



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Ross Shirley, Subdivision Officer

REFERENCE: RM071019

SUBJECT: **LEONIE AND RODNEY HAINES - REPORT EP08/06/03 - Report prepared for hearing of 23 June 2008**

1. INTRODUCTION

The applicants, Leonie and Rodney Haines, own an 809 square metre residential property on Best Island. The site contains two dwellings and is unserviced. Physical access is via a road located on private land. Legal access is via an esplanade reserve and thence to the sea.

The applicants have applied to Council to subdivide their land to create Lot 1 of 330 square metres and Lot 2 of 325 square metres net areas, each allotment to contain one of the existing dwellings. It is proposed that physical and legal access is via rights-of-way that connect both lots to the road and to the esplanade reserve.

A copy of the proposed subdivision plan is attached as Appendix A.

I have been required by Council's Resource Consents Manager to prepare a report on the information presented in the application so that it may be considered at the hearing for the application.

Reports are also attached from Ros Squire (Reserves), Rob Lieffering (Wastewater Treatment and Disposal) and Dugald Ley (Engineering Services).

2. LEGAL DESCRIPTION

Lot 19 DP 5090, being the land described in identifier NL4B/1088 and containing 809 square metres more or less.

The registered proprietors of the land are Leonie Ann Haines and Rodney John Haines.

A copy of the title is attached as Appendix B.

3. ZONING AND OVERLAYS

The land is zoned Residential in the Proposed Tasman Resource Management Plan (PTRMP). The land is also in the Special Domestic Wastewater Area and the Coastal Environment Area.

4. SITE DESCRIPTION

Best Island can be described in three distinct parts. Refer map attached as Appendix C.

- Firstly, the northern part of some 55 hectares zoned Recreation and containing the Greenacres Golf Club.
- Secondly, the middle part of 60 hectares zoned Rural 1 in pasture.
- Thirdly, the southern part of some 10 hectares, which is zoned Residential and contains the subject land.

The southern residential part of the island contains approximately 32 residential sections, mostly about 850 square metres in area. The sections follow the coastline in a horseshoe shape but are set back from the coast by an esplanade reserve vested in the Council. A recreation reserve is located towards the centre of the residential enclave, which is otherwise privately owned open space land. The land is flat but with some small ridges and lower-lying swales.

The properties have a Council low pressure water supply, septic tanks for sewage disposal, on-site soakage arrangements for stormwater disposal and reticulated power and telephone services.

The residential properties have no practical legal access. Physical access is gained from the end of the existing legal Barnett Avenue and thence via informal tracks that crisscross private land and the reserve land. Refer Appendix D.

The site of the proposed subdivision is an 809 square metre rectangular-shaped section, with dimensions of 18.31 by 44.26 metres. The southern boundary adjoins the esplanade reserve, which has a nominal width of 20 metres. The northern boundary adjoins the large, undeveloped central part of the Residential Zone, which is privately owned but contains the access roads. Either side of the subject land are residential properties typical of the Best Island residential development.

The subject site contains two dwellings. Firstly, a two-storey, two-bedroom dwelling granted building consent in 1991 located close to the esplanade reserve (the first dwelling) and secondly, a one-bedroom dwelling granted building consent in 1992 (the second dwelling).

5. HISTORY OF THE SITE

The residential development of Best Island is the result of a 1950s subdivision. Refer Appendix E. At that point in time, legal access was deemed to be provided via the sea. Practical access was obtained via a gravel track from the end of Lansdowne Road across the mudflats at low tide.

The early residential development of Best Island consisted in the main of baches and holiday cottages, whereas today it is in the main, residential dwellings with a permanent population of about 100. In the late 1970s a bridge servicing the golf club, the farmland and the road to the boundary of the residential development was constructed and legalised.

Over the years, there have been a number of proposals to subdivide the undeveloped central part of the Residential Zone. These proposals included the provision of reticulated sewerage and upgrading and legalising the internal roads to service the existing property. However, it remains a proposal only and currently the access to the existing properties is at the grace and favour of the landowner.

6. BACKGROUND TO THE APPLICATION

The original application was received by Council on 30 October 2007 and was allocated to me for processing. Following my assessment of the application, I met with Mr Haines on-site on 28 November 2007. During that meeting I explained to Mr Haines that the application was deficient in a number of matters, particularly in matters relating to physical and legal access to the site. I followed that meeting with a formal request for further information on 5 December 2007. Mr and Mrs Haines responded in a letter dated 29 January 2008 and provided a plan as requested on 11 March 2008.

Having received all the information to be able to understand the nature of the application, my conclusion was that the adverse effects on the environment were no more than minor. Therefore, my recommendation to the Resource Consents Manager was that the application be processed on a non-notified basis, subject to the written approvals of certain affected persons. The persons deemed to be adversely affected were:

- (a) the occupiers of the second dwelling on the property;
- (b) the Department of Conservation, being the department responsible for the administration of the Reserves Act 1977. The esplanade reserve adjoining the property is subject to the Reserves Act;
- (c) A B Barclay and M A & B D Gillespie, being owners of Part Lot 2 DP 1667, being the land over which the physical road to the property is constructed.

