the extent of services available in this area, the proposed subdivision by Sunnycroft Ltd is at an appropriate level of development, and there is no particular need to maintain development on this site in strict accordance with the 2,000m<sup>2</sup> minimum lot size for controlled activity subdivision in this small area of Rural Residential (Serviced) zoning.

Any subdivision below 2000m<sup>2</sup> is a discretionary activity, and this proposed subdivision should be able to provide an attractive residential amenity, notwithstanding that the section sizes are smaller than for more traditional rural-residential development. The provision of a generous esplanade reserve at the creek (in combination with esplanade reserve on the opposite side of the creek), with potential for a pedestrian walkway will enhance the amenity of the creek and surrounding environs.

### 5.1.2 Traffic Effects

Champion Road provides road access to the existing house on Lot 19, and this will remain. Access to Lots 1-18 will be via a road to vest (cul-de-sac) off Champion Road.

No particular concerns have been raised in the submissions in regard to traffic effects arising from the subdivision.

### 5.1.3 Servicing Effects

The application stated that the following will be provided in regard to servicing for the subdivision:

#### a) Water supply

The subdivision will connect into the Council 100mm water main that runs along Champion Road and will require an appropriate application when the engineering plans are submitted. This will involve a water main extension running up the proposed access road with urban water connection and water meter to each allotment.

There does not appear to be any difficulties in supplying water in accordance with Council's Engineering standards.

#### b) Wastewater

The existing house on Lot 19 currently disposes of wastewater to ground via a septic tank and disposal field. A part of Stage 1 the house will be connected to Council's reticulated sewage network. The existing septic tank will be removed, and a new sewer line will be constructed along the boundaries of Lots 12 and 13 to the site via Lot 10 DP 307871 (off Antoine Grove to the north-west) as shown on the Services Plan attached to the application.

Council engineering staff have confirmed that connection to the existing network at this point is acceptable provided that a pressure test and CCTV inspection of the existing sewer pipe from the manhole in Antoine Grove to the boundary of the site show that the pipe is in suitable condition **and** confirmed prior to the approval of the engineering plans.

An easement in favour of Tasman District Council will be necessary where the sewer passes through Lot 13 (and also for the similar arrangement where to service Lot 19 when the line passes across land that eventually vest as road).

The completion of the sewer reticulation will require the construction of lot laterals to the rear of Lots 11 – 14 bordering Antoine Grove, in stage 3 of the subdivision.

In addition, an area of land at the rear of Lot 14 has been shown containing an easement in favour of the Council to allow the adjoining owner to construct a sewer to their land (Lot 1 DP 2856) if required some time in the future. Note, this will require the pipe to be installed prior to a 224 certificate and an easement in favour of Lot 1 DP 2856 noted on Lot 14's title.

**c) Storm water**

At Stage 2 of the subdivision a reticulated stormwater system will be installed, and designed to accommodate a Q20 rainfall event. Secondary flows will be directed along the new road to the cul-de-sac head and then via the pedestrian access to the stream at the rear. The outfall will be constructed at the area of existing rock armouring so as to have least impact on the stream.

In total, three rain-garden areas will be placed in the legal road as shown on the Services Plan, the purpose being to collect and treat the quality of surface water runoff from the road carriageway and parking areas prior to it entering the stormwater system which eventually discharges to the stream. The rain garden systems will be generally constructed as per the diagrams attached to the Services Plan and designed generally in accordance with the ARC Stormwater Guideline TP 10. Maintenance of the rain-gardens will be a responsibility of the developer in the first two years of operation. In that time plantings in the rain garden areas will establish and any design/remediation issues can be attended to. Council will then take over the maintenance responsibilities as part of the vesting of the infrastructure.

A stormwater line will be constructed at the rear of Lots 11 – 14, and this will also provide in future the opportunity by an easement for stormwater from the adjacent Lot 1 DP 2856, which has to date had no connection to a reticulated stormwater line.

An assessment of the stormwater discharge under RM070760 is covered under Michael Durand's report which is attachment 3 to this report.

**d) Power and telephone**

Power and telephone connections will be provided to each allotment. These would need to be underground to comply with Council's Engineering standards.

At Stage 1 the existing overhead power and telephone services to the house on Lot 19 will require undergrounding. This will necessitate relocating the existing power pole on the proposed turnouts for the new road.

There are no issues of concern arising from the proposed power and telephone services.



## **e) Roading**

A new road will be constructed to provide vehicle and pedestrian access to the new lots. This road will vest in the Council and will be constructed to 'Access Road' standards in accordance with Figure 18.10a of the TRMP, with carriageway of two 2.5m lanes and a 2m wide parking on lane, 1.4m footpath and landscaped berm, and a cul-de-sac turning head (asphaltic surfacing). The road will be narrowed in parts to allow for the rain garden areas.

### **5.1.4 Reserves and Walkways**

The applicants have consulted the Parks and Reserves staff in Council regarding proposed Lot 20, which is the proposed Esplanade Reserve at the rear of the subdivision. There is some relevant background concerning the application by Grampian Properties Limited, which was the applicant for the Stillwater Retirement Village on Templemore Drive, which obtained consent in 2004. In that application the Council accepted a variable width esplanade reserve, for part of the creek which was vested in the Council, between 3.3m and 8.7m.

As noted in the application by Sunnycroft Ltd, the staff report for that proposal made the point that a 5.5m width of esplanade reserve, in the context of this urban situation, and with the stream bed being relatively narrow, will meet the purposes of the Esplanade Reserves under section 229 of the RMA. It was also noted that when (what is now) the Sunnycroft Ltd site is subdivided, an equivalent Reserve width will also be required, giving an overall width of 11-13m.

As can be seen from the subdivision plan, an esplanade reserve of some 1,440m<sup>2</sup> is proposed. This is of variable width, being between 10m and 24m, and an average width of around 15m. There is sufficient width at the top of the bank for amenity plantings and a possible future walkway and maintenance access.

Council's Community Services Department has advised they are happy with what is proposed for the esplanade reserve and also the reserve/walkway to be provided as lot 21 (between lots 10 and 11 at the head of the cul-de-sac).

### **5.1.5 Earthworks**

A subdivision of this size will involve substantial earthworks during the construction phase. Special conditions can be imposed to mitigate these adverse effects, as recommended at the end of this report.

### **5.1.6 Illumination**

The submitter from the property at 8 Regent Lane, (Mr Robert Rea), has expressed concern at the light spill from street lighting along the proposed new road. Mr Rea has an observatory located in the backyard. His concern is that street lighting would increase illumination in the vicinity of his observatory, and would adversely his

effectiveness of the observatory. Mr Rea makes the point that street lighting would not normally be expected on this site as part of a rural-residential development, in accordance with its zoning.

Mr Rea has expressed a preference for there to be no street lighting, but in the event that is not practicable, he has suggested using full cut-off streetlights, using energy efficient luminaries, and directing all light downward. This will minimise the impact on his observatory.

The applicant has volunteered a specific type of lighting “Windsor Heritage Lighting” that keeps light spill to a minimum. This has been included in the recommended conditions of consent.

### **5.1.7 Effects on Adjacent Properties**

The submitters from 50 Champion Road (B and L Smith) have expressed concern that the development will adversely affect their privacy and outlook.

I also have some sympathy with these concerns, particularly as the subject site has a zoning which may be expected to result in less intensive rural residential development.

However, as I noted previously however, the 2,000m<sup>2</sup> lot size is not an absolute requirement – it is simply the threshold for controlled activity subdivision. This application seeks smaller lot sizes (ranging from 629m<sup>2</sup> to 1,220m<sup>2</sup>) and this proposal can be considered on its merits as a discretionary activity. I have given my opinion that a development of this scale and intensity is appropriate in the context of existing and approved development in this particular locality. In my view it is not the intention of the rural-residential zoning to protect outlook and privacy to adjacent rural residential and residential development, particularly where surrounding development is to a reasonably dense development already. This small area of rural-residential development can be seen as an island amidst more intense residential development, by and large.