The written approval of those persons was received by Council on 22 April 2008 and subsequently the date of 23 June 2008 was set for the hearing.

The original application is attached as Appendix F.

The request for further information is attached as Appendix G.

The further information requested is attached as Appendix H.

7. THE SUBDIVISION PROPOSAL

The proposal is to subdivide the land to create Lot 1 of 330 square metres and Lot 2 of 325 square metres, net areas. The gross areas are 408 square metres and 401 square metres respectively. Lot 1 contains the first dwelling and Lot 2 contains the second dwelling.

The applicants state they are seeking two fee simple titles but are considering cross-lease, unit titles or company lease.

The application seeks dispensation from:

- (a) the minimum area requirement;
- (b) the full fees;
- (c) the width of access strip for Lot 2;
- (d) possible wastewater requirements.

The application acknowledges that it may be necessary to provide another septic tank but also asks Council to consider a covenant whereby they will put in a septic tank:

- (a) on the request of their neighbour;
- (b) on their selling Lot 1;
- (c) on effluxion of say, 10 years, if no community scheme becomes available.

The application states that the legal access to the land is across the reserve to the sea, with a right-of-way (Right-of-Way A) over Lot 1 to link Lot 2 to the reserve. Similarly, practical access is via a right-of-way (Right-of-Way B) to be created over Lot 2, linking Lot 1 to the formed road. According to the applicant, the rights-of-way are unlikely to be formed other than the existing formed metal strip over Right-of-Way B.

There are no changes proposed to the existing stormwater and drainage patterns or other services.

In relation to eight key development criteria under Chapter 17.1.4 of the PTRMP (Building Construction or Alteration, Residential Zone), the existing development fails five criteria, whereas proposed Lot 1 fails five criteria and proposed Lot 2 fails two criteria. The development criteria are residential site density, building coverage, outdoor living space, balcony or deck, walls, daylight, height, and setbacks.

8. STATUS OF THE APPLICATION

The land is zoned Residential according to Map 57 of the PTRMP. Controlled activity subdivisions in the Residential Zone are subject to Rule 16.3.3, in particular, lots without reticulated sewerage require minimum net area of 1,000 square metres (Figure 16.3.A) and a shape factor able to contain a circle with a diameter of 16 metres (16.3.3)(g)). The proposed lots have net areas of 330 and 325 metres and width of 14.8 metres and therefore do not comply with the minimum area or shape factor rules to be a controlled activity.

Subdivision in the Rural Zone that does not meet the rules to be a controlled activity is a discretionary activity in accordance with Rule 16.3.4.

When considering an application for a discretionary activity consent authorities must, subject to Part II, have regard to:

- (a) any actual or potential effects on the environment;
- (b) any relevant provisions of the District Plan;
- (c) any other matter the Consent Authority considers relevant and reasonably necessary to determine the application.

9. PART II RESOURCE MANAGEMENT ACT 1991

Under Part II of the Act decision-makers must give priority to promoting the sustainable management of natural and physical resources (Section 5), recognise and provide for certain matters of national importance (Section 6) and have particular regard to certain other matters (Section 7). Whereas a matter of national importance is to protect the coastal environment from inappropriate subdivision, I believe to that extent the proposed subdivision is not "inappropriate". This is because the coastal environment in the vicinity of the subdivision is largely modified by the existing residential development, the proposed subdivision does not authorise or promote any further development or building opportunities.

Overall, I consider that there is nothing in the proposal that offends Part II of the Act.

10. ACTUAL AND POTENTIAL EFFECTS

As previously stated, the purpose of the proposed subdivision is to create title boundaries around the two existing dwellings. The subdivision does not authorise or promote any additional building or development opportunities. Rather, it seeks to formalise an existing situation. As such, I consider there are no more than minor adverse effects on the neighbourhood or wider community, or physical effect on the locality, including any landscape or visual effects.

It is for the above reasons that I consider the actual or potential effects on the environment of granting consent to the subdivision proposal are no more than minor. Furthermore, those persons who were identified as being potentially adversely affected have provided their written approval and in accordance with Section 104(3)(b) Council must not have regard to any effect on those persons.

11. PTRMP

The relevant provisions of the PTRMP are contained in Chapter 5 (Site Amenity Effects), Chapter 6 (Urban Environment Effects), Chapter 8 (Margins of Rivers, Lakes, Wetlands and the Coast) and Chapter 16.3 (Subdivision).

As previously stated, the minimum allotment area for controlled activity subdivisions in the Unserviced Residential Zone is 1,000 square metres. For subdivisions producing three or more allotments there is a further requirement that the average net area for each allotment be 1,200 square metres.

If the land was serviced for reticulated wastewater, the minimum allotment area for controlled activity subdivision is 450 square metres, with average area for subdivisions creating three or more allotments being 600 square metres.

There is no reason given in Chapter 16 for the various area requirements but it would be logical to assume that larger areas are required in unserviced areas to provide options for on-site wastewater disposal. This assumption is supported by Policy 5.1.3.

"Policy 5.1.3

To limit the intensity of development where wastewater reticulation and treatment are not available."

Chapter 6.18 describes the urban environment issues associated with Best Island. Refer Appendix I. The main issue is the provision of adequate access and the extent of development.

The issue is supported by the following policies:

“Policy 6.18.1

To provide formed legal access to the Best Island settlement.

Policy 6.18.2

To avoid, remedy or mitigate any adverse effects of residential development on the present rural character of Best Island.”

Chapter 8.2 acknowledges that the natural character and values of the coastal environment are highly regarded by residents and visitors but have been adversely affected by people’s activities.

Objective 8.2.0 seeks to maintain, enhance and protect those values. Of particular relevance is Policy 8.2.17:

“Policy 8.2.17

To avoid, remedy or mitigate adverse effects of vehicles on foreshore beaches and estuary margins.”

Chapter 11.1 acknowledges that subdivision and land use activities can have an adverse effect on the efficient provision and operation of the land transport system. Objective 11.1.0 seeks to avoid, remedy or mitigate those adverse effects. Of particular relevance is Policy 11.1.2C:

“Policy 11.1.2C

To ensure that all subdivision design, including the position of site boundaries, has the ability to provide each allotment with vehicle access and a . . . “

Any subdivision that proposes to create allotments of net areas of 330 and 325 square metres, without reticulated wastewater and without providing formed legal road access and therefore potential legal access over foreshore or estuary margins is contrary to the objectives and policies of the PTRMP.

12. OTHER MATTERS (Section 104(1)(c) RMA

(a) Section 106 Resource Management Act 1991 (RMA)

Section 106 of the RMA is a particular section of the Act that applies only to subdivision. This section provides for certain circumstances where Council may refuse to grant a subdivision consent or may grant a subdivision consent subject to conditions, notwithstanding that the application may be a controlled activity. In particular, Section 106(1)(c) states that a Consent Authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that:

“Sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.”

In the current application, physical access is provided over a single lane gravel road that passes over private land within the residential development. This road is not legal and it is not practical or lawful to impose conditions requiring it to be upgraded or legalised.

The proposed right-of-way that links the subdivision to the esplanade reserve and thence the sea also does not provide physical access, as access by tidal mudflats at low water is not considered to provide reasonable access to satisfy the needs of a modern community.

In short, the proposed allotments do not have access that is both legal and physical.

Whereas Council now has a discretion to grant subdivision consents where there is insufficient physical or legal access, I do not believe the current application is a situation where that discretion should be used. This is because firstly, Council cannot practically or legally impose a condition that the access roads be upgraded and legalised and secondly, if a council did not consider its duty under Section 106, it may be open to enforcement action or liability.

(b) **Precedent**

As stated, the residential sections on Best Island were created as a result of a 1950s subdivision. There has been no further subdivision in the 50 years since that original subdivision.

It is probable that a grant of consent for the current application will lead to other applications. In the interests of consistent decision-making, it would be difficult for Council to refuse consent to those other applications.

13. SUMMARY

The application is to subdivide an existing residential allotment on Best Island to create new allotments of 300 and 325 square metres, with each new allotment containing an existing dwelling.

As the proposed allotments each contain an existing dwelling, I consider the adverse effects on the environment are no more than minor. All those persons who may be adversely affected by the proposal have given their written approval.

The minimum allotment area for controlled activity subdivision is 1,000 square metres. There are a number of policies and objectives that support large allotment areas on Best Island. The proposal, with areas of 300 and 325 square metres, is contrary to those policies. Recent case law (*McKenna versus Hastings District Council*) confirms that decision-makers have regard to district plans and other relevant matters and not just effects.

Section 106 provides for councils to refuse to grant consent if sufficient provision has not been made for legal and physical access. The proposed allotments do not have legal and physical access, and it is not practical or lawful to impose a mitigating condition and there are issues of enforcement and liability if Council does not have due regard to Section 106.

Precedent is a matter that Council can have regard to and it is appropriate that it be addressed in the current application. Not to do so, risks Council effectively changing the PTRMP through the consent process rather than the Plan Change process.