In addition, I note that none of the submitters have not actually opposed the development outright, and have made specific requests as follows:

- Minimum set backs for buildings on Lots 8 and 9 to be 10m from the boundary with No. 10 Regent Lane, and
- Maximum height for dwellings to be restricted to single story.

I note that the Rural Residential Zone allows, as a permitted activity standard, for buildings to be erected as close as 5 metres to a side boundary (Rule 17.6.4 (e) (i)), and dwellings are permitted to a maximum height of 7.5 m. The submitter is therefore requesting a set back (at 10m), which is double what the zone allows as of right.

The application for land use consent is to use the Residential Zone standards (rather than the Rural residential standards) and so the yard requirement would reduce to

1.5m. I can see merit in maintaining a 5m building setback along the boundaries with properties on Regent Lane, this being the minimum setback in the zone as things stand.

I can accept the points made in submissions that development on the site should be restricted to single level dwellings (based on a greater density of residential development than might be anticipated by the Rural Residential zoning of the land). However, the Rural Residential Zone allows dwellings to 7.5m, and in my view it would be unreasonable to restrict development to say 5m, which is a typical single level dwelling. I would recommend the height limit be fixed at 6.5m, which essentially restricts dwellings to single level, but which allows a reasonable level of flexibility for architectural design of dwellings and roofs.

The applicants may be able to advise the Panel as to whether they will accept the restrictions requested by the submitters.

## 5.2 Relevant Plans and Policy Statements.

The subdivision and resulting land use activities must be deemed to be consistent with relevant objectives and policies pursuant to Section 104(1)(c) and (d) of the Act. As stated earlier, the most relevant Plan is considered to be the proposed TRMP, and as this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered to satisfy an assessment under the RPS.

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

*Chapter 5 - Site Amenity Effects* Council must ensure that the 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 part of this report (Chapter 5.1), there will be a residential style level of development of this land, however it will not adversely affect the character and amenity values of this particular environment, given the level of existing and approved development in the locality. Mitigation measures need to be considered to minimise adverse effects on outlooks and privacy, and illumination levels from street lighting, as noted in Chapter 5.1 above. The esplanade reserve will maintain and enhance natural features on the site.

*Policies: 5.1.1, 5.1.3A, 5.1.9, 5.2.1, 5.2.4, 5.2.7, 5.2.8, 5.3.2, 5.3.3, 5.3.5*

*Chapter 6 – Urban Environment Effects* To provide for serviced urban development within existing settlements that provides for a liveable and sustainable environment for the community.

*Objectives: 6.1, 6.2,  
Issue 6.7*

The allotments will be fully serviced for water, storm water and sewer reticulation, without adverse effects on the environment.

*Policies: 6.1.1,  
6.1.3, 6.1.5, 6.1A.0,  
6.2.1, 6.2.2A, 6.2.3,  
6.2.4, 6.7.7*

Amenity values will not be adversely affected by the additional residential activity in the area. These matters have been discussed in more detail in the assessment of effects (Chapter 5.1). Pedestrian linkages are provided for to the stream and future walkways, and connection is provided to the reticulated services for the adjacent large lot (Lot 1 DP2856).

The adjoining creek will be utilised for stormwater disposal via rain gardens.

*Chapter 8 –  
Margins of Rivers,  
lakes, wetlands and  
the coast*

The protection of the natural character of margins of rivers, lakes, wetlands and the coast from inappropriate subdivision and development.

*Objectives 8.1, 8.2.  
Policies 8.1.1,  
8.1.4, 8.1.5*

Public access to the stream is maintained through an esplanade reserve and walkway. The stream will be maintained through vesting of an esplanade reserve.

*Chapter 10 –  
Significant Natural  
Values and Cultural  
Heritage*

There are no known sites of heritage value on this property.

*Chapter 11 - Land  
Transport Effects*

There are no more than minor potential effects of the proposed subdivision on traffic safety.

*Chapter 16.2 –  
Transport*

Permitted activity performance conditions that manage vehicle access, parking and road standards are contained in this rule. The standards can be met by the proposal.

*Chapter 16.3 –  
Subdivision*

Requires Discretionary Activity resource consent for Rural Residential (Serviced) Zone subdivision, namely the creation of allotments that will be less than 2,000 square metres in area.

*Assessment riteria:  
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 productive soil 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 –  
Rural Residential*

Any buildings on the proposed lots would normally be subject to permitted activity performance standards and conditions

*Zone Rules* set out in Rule 17.6.4 Rural Residential Zone rules.

However A resource consent will be required to construct buildings within the 10 metre road reserve setback and 5 metre side yard setback required under 17.6.4 (e) (i).

It is my conclusion that the proposed subdivision on a site that is part of the serviced urban area of Richmond, in spite of its rural residential zoning, will not be contrary to the policies and objectives of the Proposed Tasman Resource Management Plan.

In summary, I consider the proposed development is not contrary to any of the relevant policy matters contained in the TRMP.

### **5.3 Other Matters**

#### **Precedent and Cumulative Effects**

Precedent in itself is not an “effect” but the subsequent approval of this subdivision is likely to lead to other similar applications from Rural Residential (Serviced) 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.

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.

Having said that, I do not consider there would be a precedent, or adverse cumulative effect, caused by the grant of consent to this subdivision, for several reasons.

Firstly, there has already been a number of residential density developments granted in this general locality (e.g. the St Leger Trust subdivision, in 2000, which created Park Drive, Midas Trust and Kearney subdivisions, as well as the large scale Wahanga subdivision in Nelson City Council are across the road).

Secondly, the application for subdivision is for a discretionary activity, and as such it can be assessed on its merits. This particular proposal is not in my assessment contrary to the relevant objectives and policies of the TRMP, and therefore it is an appropriate development on the site. If other applications are lodged in a similar vein, and they also meet the relevant TRMP criteria for assessment, then that is not an adverse effect caused by the grant of consent to this application.

Thirdly, this development is able to be serviced by reticulation, and other effects can be mitigated, and as such it will not have an adverse cumulative effect on the environment in this locality.

## **6. CONCLUSION**

The Rural Residential (Serviced) zone rules provide for lots of 2,000m<sup>2</sup> as a controlled activity, and lots of less size as a discretionary activity. As a discretionary activity Council is able to consider whether any adverse effects of the proposal on the environment can be avoided, remedied or mitigated.

The potential effects of this subdivision primarily relate to potential loss of amenity values, and servicing issues.

As noted above, the amenity and character of this area has progressively become more residential in nature, including recent subdivisions in the immediate vicinity of the subject site, and so this proposal is not considered to be out of character with the surrounding environment. There has been no outright opposition from neighbours, and in my view the requests made for reduction in height, increased setbacks, and restrictions on illumination of street lighting, are all reasonable requests and can generally be accommodated as conditions of consent.

The subdivision will be fully serviced, and I believe this development will make efficient use of existing services in this general area, which is becoming more intensely urbanised.

This development will enable the ongoing protection and enhancement of the stream at the rear of the site, and pedestrian linkages will be encouraged by the development. The adjoining site to the west will be provided with the ability to connect to the services, and the existing dwelling on Lot 19 will likewise be upgraded and connected.

The proposal is considered to be consistent with the relevant objectives and policies of the TRMP, and the effects can be mitigated by the attached conditions of consent. The potential adverse effects are considered to be no more than minor.