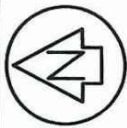
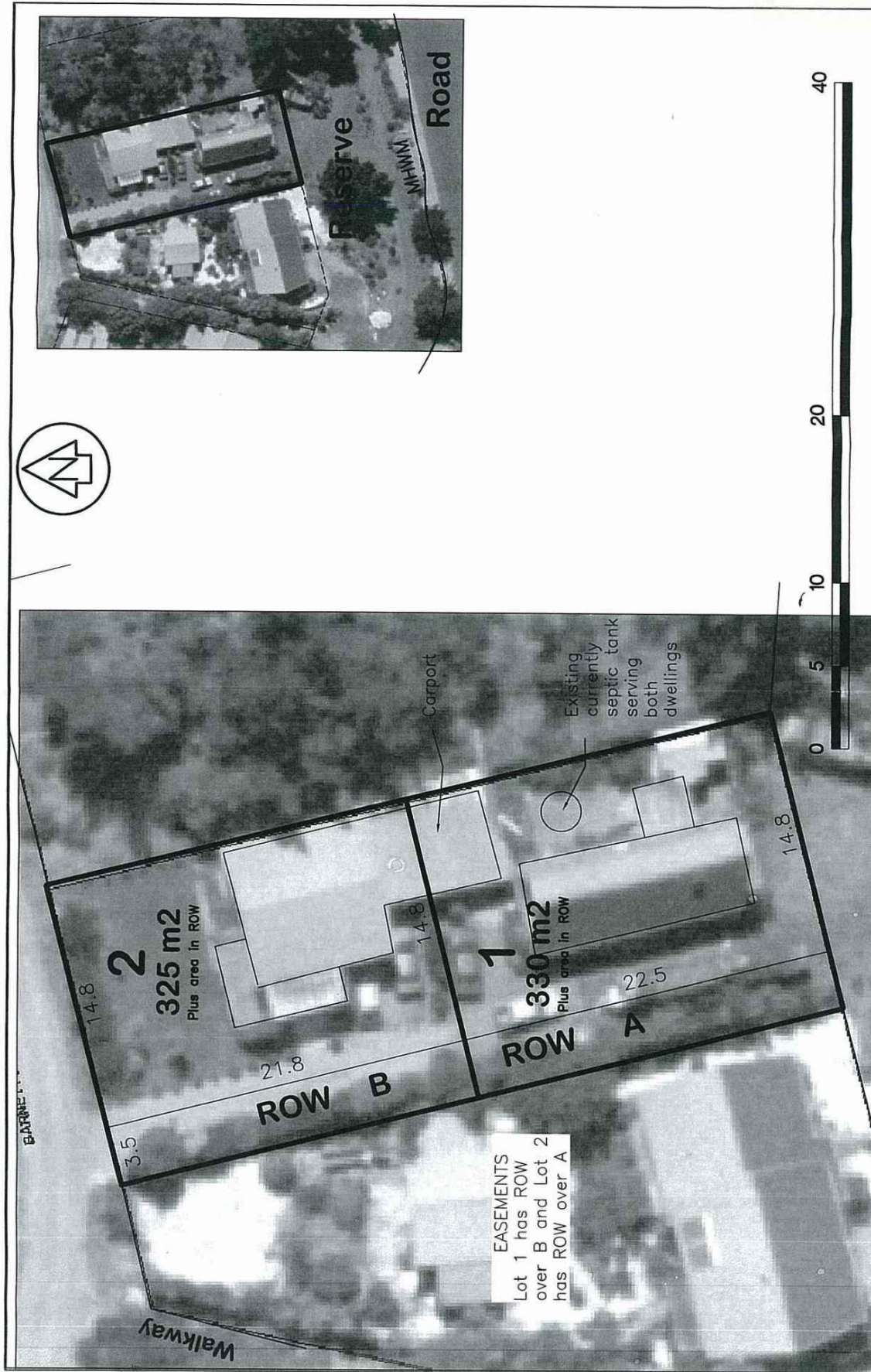
14. CONCLUSION

Whereas there are a number of matters that Council may have regard to in determining this application, I consider the overriding matter is Section 106 of the Act. Until such time as the central part of the Residential Zone is developed, with legal roads and services provided to the existing sections, subdivision of those existing sections should not be allowed.

15. RECOMMENDATION

That pursuant to Section 104B and Section 106 of the Act, the proposal be declined.

Ross Shirley
Subdivision Officer



**Proposed subdivision of Lot 19 DP 5090
Best Island**

Mar 10, 2008 - 10:22a.m

1:200@A3

Job No: 3287

Drawing name: C:\ACAD FILES\3200\3287 - Haines - Best Island application plan.dwg

DRAFT

Final areas & dimensions subject to final survey



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**

Search Copy



R. W. Muir
Registrar-General
of Land

Identifier NL4B/1088
Land Registration District Nelson
Date Issued 05 December 1974

Prior References

NL125/117 TM 98441

Estate Fee Simple
Area 809 square metres more or less
Legal Description Lot 19 Deposited Plan 5090

Proprietors

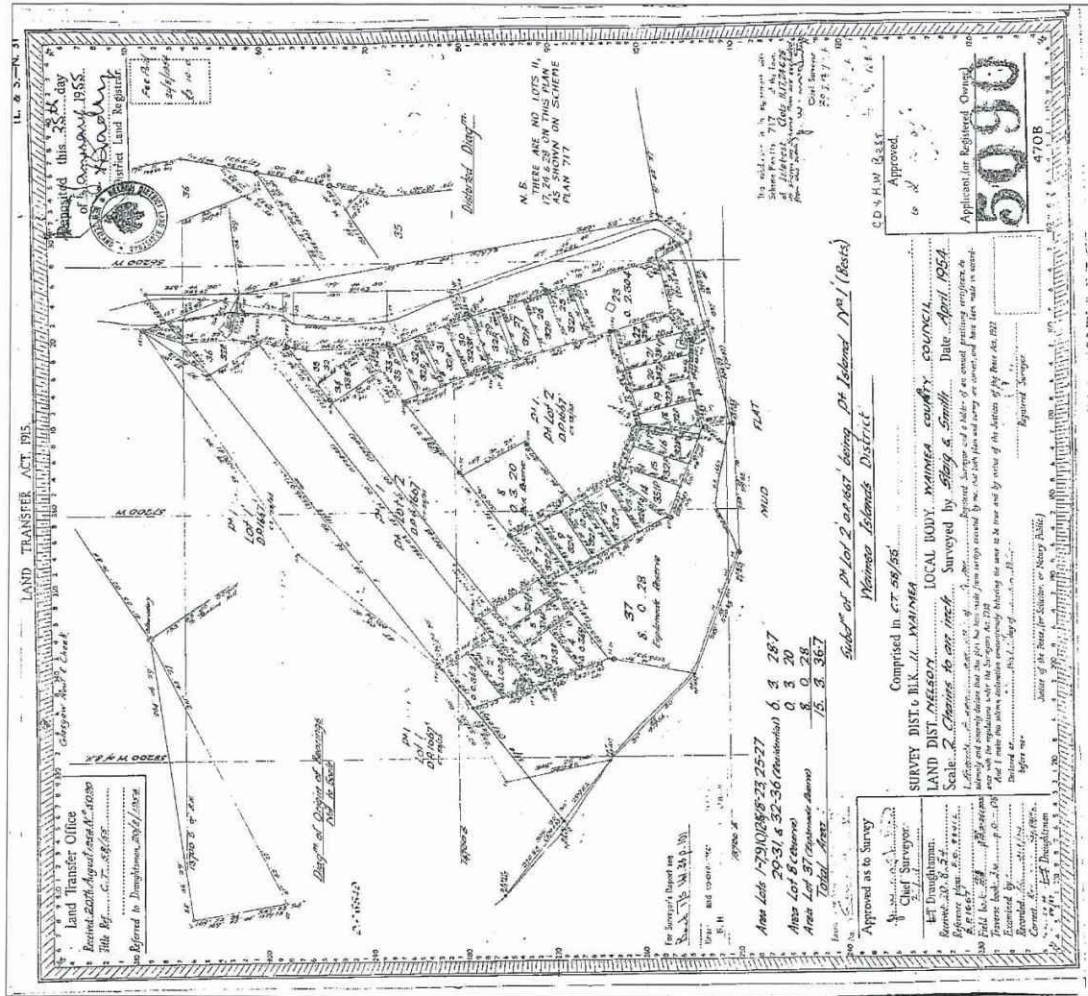
Leonie Ann Haines and Rodney John Haines

Interests

5214194.3 Mortgage to (now) Westpac New Zealand Limited - 10.5.2002 at 9:00 am
6423015.1 Variation of Mortgage 5214194.3 - 17.5.2005 at 9:00 am
6738504.1 Variation of Mortgage 5214194.3 - 2.2.2006 at 9:00 am

Transaction Id 21806841
Client Reference rshirley001

Search Copy Dated 10/06/08 11:48 am, Page 1 of 2
Register Only



Historic Title REGISTER

[Land and Deeds—4
FORM B.

Reference : Vol. 58 , Folio 55
Transfer No. 52557
Order for N/C No.



Register-book.

Vol. 125 , folio 117

NEW ZEALAND

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate, dated the Twentieth day of April, one thousand nine hundred and fifty-five under the hand and seal of the District Land Registrar of the Land Registration District of Nelson Witnesseth that EDWARD CHARLES CRONIN LOVE of Waima West Orchardist

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens and interests as are notified by memorial under written or endorsed hereon subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered green, be the several admeasurements a little more or less, that is to say: All that parcel of land containing One (1) acre Eleven and Five tenth (11 10 th) perches more or less situated in Block II, Waima Survey District being Lots 18, 19, 20, 21 and 22 Deposited Plan 5090 (Town of Isabelst) and being part Island No. 1 (Beats) District of Waima Islands



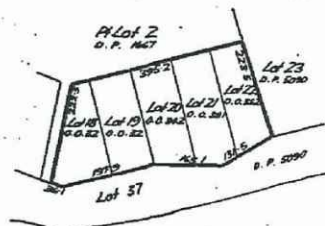
H. Adams
District
Assistant Land Registrar.

Agreement as to fencing contained in Transfer 52557

H. Adams
D.L.R.
28 APR: Transmission to Muriel Ellen Jay
Wife of Waima West Widow and
William James Glasgow of Nelson Solicitor
as Executors entered 18.3.1955 at 2.10c.
Admitted
A.L.R.

Image Quality due
to Condition
of Original

BLK 11 WAIMA S.D.