## **7. RECOMMENDATION**

Having considered the application by Sunnycroft Limited for:

Subdivision of Lot 1 DP 334154, CT 140104 into 22 allotments, comprising nineteen residential allotments, ranging in size from 629m<sup>2</sup> to 1,220m<sup>2</sup> plus Lot 20 as Esplanade Reserve to vest in Council, Walkway Reserve as Lot 21, and Lot 22 as road to vest;

Land use consent to construct a single dwelling on each of the proposed Lots 1-18 of the subdivision described above, and

Discharge permit to discharge stormwater collected from buildings, roads, and other hardstand areas to the stream adjacent to proposed Lot 20, with a term of 35 years:

It is recommended that Council **grants consent** to these applications pursuant to Section 104 & 104B of the Resource Management Act 1991, subject to the following conditions:

***(Note: The following are draft conditions of consent, and may be modified after hearing evidence to be presented at the hearing).***

## 8. RECOMMENDED CONDITIONS

### Subdivision Consent

**RESOURCE CONSENT NUMBER:** RM070757

**Sunnycroft Limited**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To subdivide an existing title comprising 1.8794 hectares into nineteen residential titles plus Esplanade Reserve, Walkway Reserve and road to vest in Council;

### LOCATION DETAILS:

Address of property: 50 Champion Rd, Richmond.  
Legal description: Lot 1 DP 334154  
Certificate of title: CT 140104  
Valuation number: 1961029500

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

## CONDITIONS

### General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan entitled “Resource Consent Application Plan” Job No. 10086 dated 14/06/2007, prepared by Staig and Smith Ltd, and attached to this consent as Plan A. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

## Staging

2. Approval is giving to the following stages:
  - Stage 1 – Lot 19 & Balance Area
  - Stage 2 - Lots 1-5, 16-18, 20 & Road to vest(Pt Lot 22)
  - Stage 3 – Lots 6-15, 21 & Road to vest ( Pt Lot 22)

## Easements

3. Easements are to be created over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the title plan and endorsed as a Memorandum of Easements.
4. Easements shall be shown in a Schedule of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by a Solicitor at the Consent Holder's expense. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.

## Street Names and Numbers

5. Street names shall be submitted to Council's Environment & Planning Manager, prior to the approval of the 223 Certificate, together with reasons for each option.
6. The street numbers allocated are:

Lot 1 - 1 New road to vest	Lot 5 – 9 New road to vest	Lot 9 – 17 New road to vest	Lot 13 – 16 New road to vest
Lot 2 – 3 New road to vest	Lot 6 – 11 New road to vest	Lot 10 – 19 New road to vest	Lot 14 – 14 New road to vest
Lot 3 – 5 New road to vest	Lot 7 – 13 New road to vest	Lot 11 – 20 New road to vest	Lot 15 – 12 New road to vest
Lot 4 – 7 New road to vest	Lot 8 – 15 New road to vest	Lot 12 – 18 New road to vest	Lot 16 – 10 New road to vest.
Lot 17 – 8 New road to vest.			Lot 18 – 6 New road to vest.

7. The street numbers and street names shall be shown on the engineering plans.
8. The cost of a name plate for any new street or private way sign shall be met by the consent holder on application to Tasman District Council.



## **Road to Vest**

9. The road to vest as set on the plan entitled "Resource Consent Application Plan" Job No. 10086 dated 14/06/2007, prepared by Staig and Smith Ltd, and attached to this consent shall have a minimum legal width of 11.4 metres, with a sealed carriageway width of 7.0 metres and a 1.4 metre footpath shall be constructed on the north-west side of the road separate from the road carriageway. The surfacing shall be a minimum 2 coat chip seal ie grade 3 following grade 5, and asphaltic surface on the turning areas.
10. Kerb, channels and sumps shall be installed in accordance with Tasman District Council's Engineering Standards and amendments.

## **Access**

11. A formed access crossing shall be constructed to each of lots 1-18 at a minimum grade of 1 in 6 and in accordance with Diagram 616 of the Council Engineering Standards. Pram crossings shall be provided at the street intersections.

## **Water Supply**

12. Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed and a water meter and approved housing box shall be provided for each of lots 1 – 18.

Advice Note: Water connection fees will be payable under Council's Long Term Community Plan for any new water connections.

## **Sewer**

13. Full sewer reticulation discharging to Council's approved reticulated system shall be installed complete with any necessary manholes and a connection to each lot (including connecting the existing house on Lot 19). This may include work outside the subdivision to connect to or upgrade existing systems.

It is noted that the applicant volunteers to connect Lot 1 DP 17047 to Council's reticulated supply.

The existing sewer line through Lot 10 DP 307871 will require a separate approval and testing via CCTV, pressure testing and gauging and verification of the pipe material & attributes & grade, prior to a 223 certificate being issues for Stage 2.

## **Stormwater**

14. A full stormwater reticulation discharging to Council's approved reticulated system shall be installed complete with all necessary manholes, sumps, inlets and a connection to each lot. This may include work outside the subdivision.

The rain garden proposal will require careful design and will not be permitted to be used or connected to the stormwater reticulation until the entire site has been grassed down.

15. The following measures shall be required to mitigate risk to Council for the secondary stormwater flow path from the subdivision:
16. The walkway reserve (Lot 21) shall be formed up to cater for a Q50 rainfall event. This will require a concrete channel formed to an appropriate design shape and extend as far as the stream on the southern boundary. Because of the use as walkway access to the esplanade reserve, the final design shall be subject to approval by Council's Reserves Manager, prior to commencement of any works.
17. The site shall be filled to ensure that all finished ground levels are at least 50 mm above the top of kerb level of the street that the site is draining to **or** the crown level of the road where there is no kerb.
18. If filling obstructs the natural runoff from an adjoining property then provision shall be made for the drainage of that property.

### **Cabling**

19. Live telephone and electric power connections shall be provided to each lot and all wiring shall be underground to the standard required by the supply authority. The existing power & telephone connection to the existing house on Lot 19 shall be replaced with underground connections and this shall be completed as part of the stage 1 works.
20. Confirmation of the above from the supply authority and a copy of the supplier's Certificate of Compliance shall be provided to the Council.

### **Electricity**

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

### **Street Lighting**

22. The consent holder shall provide street lighting in accordance with the Tasman District Council's Engineering Standards and amendments. The lanterns shall be "Ely C 70W SON lantern with "E" (flat) glazing. Note that this lamp specification has been volunteered by the applicant in order to keep light spill to a minimum.

## Engineering Certification

23. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide Council with written certification that the works have been constructed to the standards required.
24. Certification that a site has been identified on each new lot (1-18) suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on each lot the area suitable for the erection of residential buildings.
25. Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

## Construction Earthworks

### 26. (a) Placement of Spoil

No spoil shall be placed in any watercourse, or where it may move or wash into a watercourse or onto adjoining land.

### (b) Discharge of Sediments and Dust During or as a Result of Construction Works

- (i) All construction areas shall have adequate sedimentation mitigation or control measures to ensure that no stormwater discharge has a suspended solid level exceeding 100 grams per cubic metre of water.

A sediment management plan shall be provided at the engineering earthworks plan stage. The plan shall be to the satisfaction of the Tasman District Council Engineering Manager.

#### Advice Note:

All discharges from construction works will need to comply with the discharge standards under Section 36.2.4 of the Proposed Tasman Management Plan, unless authorised by a discharge consent.

- (ii) All sedimentation mitigation or control measures shall be maintained by the consent holder for as long as there is a potential for sediment movement (resulting from earthworks) to affect off-site areas or natural water.
- (iii) A copy of the approved earthworks plans shall be provided to the Council's Co-ordinator Compliance Monitoring to allow for monitoring

of the earthworks. All monitoring costs shall be borne by the applicant.

- (iv) The site shall be watered as necessary to prevent dust from being blown across public roads and/or adjoining property.

(c) **Supervision**

All earthworks (including stormwater control) shall be planned and supervised under the direction of a registered engineer experienced in large-scale earthworks and soils engineering.

(d) **Monitoring**

The applicant shall advise in writing the Council's Co-ordinator Compliance Monitoring and provide a copy of the approved engineering plans (earthworks) prior to the commencement of any earthworks on the site. All costs of monitoring and any subsequent remedial works shall be paid for by the applicant.