Total Area - 1.0.11.5

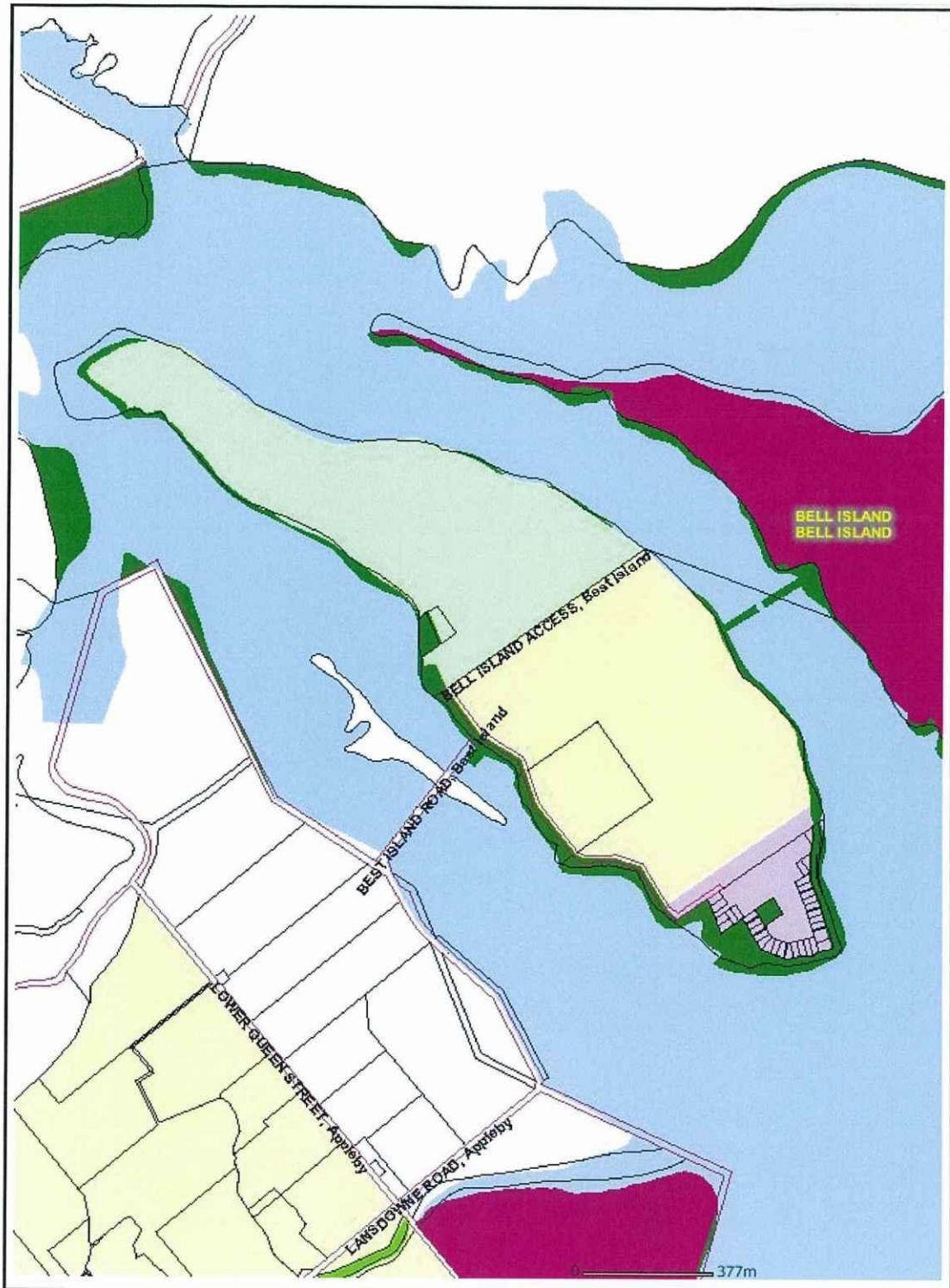
Scale: 2 Chains to an inch.
Ad. Ad.

THIS REPRODUCTION (ON A REDUCED SCALE)
CERTIFIED TO BE A TRUE COPY OF THE
ORIGINAL REGISTER FOR THE PURPOSES OF
SECTION 215A LAND TRANSFER ACT 1952.
E.P. O'Connell D.L.R.

NCO 161967.1) Cancelled and Cs.T.
5.12.1974 issued as follows:
Lot 18 D.P. 5090 C.T. 4B/1087
" 19 " " C.T. 4B/1088
" 20 " " C.T. 4B/1089
" 21 " " C.T. 4B/1090
" 22 " " C.T. 4B/1091.

Ad.
A.L.R.

CANCELLED



Best Island

10/6/2008 **DISCLAIMER:**

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Residential Development - Best Island

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Leonie and Rodney Haines
19 Best Island
RD 1 Richmond
Nelson

The Planning Officer in Charge of Subdivisions
Tasman District Council
189 Queen St
Private Bag 4
Richmond



27 October 2007

Dear Mark,

Re: Subdivision Proposal for Lot 19 Best Island.

We seek your consent to subdivide and seek dispensations appropriate to a "no environmental impact" subdivision.

When we briefly discussed our proposal with you, you felt that the lack of road access might stymie our movement forward. You suggested we see Roger Ashworth.

This we did and Roger brought in Jim Frater.

Roger and Jim could see no problem with a lack of road access as we are relying on the traditional access. The basis for permitting the subdivision back in the 1950's was sea access across the reserve.

We discussed with them that splitting our title into two titles would have no environmental impact. Roger said he would pass on the essence of these discussions to you.