(e) **Archaeological Report**

If any items of archaeological or historical significance are disturbed during construction or earthworks then works shall stop immediately and an archaeological survey shall be carried out by a suitably competent person. The local tangata whenua and the New Zealand Historic Places Trust shall be consulted. Any recommended remedial/restoration works shall be complied with. All costs shall be borne by the Consent Holder.

**Maintenance Performance Bond**

- 27. The Consent Holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,000 per lot to a maximum of \$20,000 or a figure agreed by the Engineering Manager and shall run until two years after the date of issue of 224C certification for the final stage of the subdivision.

**Engineering Plans**

- 28. All engineering works as outlined above shall be shown on engineering plans and to the requirements as set out in the Tasman District Council engineering standards and amendments. The engineering plans shall include a sediment management plan as set out in condition 26.
- 29. As-built plans detailing all completed engineering works and finished earthworks shall be provided for approval and signing by Council's Engineering Manager. Plan details shall be in accordance with Tasman District Engineering Standards.

A 223 certificate cannot be issued until the As- Built engineering plans have been approved and signed by Council's Engineering Manager.

### **Commencement of Works and Inspection**

30. The Council's Engineering Department shall be contacted at least five working days prior to the commencement of any engineering works. In addition, five working days' notice shall be given to the Council's Engineering Department when soil density testing, pressure testing, beam testing or any other major testing is undertaken.
31. No engineering works shall commence until the engineering plans required under condition 28 have been approved and signed by Council's Engineering Manager.

### **Engineering Works**

32. All engineering works referred to in Conditions 5-26, shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 or to the Council's Engineering Manager's satisfaction.

### **Financial Contributions**

33. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
  - (a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of each of Lots 1-18.
  - (b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.
  - (c) If payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

#### **Advice Note:**

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

**Advice Note:**

Council will not issue a completion certificate pursuant to Section 224(c) of the Act 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 that are current at the time the relevant development contribution is paid in full.

This consent will attract development contributions on eighteen allotments in respect of:

- Rooding
- Wastewater
- Water
- Stormwater

**Consent Notices**

34. The following consent notices shall be registered on the certificate of title for Lot 1-18 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
- i) The maximum site coverage for buildings within the allotment shall be no more than 33%.
  - ii) The maximum height of any new dwellings and buildings shall be no more than 6.5 metres.
  - iii) Any recommended conditions from the engineering site certification reports provided under condition 24.

**GENERAL ADVICE NOTES****Council Regulations**

1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

**Other Proposed Tasman Resource Management Plan Provisions**

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.

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

**Gary Rae**  
Planning Consultant





## Land Use Consent

**RESOURCE CONSENT NUMBER:** RM070758

**Sunnycroft Limited**  
(hereinafter referred to as "the Consent Holder")

**ACTIVITY AUTHORISED BY THIS CONSENT:** A land use consent to erect a dwelling on each of the proposed lots 1-18, to apply the Residential Zone permitted activity rule criteria of the Proposed Tasman Resource Management Plan in respect of any new dwellings on those allotments.

### LOCATION DETAILS:

Address of property: 50 Champion Rd, Richmond.  
Legal description: Lot 1 DP 334154  
Certificate of title: CT 140104  
Valuation number: 1961029500

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

### CONDITIONS

1. The commencement date for this land use consent shall be the issue date of the certificates of title for the proposed allotments created as part of the subdivision consent RM070757.
2. The overall building coverage shall be no more than 33% of the net area of the allotment.
3. Any dwelling shall be subject to the relevant engineering conditions arising from the engineering reports submitted under Condition 24 of the subdivision consent RM070758.
4. Any dwellings shall comply with the following bulk and location standards:
  - (a) the dwelling shall be no more than 6.5 metres in height;
  - (b) the dwelling shall be set back at least 5 metres from any side and rear boundary and in all other respects comply with the yard requirements of the Residential Zone;
  - (c) no part of the dwelling shall project a building envelope constructed by daylight admission commencing from points 2.5 metres above ground level from all side and rear boundaries. The angle to be used is to be determined using the

diagram set out in Schedule 17.1A and attached to this consent as Appendix 1;  
and

- (d) there shall be no more than one dwelling per title.

## **GENERAL ADVICE NOTES**

### **Council Regulations**

1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

### **Other Proposed Tasman Resource Management Plan Provisions**

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.
3. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

**Schedule 17.1A: Daylight Admission Angles**

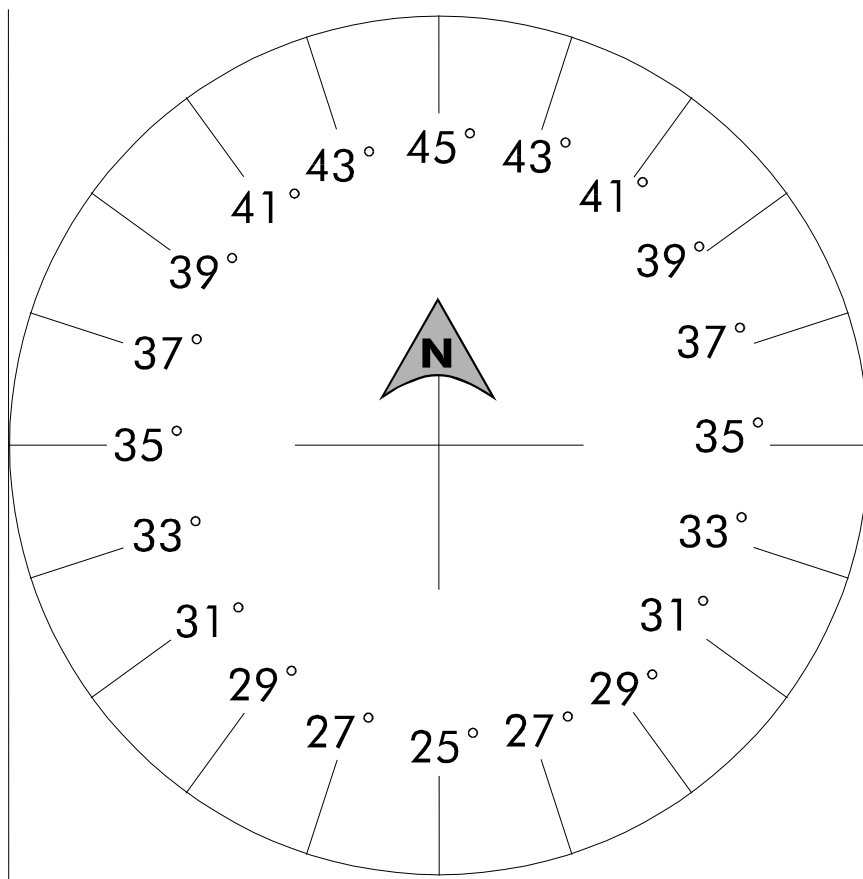
The angle of inclination over the site for daylight control planes is determined separately for each boundary of the site using the elevation calculator in the diagram below, in the following manner:

- (a) Place the circumference of the elevation calculation disc on the inside of the boundary for which the calculation is required so that the north point indicator is aligned with the north point on the site plan.
- (b) A separate calculation is required for each site boundary.
- (c) Read off the elevation angle closest to the point of contact between the boundary line and the circumference of the elevation calculation disc. This is the maximum angle of elevation permitted along that boundary.

In the example below, the daylight control angle elevation for the western boundary of the site is 35 degrees.

**Note:** Vertical lines represent site boundaries.

**Daylight Admission Angle Diagram**



## **ATTACHMENT 1:**

### **Further information letter and response:**

RM070757, RM070758, RM070760  
Writer's Direct Dial No. (03) 543 8420  
Writer's E-mail: mark.morris@tdc.govt.nz

23 October 2007

Sunnycroft Limited  
C/O Jackie McNae  
Staig & Smith Limited  
PO Box 913  
NELSON 7040

Dear Madam

#### **FURTHER INFORMATION REQUEST FOR RESOURCE CONSENT APPLICATIONS NOs. RM070757, RM070758, RM070760 – SUNNYCROFT LIMITED**

I refer to your application for resource consent described above. An initial assessment of the application has been made, however further information is requested in relation to the application. This letter outlines the information request.