Our intention is to regularise a situation that has existed since 1994 - 13 years. It appears that there have been two dwellings on this property for 13 years. In terms of site coverage, there can be no more dwellings. Broadly, this sets occupation to what it was 13 years ago - same number of dwellings, same number of people, same number of vehicle movements, same demand for water and wastewater.

As our legal access is across the Reserve to the sea, our survey plan will have to provide for strip access on Lot 2. As it is unlikely to be formed, we seek dispensation to make the width of the strip only 3 metres. We believe it is “unlikely to be formed” because a road will be formed when the interior of the island is developed. We have no control over when this will be and neither has the Council.

On the expectation of a road being formed in the middle of the island, we anticipate creating a Right of Way over Lot 2 to serve Lot 1. This could be 3.5 metres wide. In practice, there is a formed and metalled strip across what will become Lot 2 now which we, living on what will be Lot 1 use as practical access to the “grace and favour” road over Arch Barclay’s and Bruce Gillespie’s land.

We will need dispensation from regulations introduced since the survey of the island, as the Council and its predecessors have allowed development to progress to where it is today, for example, by issuing building permits.

We think the dispensations we will need are from:

1. the minimum area requirement;
 2. the full fees;
 3. the width of the access strip for Lot 2; and
 4. possibly waste water requirements.
1. The property is 809m². The minimum area requirement was set long after the de facto subdivision was recognised by the Council and we can’t change our boundaries.

In practice, we use the adjoining Reserve for outdoor living. The existing division of the property, if followed on paper, will mean our Lot 1 is quite small but this is not so significant when the adjoining reserve is really our outdoor living space.

There is a kind of precedent for recognising the value of having an adjoining reserve, in that the boundary between the reserve and our neighbouring property (Lots 20,21 and 22) was “kinked” on survey to increase those Lots and reduce the reserve to allow the existing bach to remain where it is – otherwise the bach would have straddled the boundary.

2. We seek dispensation from the full fees as it is a proposal having no environmental impact.

3. As noted above, we seek dispensation from the minimum width access regulation for the reasons given above.
4. It is possible that we may need to provide another septic tank, even though the volumes of waste water will be the same as under the current shared system.

Again, the Council could recognise that development of the interior of the island may mean connection to a community effluent disposal scheme, connection to the Bells Island scheme or a combination of both.

With future options like these, the Council might be prepared to acknowledge a covenant that we will put in another septic tank at our expense on the request of our neighbour, on our selling our Lot 1 or on effluxion of say 10 years if no community scheme becomes available. It should require us to meet the cost of connection.

We are aware that special waste water conditions have been drafted especially for Best Island. On the grounds that the existing system works well and has been condoned by Council over the years, we may need dispensation for this.

We are aware, too, that wastewater situations vary across the island from total sand on the North side to the high porosity of the river gravels on this side.

The freshwater supply system is interesting. As you know, it is a Council supplied trickle-feed of 2m³ per day. The two households have existed comfortably on this supply. Ideally another feed could be taken from the same junction and we could covenant to supply another water pump if the Council was happy with that. We have a second tank.

Stormwater doesn't pause in the soak pits because of the porosity of the ground. It is river shingle. It is unlikely that there will be one stormwater arrangement across the island as it is, of course, surrounded by sea.

We presume that it will not be necessary to notify our application as it has no impact.