#### **Further Information**

Pursuant to Section 92(1) of the Resource Management Act 1991 ("the Act"), further information is requested in relation to the application as follows:

##### **1 Sewer Line**

Please provide "as-built plans" of the sewer line on Lot 10 DP 307871 (property on Antoine Grove), as well as data from recent CCTV and pressure tests of this line.

As Council has no record of this "existing 150 millimetre sewer" shown on the Services Plan in the application, this information is required to assess the adequacy of the sewer line to serve the proposed subdivision.

If accepted by the Council, an easement will need to be created in favour of Tasman District Council.

## 2 Stormwater

- (a) Please confirm that sufficient capacity still exists in the downstream catchment to accommodate stormwater discharges.

This information is required because the letter from Jim Wareing of Council, on stormwater capacities in the creek, was written over 10 years ago, during which time there may have been significant changes to the catchment dynamics from other developments.

If there is no longer sufficient capacity, please provide amended details of the proposed stormwater provisions showing how stormwater flows are to be managed without compromising the catchment downstream.

- (b) Please provide detailed information assessing the pre-and-post-development flows from the subject site, as follows:
- the design, capacity and effect of any on-site collection, storage or attenuation systems;
  - an assessment of the capacity of the rain gardens;
  - the paths and destination of stormwater diverted by paved areas (other than roads);
  - the capacity in the downstream environment as outlined above; and
  - a description of any treatment of stormwater from contaminated surfaces.
- (c) Please clarify why the design capacity has been limited to a Q5 event.
- (d) Please provide an Outline Management Plan to broadly demonstrate how the long-term function of the rain gardens will be maintained.

Whilst it is acknowledged that the application documents contain an inspection and maintenance schedule for the post-development stage of the proposed subdivision, rain gardens have been shown to function poorly in the long term if contaminated by cement dust and other contaminants during construction phases of subdivisions, and these contaminants can clog the soils and adversely affect plant growth and attenuation capacity.

Should consent be granted, a possible condition will be that a detailed construction schedule and management plan for the rain gardens be prepared.

### 3 Consultation

Please advise if there will be any amendments to the application, or volunteered conditions of consent, as a result of any consultation that may have been carried out following the receipt of submissions on the application.

Section 92A(1) of the Act requires you to respond to the Council by 13 November 2007 (being 15 working days from the date of this request), in one of three ways. You must either:

- 1 provide the information requested; or
- 2 advise in writing that you agree to provide the information (you may wish to choose this option if you are unable to provide all the information by the date specified above); or
- 3 advise in writing that you refuse to provide the information.

Should you choose Option 2, then the Act requires the Council to set a reasonable time within which the information must be provided. Therefore, in the event that you choose Option 2, the information must be provided by 7 December 2007. If you are unable to provide the information by that date, please contact the undersigned as soon as possible so that we can discuss the reasons and set an appropriate alternative date.

Please note that the Council may decline your application pursuant to Section 92A(3) of the Act if it considers that insufficient information is available to enable a decision to be made on your application. This may occur if you either:

- (a) choose Option 3 above (ie, refuse to provide the information);
- (b) do not provide the requested information within the period specified in the paragraph above (or the agreed alternative date); or
- (c) do not respond at all to this information request.

In accordance with Section 88B and 88C of the Act the processing of your application will be placed "on hold" from the date of this letter to the date of receipt of the information requested or, if you refuse to provide the information, the date that the advice of refusal is received by the Council. Once the Council has received the requested information, it will be assessed to determine its adequacy and the Council will then make a decision on whether your application requires public notification, limited notification, or, whether it is able to be processed on a non-notified basis. Please note, however, that the Council reserves the right to notify your application should the further information requested above indicate that the effects on the environment are more than minor.

In addition to the three options specified above, Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this request for further information. Any such objection must be made in writing setting out the reasons for the

objection and must be lodged with the Council, together with a fixed fee of \$125.00 (GST inclusive), within 15 working days of receiving this letter. Please note that the processing of your application will be placed "on hold" until such an objection is resolved or withdrawn.

Please feel free to contact me if you have any questions regarding this request or any other part of this letter. My contact details are listed at the top of this letter.

Yours faithfully

Mark Morris  
**Co-ordinator Subdivision Consents**

**Attachment 2:**  
**Applicant's response to the further info request:**



Ref: 10086

14 November 2007

Tasman District Council  
Private Bag 4  
Richmond

Attn: Mark Morris

Incite Ltd  
PO Box 1105  
NELSON

Attention: Gary Rae

Dear Mark and Gary

**RE: RESOURCE CONSENT APPLICATION FOR SUNNYCROFT LIMITED RM 070757, 070758, 070760:**

The following responds to the further information request received from the Council, by letter dated 23 October 1997.

**1. Sewer Line**

The engineering report included with the application acknowledged that the existing sewer pipe laid through Lot 10 DP 307871 from Antoine Grove to the boundary of the land under subdivision would require pressure testing and CCTV investigation prior to the pipeline being accepted by Council. As stated in the report the applicant accepts that this will be required prior to approval of the engineering design plans to confirm suitability of the pipe. If the pipe is deemed to be in unacceptable condition at that time an existing easement is in place to allow the pipe to be re-laid as part of the subdivision works. A copy of the certificate of title showing the easement highlighted is enclosed along with this letter to confirm this.

The pipeline was installed under the supervision of other consultants as part of adjoining unrelated development and provision of the required information was not made available to Council for approval by them at that time. To require that this be completed prior to the issue of subdivision consent when it is unknown whether the development will proceed or not or in fact whether subdivision consent will be granted is unreasonable. The issue Council does need to be satisfied on at this stage, is that the Applicant if necessary, is legally entitled to upgrade or lay lines through Lot 10, DP 307871. The attached title



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clearly notes the easement that is in place, and that an easement is in favour of the Council.



## 2. Storm water

(a) The letter forwarded by Mr Wareing may well be 10 years old, but it is quite clear in that letter that the Council knew what the capacity of the downstream system was, and it was confirmed that reservoir creek had sufficient capacity downstream. In terms of what is being asked of the Applicant in the Further Information Request, this asks the Applicant to tell the Council if there is still sufficient capacity. It is the Council's system and the Council clearly assessed that system in 1996, and it is the Council that has been allowing developments in that catchment and is presumably doing so in the knowledge of what the capacity is in the catchment. We note that the Council has in the last month approved a subdivision further up the catchment in the Park Drive area, so this information must exist at the Council. It is a huge exercise for the Applicant to assess the capacity of the Council system. Council must know the capacity of its own system and in any event, the Applicant as has stated in the Application, does rely on the letter from Mr Wareing irrespective of the date of that letter, as that letter is quite clear in its terms of the capacity, as that was the bases of the Applicant's support for the works on Reservoir Creek.

(b) Pre and post development flows from the site have been calculated and shown in the table below.

Pre developed flows have been calculated based on a Q5 (20% AEP) storm event using a time of concentration of 10 minutes, which gives a rainfall intensity of 75mm/hr. A run off coefficient of 0.4 (rural land use) has been used. This is in accordance with the Tasman District Council Engineering Standards 2004.

Post development flows have been calculated based on a Q5 (20% AEP) storm event using a time of concentration of 10 minutes, which gives a rainfall intensity of 75mm/hr. A runoff coefficient of 0.55 for lot areas and 0.90 for road areas has been used. This is in accordance with the Tasman District Council Engineering Standards 2004.

	Area	Q5 Flows (l/s)	Q50 Flows (l/s)
Pre Developed	1.7340ha	144	228
Post Developed	1.5940ha lots & 0.14ha roads	208	329

The figures show a 44% increase in flows from the site into the stream at the rear of the property. The runoff coefficients that have been used from the engineering standards are based on a number of assumptions based on current pre development land use and the likely future land use and percentage of impermeable coverage after full development is achieved. With the recent introduction of rules into the TRMP encouraging low impact solutions to the disposal of storm water the

increase in flows from the completed development may not reach that indicated in the table above. As the effect of the rules on the quantity of storm water flows from the site is unknown no allowance has been made for this.



The storm water design for the subdivision is primarily based on traditional methods of storm water disposal in that all collected surface water is to be piped to the adjoining stream located at the rear of the property. Rain gardens are to be installed to collect and treat runoff collected from the road area and as stated in the report accompanying the consent application are to be designed generally in accordance with the Auckland Regional Council Storm water Guideline TP 10. No allowance has been made in the calculated post development storm water flows from the site for flow attenuation or soakage to ground although this will happen to some extent in the general operation of the garden areas. The rain gardens are to be sized to treat runoff to a 2-year rainfall event with flows in excess of these being directed to the overflow sumps located in each garden area and into the piped storm water system.

All lots created as part of the subdivision are to be provided with a lateral connection for storm water disposal and will be required to direct runoff to the lateral provided and to demonstrate compliance with the storm water provisions in the Tasman Resource Management Plan at the time of applying for a building consent.

- (c) The design capacity of the primary piped system is to be to a Q5 (20% AEP) event in accordance with the current Tasman District Council Engineering Standards and Policies 2004. Secondary flows are to be directed to the road line and walkway from the turning head to the adjoining stream. The secondary flood route will be designed to cater for Q50 (2% AEP) events.
- (d) By their very nature rain gardens and other storm water treatment devices will collect sediment, debris and contaminants in storm water runoff and prevent them from entering piped storm water networks, waterways and tidal estuarine environs. It is a pre requisite of their design that they do this and indeed they would not be considered an effective treatment device if they did not. It is important to note that blockage or clogging does not necessarily indicate a failure of a treatment device, but rather that it has collected material to the point where it is in need of maintenance to ensure further efficient operation. Care during the construction phase of development and a regular maintenance program should minimise the occurrence of blockage and ensure a lengthy working life.

The engineering report included with the subdivision consent application contained a schedule setting out various items of regular maintenance required post construction to ensure correct functioning of the rain gardens and a maximum possible lifecycle. Attached to this is a brief outline of the Management Plan that should ensure the efficient operation of the rain gardens proposed in the road area of this development.



### 3. Consultation

At this point there are no proposed amendments to the Application, however the Applicant is considering the issues raised in submissions and may volunteer conditions, but for the assessment of the Application, we request that the Council assesses the Application as lodged. There was one special issue for consideration raised in one of the submissions, and that was in respect of lighting, and we are currently getting advice on that matter, this is normally a matter that would be part of the engineering design plan consideration when the subdivision design is down at that detail. However in order to be able to put forward evidence to the Council in any Hearing, we are going to research this matter so that we are in a position to comment on the options for lighting the Applicant would be prepared to volunteer, but clearly that would be subject to Council Officers acceptance that any particular lighting met their requirements for lighting.

Given the provision of the above information, we would ask that the Council now sets this matter down for a Hearing as the Applicant wishes to have a confirmed timeline.

Thank you for your attention to the above.

Yours faithfully  
**STAIG & SMITH LTD**

Darrin Canton  
*Land Development Consultant*  
DDI (03) 545 6882  
Email: [darrin@staigsmith.co.nz](mailto:darrin@staigsmith.co.nz)

Jackie McNae  
*Resource Management Consultant*  
DDi (03) 545 6881  
Email: [jackie@staigsmith.co.nz](mailto:jackie@staigsmith.co.nz)

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**Rain garden Management Plan**  
**XYZ Street rain-gardens**  
**Richmond**  
**RM 070757**

**Introduction**

Rain gardens are an effective device for removing sediment, debris and contaminants from stormwater runoff and with careful design, construction and maintenance can aid in maintaining ground water levels and reducing contaminant loadings in local waterways and estuarine environments. There have been proven benefits to the environment in other areas where stormwater is treated prior to discharge and with the close proximity of this subdivision to a waterway at the rear of the subdivision it is deemed appropriate to install rain gardens in the road area to treat stormwater prior to discharge. Inunga, Banded Kokopu, Red Fin Bully, Common Bully and Long and Short Finned Eel are know to inhabit Reservoir Creek which is located in close proximity to the subdivision.

**Location**

The rain gardens are located at three positions along the north-western side of the road carriageway in the berm adjoining kerb build-out areas and can be easily identified as being where the road carriageway narrows. They contain plantings of low growing shrubs and grasses and have the appearance of areas of landscaping.

**Design**

Whilst the primary purpose of the rain gardens is to remove contaminants from stormwater runoff to the Q2 (50% AEP) storm event level they should also be designed to provide adequate stormwater drainage during larger rainfall events with a secondary intake within the rain garden catering for the primary storm event, which in this case is a Q5 (20% AEP event) and secondary overflow flow route to the adjoining road carriageway in case of blockage or larger storm events to the Q50 (2%AEP) level. Other design considerations include planting species and future maintenance requirements including access, frequency, safety to the maintenance provider and the public including during rainfall events and effects the rain gardens may have on adjoining services and roads.

**Construction**

The construction phase of the rain gardens and building of the subdivision and houses around them will play a significant part in the success or otherwise of the efficient operation of them. Construction is divided into two phases, subdivision construction

including the construction of the rain gardens and dwelling construction which can take place over any time period after completion of the subdivision.

#### **Subdivision Construction Phase**

The construction phase of the filtering elements of the rain garden should be undertaken as late as possible in the programme of the construction works for the subdivision to minimise risk of sediments and construction materials entering the filter media. The placing of the filtering media should not be undertaken until the site has been stabilised and a good grass cover established on exposed soil surfaces. Care should be taken not to over compact the filter soil during placement and trampling of the surface by foot when planting out and placing of mulch should be avoided. Selection of plant species is another area that requires careful consideration with particular attention required to selecting plants that are shallow rooting and are able to withstand the long dry periods often experienced over the summer months. Upon completion of the rain gardens the contractor should ensure that the secondary intake within the garden is clear of debris and that any blockages or mulch are removed from the intake area and that the secondary flood route from the garden area is clear.

#### **House Construction Stage**

The housing construction phase of the development can have just as big an effect if not more on the build up of sediments and debris as the subdivision construction phase. As evident in any new subdivision the construction of houses often results in significant deposits of excavated material, building materials and litter along roadlines for quite some time after the subdivision works are finished with the source not always evident. It is important that during this phase all new lot owners and building contractors are aware of the rain gardens, their location and function and the requirement that they remain free from construction debris. During construction of any new houses within the subdivision measures should be installed on site to ensure that sediment and debris are not conveyed outside of the boundaries of the lot.

#### **Maintenance**

Maintenance is an essential element to the efficient operation and longevity of a rain garden system. Maintenance should be carried out at regular intervals as detailed in the schedule below with visits generally requiring minimal input to assess the operation of the rain garden and to remove litter, weeds and sediment before build up becomes an impediment to the efficient operation of the device. Care should be taken when working around the rain garden not to compact the surface or cause blockage of the secondary intake or overland flood route through the kerb and channel to the road carriageway. The maintenance contractor should ensure that all sediment and debris / litter removed from the gardens is removed from the site and disposed of appropriately at a landfill site. No material removed from the gardens should be left on site so that it may re enter the garden during a following rainfall event and cause additional blockage.

### Rain garden Maintenance Schedule

Item	Inspection	Action
Debris / Litter and Noxious Weeds / Invasive plants.	6 Monthly	Remove as required
Plant Growth / Cover	6 Monthly	Prune and Remove as necessary. Replace plants as a required.
Overflow Route / Secondary Outlet Point	6 Monthly	Remove obstructions / repair as necessary.
Sediment Accumulation	Annually	Check sediment depth – Remove if deeper than 30mm. Top up and replant if necessary.
Surface Dewatering	6 Monthly	Check dewatering time after storm event (should be 1 day max). Replace planting soil and replant as necessary.
Mulch		Replace every 2 – 3 years

Maintenance of the rain gardens is to be undertaken by the developer for the first two years after completion of the subdivision works at which time the Council will take over maintenance responsibilities along with all other infrastructure vested with them as part of the subdivision works.

## **ATTACHMENT 3:**

**TO:** Environment and Planning Committee

**FROM:** Michael Durand – Co-ordinator Natural Resources Consents

**REFERENCE:** Discharge Permit RM070760

**SUBJECT:** **SUNNYCROFT LIMITED - REPORT EP08/01-04**  
Report prepared for hearing of 28 January 2008

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### **1. DESCRIPTION OF THE PROPOSED ACTIVITY**

Sunnycroft Limited (herein after called “the applicant”) proposes to subdivide Lot 1 DP 334154 (50 Champion Rd, Richmond) into 19 residential allotments. An associated activity is the discharge of stormwater from the subject site, both during and following the construction of the subdivision and its associated buildings, roads, walkways and other features. Resource consent is required for this activity.

The following report assesses application RM070760 which seeks to authorise the discharge of stormwater from the subdivision to the unnamed stream (being part of the Reservoir Creek catchment) lying to the immediate west of the subject site, and from there to the Waimea Inlet.

### **2. PTRMP ZONING, RULES AFFECTED AND STATUTORY PROVISIONS**

The application site is zoned Rural Residential and is bordered by Residential land. Under rule 36.4.2(2) of the TRMP, the discharge of stormwater in the Rural Residential Zone is a Permitted Activity only if the discharge commenced before 19 September 1998 or it has previously been authorised by a resource consent. These criteria are not met in the present case, and a resource consent is therefore required.

The proposal does not meet Controlled Activity rule 36.4.3A(c) because the site is zoned Rural Residential. The activity is therefore Restricted Discretionary, and the Council may either refuse or grant resource consent subject to conditions regarding various matters. These matters include the following (paraphrased from rule 36.4.4(1)–(13)):

- the area to be serviced by the system;
- the design of the stormwater system;
- measures to avoid adverse effects of sediment-laden stormwater during construction phases;
- the design of outfall structures;
- the effects of the discharge on downstream environments;
- alternative systems;
- secondary flow paths; and
- the use of Low Impact Design (LID) solutions.

The Council must consider the application pursuant to Section 104 of the Resource Management Act 1991. The matters for the Council to address in Section 104 are:

- Resource Management Act Part II matters;
- the actual and potential effects on the environment of allowing the activity (Section 104 (1)(a));
- relevant objectives and policies in the Tasman Regional Policy Statement, and the Proposed Tasman Resource Management Plan (Section 104 (1) (b)); any other matter the Council considers relevant and reasonably necessary to determine the application (Section 104 (1)(c)).

### **3. SUBMISSIONS**

Only one submitter, David Wood, raised issues related to stormwater control on the subject land, citing anecdotal evidence that natural drainage of stormwater from dwellings on Regent Lane is to the north and therefore onto the land proposed to be subdivided. The submission is neutral and the submitter's comment was volunteered to assist the applicant and the Council.

### **4. ASSESSMENT**

Pursuant to Section 104(1)(a) of the Resource Management Act, the proposed activity is assessed in the following pages.

#### **4.1 Proposal Summary**

The diversion of stormwater from the subject site is multifaceted, as (i) stormwater of varying quantities and qualities will be generated by various features of the development, (ii) stormwater will be generated both during and following the construction phases of the subdivision and its dwellings, and (iii) in this particular case, the discharge is proposed to be managed by a stormwater system featuring two distinct components (separate structures to handle stormwater from dwellings and other surfaces).

The following description of the system should be read with reference to the applicant's Services Plan (ref. DWG10086A), attached here as Figure 1.

The applicant proposes to develop a stormwater system comprising separate systems that eventually combine into a single discharge to the Reservoir Creek catchment to the immediate west of the site. Stormwater generated by roofs of the dwellings will be collected by spouting and enter subsurface pipes that combine in the road reserve. All other stormwater is understood to be conveyed by overland flow to the road from where it will flow to one of three rain-gardens. These feature subsurface pipes which combine with those from the roofs, and all the stormwater will subsequently enter the existing stream channel to the west of the site. The rain-gardens have been designed to treat stormwater running off roads and other surfaces prior to discharge into the stream, and also to attenuate these stormwater flows to some extent.

The proposed walkway (Lot 21) between lots 10 and 11 is proposed to serve as a secondary flow path in the event that the stormwater system fails to cope with a rainstorm event.

Pre- and post-development flows from the subject site have been calculated by the applicant in accordance with the Council's Engineering Standards 2004 and it is



understood that the pipe system is designed to accommodate a Q5 (one in five-year event). The rain-gardens are designed to treat a Q2 (one on two year event), although they stressed that they have made no allowance for the inevitable flow attenuation (through soakage) in the rain-gardens. The system should therefore function adequately during an event that more intense than a Q5. The secondary flow path can accommodate a Q20 (one in 20-year) event.

The point of discharge from the subdivision is to the unnamed stream less than 5 m from the main Reservoir Creek watercourse. Reservoir Creek has been engineered by the Council to accommodate a Q100 event, assuming residential development throughout the Champion Road area, including the subject site. There is therefore sufficient capacity in the downstream system to avoid downstream flooding as a result of this development.

## **4.2 Assessment**

The stormwater system can be considered as being appropriate for its purpose, and discharges to a downstream system that has sufficient capacity. LID solutions have been incorporated to some extent through the rain-garden design, although it should be recognised that these service primarily the surface stormwater flow to be generated by the road. No provision has been made by the applicant for on-site attenuation or rainwater storage systems (such as detention tanks with controlled release and storage) that are consistent with LID principles. Features such as this can serve to further avoid any adverse environmental effects associated with stormwater discharges, and also serve the second valuable purpose of providing on-site water storage for use in gardens or for consumption during an emergency.

Notwithstanding these comments, the rain-gardens will both attenuate and treat stormwater generated on the site. Expected contaminants in runoff from roads and other surfaces include suspended solids, increased biochemical oxygen demand (BOD<sub>5</sub>), pathogens, metals, hydrocarbons, toxic trace organics, nutrients and litter. The sequence of rain-gardens is expected to provide suitable treatment of the stormwater entering the system from the road. Most of the loading of the metals and hydrocarbons is adsorbed to the suspended solid fraction and will therefore be removed in the rain-gardens.

Therefore the contaminant concentrations and the intensity of flow will be reduced from what would be the case in the absence of rain gardens or other LID solutions. Although LID is desirable for the attenuation of stormwater from roofs, there are only relatively minor improvements in water quality that can be achieved with LID solutions when collecting water from residential roofs (since without treatment this water is of a relatively higher standard than stormwater from roads). The quality and volume/intensity of stormwater flows from the system should therefore meet reasonable expectations. Any downstream adverse effects related to water quality and/or volume should therefore be no more than minor.

It is stated in the application that the discharge will enter the adjacent stream via the existing rock protection work on its east bank. There are no details provided of the outfall structure. However, consent conditions will ensure this structure is properly designed to handle the proposed flows whilst avoiding any erosion of the rock protection work or any other damage (e.g. to existing plantings in the stream).

A secondary flow path is proposed on Lot 21; this is necessary as the cul-de-sac head would otherwise be subject to flooding. The flow path is in the only practicable location and should serve to efficiently convey secondary stormwater flows to the unnamed stream and Reservoir Creek, thereby reducing the risk of flooding and damage on the subject site.

The applicant has provided little information on the methods proposed to limit the off-site transport and deposition of sediment by stormwater during the construction the subdivision and houses. However, various effective sediment control methods exist and consent conditions proposed here will enforce their use by the consent holder, should consent be granted.

An additional complicating factor associated with sediment released during construction is the potential for this material to accumulate in rain-gardens. Sediment that may include cement dust and other building materials can seriously compromise the future proper function of rain-gardens if these materials are allowed to enter the stormwater system. Anecdotal evidence exists elsewhere in New Zealand to suggest that rain-gardens blocked by cement dust have required excavation and replacement even before the subject subdivision is complete. Council staff requested that the applicants provide a Rain-garden Management Plan that recognises and provides for these potential problems. The applicant provided this information to the satisfaction of the Council staff and consent conditions proposed here will ensure this plan is followed.

#### 4.3 Summary of Assessment of Effects

In summary, potential adverse effects on the environment, in terms of the discharge of stormwater at the proposed subdivision, are in my opinion minor and the proposal is generally consistent with the objectives and policies in the Tasman Resource Management Plan.

#### 4.4 Relevant Objectives and Policies of the PTRMP

The following Policies and Objectives have been considered relevant for this proposal:

Objectives and Policies	
Objectives and policies related to stormwater diversion, damming and discharge	
30.1.0 Objective	
1.	The maintenance, restoration and enhancement, where necessary, of water flows and levels in water bodies that are sufficient to:
(a)	preserve their life-supporting capacity (the mauri of the water);
(b)	protect their natural, intrinsic, cultural and spiritual values, including aquatic ecosystems, natural character, and fishery values including eel, trout and salmon habitat, and recreational and wildlife values; and (c) maintain their ability to assimilate contaminants.
2.	The maintenance, restoration and enhancement where possible, of the quality and extent of wetlands in the District.
30.1.17 Policies	
To avoid, remedy or mitigate the adverse effects of water damming either by itself or cumulatively with other dams, including adverse effects on:	

## Objectives and Policies

- (a) the flow regime or water levels in rivers, lakes and wetlands;
- (b) passage of fish and eels;
- (c) other water users;
- (d) aquatic ecosystems and riparian habitat;
- (e) water quality;
- (f) groundwater recharge; and
- (g) adverse effects of dam failure on (a) to (f) above.

### 33.3.0 Objective

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

### Policies

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

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

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

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

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

33.3.6 To maintain or enhance stormwater infiltration to enhance groundwater recharge.

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

33.3.8 To encourage an integrated whole-catchment approach to the management and discharge of stormwater.

33.3.9 To require the use of low impact design in the management of stormwater discharges in any new development where practicable.

33.3.10 To encourage the restoration and rehabilitation of stormwater drainage networks where natural drainage networks have been significantly modified.

33.3.11 To take into account the long-term management of stormwater drainage in consideration of land development, including subdivision and land-use changes.

## **5. SUMMARY**

### **5.1 Principal Issues**

The principal issue is whether the proposed subdivision can be adequately serviced in terms of stormwater attenuation so the effects on the environment will be no more than minor.

### **5.2 Statutory Provisions**

The application is a Restricted Discretionary activity under the provisions of Chapters 31 and 36 of the TRMP. Matters to which the Council must pay regard, pursuant to Section 104 of the Act, are:

- Part II matters;
- Objectives and Policies of the Proposed Tasman Resource Management Plan; and
- Actual and Potential Environmental Effects.

### **5.3 Overall Conclusion**

Overall the writer's assessment is that the actual adverse effects on the environment are minor and the proposal is generally consistent with the objectives and policies, and matters of discretion in the Tasman Resource Management Plan.

## **6. RECOMMENDATION**

The recommendation to grant or decline these applications for the diversion, damming and discharge of stormwater is dependent upon the Committee's decision whether or not to grant the subdivision consent.

Having considered the application in detail, having visited the site, and drawing on the Council's staff experiences of stormwater issues, it is the writer's view that the adverse environmental effects of the proposed activity will be no more than minor, and that there is no reason why resource consent for the diversion, damming and discharge of stormwater should not be granted subject to the following recommended conditions.

## **7. RECOMMENDED CONDITIONS**

1. The discharge of stormwater shall be carried out in accordance with the details contained in the application for resource consent RM070760 and in accordance with Figure 1 dated 15 January 2008 (attached) unless otherwise approved by both the Council's Co-ordinator Compliance Monitoring and the Council's Engineering Services Manager. In particular, these details include:
  - (a) discharge of stormwater from residential allotments through an appropriately constructed piped system;
  - (b) the use of rain-gardens to treat and attenuate stormwater flows from road surfaces;

Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.

2. Engineering specification plans shall be provided to the Manager, Engineering and approved prior to the commencement of works on the proposed development. The specifications shall be in accordance with the requirements of Condition 1.
3. The Consent Holder shall submit to the Council's Co-ordinator Compliance Monitoring a Stormwater Management Plan (SMP) before any land excavation or construction works begin. The SMP shall, as a minimum, include:
  - (a) design plans for the components of the stormwater system;
  - (b) A construction-phase sediment management plan which identifies how sediment shall be controlled so that downstream aquatic ecosystems are protected from the deposition of sediment in accordance with the objectives and policies of the Proposed Tasman Resource Management Plan (TRMP). This plan should include structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures.
  - (c) a spill management plan that addresses responses to incidences of spills or discharges of substances into the stormwater system that may be hazardous to aquatic or wetland ecosystems;
  - (d) a maintenance plan that describes the recommended long-term maintenance of the stormwater treatment and discharge system.

The stormwater system shall be managed in accordance with the SMP.

4. A certificate signed by the person responsible for designing the stormwater management system or a similarly qualified or experienced person shall be submitted to the Council annually for the duration of the construction phase on the subdivided site. This shall certify that the system components present are constructed and installed in accordance with the details of the application and the conditions of this consent.
5. The discharge of stormwater shall not, beyond a 10 metre radius from the point where the stormwater is discharged into the unnamed stream, cause any of the following in the receiving water:
  - (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; or

- (e) any adverse effect on aquatic life.
6. The discharge of stormwater shall not result in adverse scouring or sedimentation of any downstream water body.
  7. Prior to constructing any works, the Consent Holder shall supply stormwater flow calculations to the Council's Engineering Services Manager for approval.
  8. At any time when there are earthworks occurring on the site, sediment controls shall be implemented and maintained in effective operational order to minimise the amount of sediment running off the site and/or into the rain-gardens as far as is practicable. All such sediment and stormwater controls shall be to the satisfaction of the Council's Co-ordinator Compliance Monitoring.
  9. The Consent Holder shall contact the Council's Co-ordinator Compliance Monitoring when construction of roading, access, and building platforms commences to enable monitoring of the effectiveness of stormwater sediment and erosion controls. The cost of monitoring and any subsequent remedial actions shall be borne by the Consent Holder.
  10. Council may, during the month of January each year, review the conditions of these consents pursuant to Section 128 of the Resource Management Act 1991, to:
    - (a) to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage;
    - (b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;
    - (c) to allow, in the event of concerns about the quality or quantity of stormwater discharged, the imposition of compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or
    - (d) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, National Environmental Standard, or Act of Parliament.
  11. This consent shall expire 35 years from the date of issue.

## **ADVICE NOTES**

1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
2. The Consent Holder's attention is drawn to permitted rule 36.2.4 which permits the discharge of sediment or debris to water. No consent to breach the conditions of this rule has been applied for and therefore the Consent Holder must meet the conditions of this consent during land disturbance activities or else a separate resource consent must be obtained.

3. 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 & Planning Manager, and the New Zealand Historic Places Trust.
4. This resource consent only authorises the activities described above. Any matters or activities not referred to in these consents or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
5. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
6. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.



Michael Durand  
**Co-ordinator Natural Resources Consents**