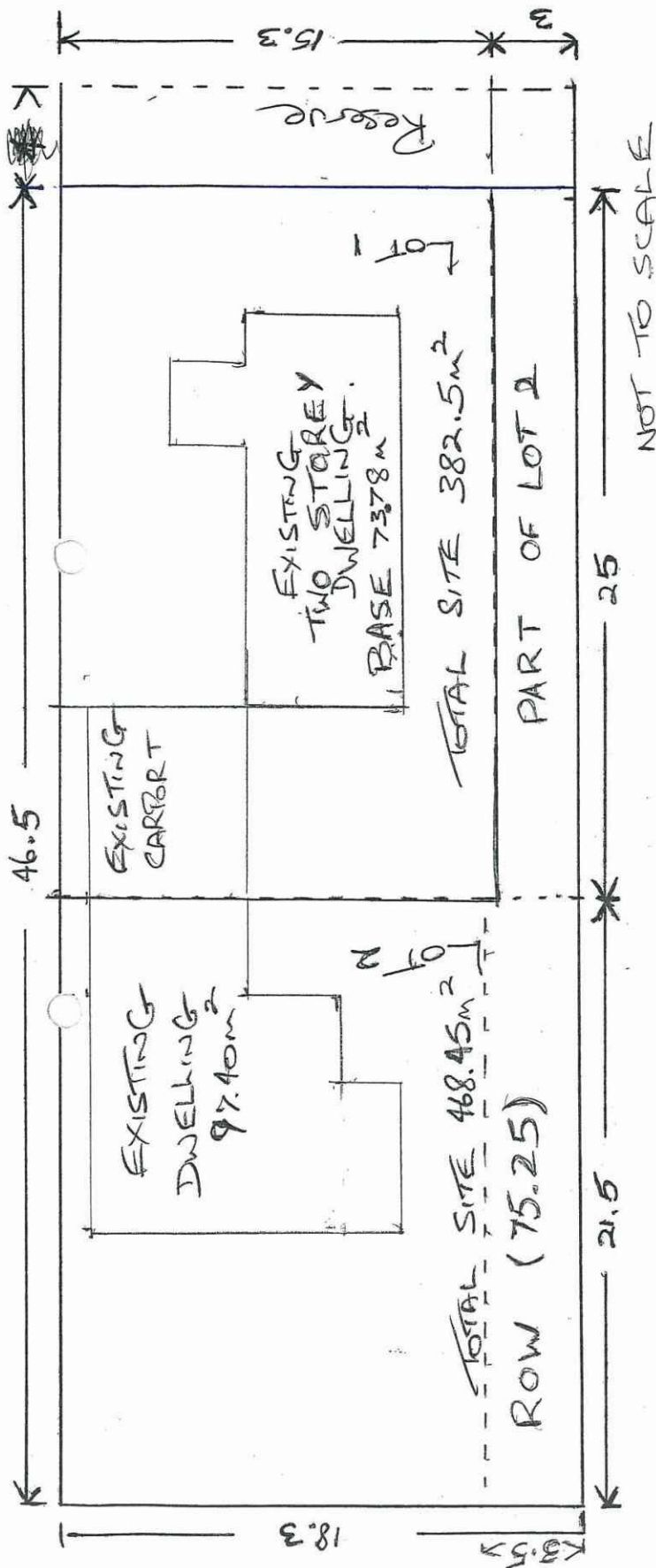
Attached is our sketch of the proposal. We will instruct a surveyor to do a plan after we hear from you.

We look forward to hearing from you,

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Haines". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Rodney and Leonie Haines



5 December 2007

Leonie & Rodney Haines
19 Best Island
RD 1
RICHMOND 7081

Dear Sir/Madam

**FURTHER INFORMATION REQUEST FOR RESOURCE CONSENT APPLICATION NO.
RM071019 – L & R HAINES, BEST ISLAND**

Thank you for meeting me on-site last week. During that meeting I believe I explained to you the complex information requirements of subdivisions, particularly for those subdivisions outside the "as of right" status. In your situation, any subdivision is further complicated by the fact that the road access to your property is not legal road and Council may refuse to grant a subdivision consent on that basis alone.

I then advised that given the above, any subdivision of your property would have adverse effects on the environment that are more than minor. This means that your application would require public notification, which in turn means it would be costly, time consuming and in my view unlikely to be approved. On that basis, I suggested you consider withdrawing your application.

I wish to record that I initiated the meeting in a genuine and sincere attempt to highlight the difficulties associated with your proposed subdivision. However, I also pointed out that you are entitled to make an application but I urge you to seek independent planning advice before doing so.

If you wish to proceed with the application, further information is requested pursuant to Section 92(1) of the Resource Management Act 1991 as follows:

- 1 The information required by Chapter 19.2.2 of the Proposed Tasman Resource Management Plan, a copy of which is attached. I have marked with an asterisk the information which is relevant to your application.

Section 92A(1) of the Act requires you to respond to the Council by 17 January 2008 (being 15 working days from the date of this request), in one of three ways. You must either:

- 1 provide the information requested to the Council; or
- 2 advise the Council 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 the Council in writing that you refuse to provide the information.

RICHMOND
189 Queen Street
Private Bag 4, Richmond 7050
Tel +64 3 543 8400
Fax +64 3 543 9524

MOTUEKA
7 Hickmott Place
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Fax +64 3 525 9972

MURCHISON
92 Fairfax Street
Murchison 7007
Tel +64 3 523 1013
Fax +64 3 523 1012



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 31 March 2008. If you are unable to provide the information by this date, please contact me 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:

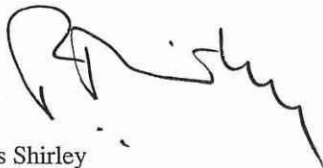
- (a) choose Option 3 above (ie, refuse to provide the information);
- (b) do not provide the requested information within the period specified in the paragraph above (or the agreed alternative date); or
- (c) do not respond at all to this information request.

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 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.

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



Ross Shirley
Subdivision Officer

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19.2.2 Subdivision

Applicants must submit the following information when seeking a subdivision consent:

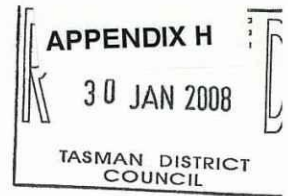
- (a) The information required by section 219 of the Resource Management Act.
- * (b) The legal description and current certificates of title for the land proposed to be subdivided.
- * (c) A location diagram showing the proposed subdivision. D 12/00
- * (d) A plan at an appropriate scale defining all allotments and balance areas and the position of all new boundaries.
- * (e) Areas and dimensions of all new allotments and balance areas, except where the subdivision is to be effected by cross lease, company lease, or unit plan.
- * (f) Provision for vehicular access, showing visibility from accesses measured in terms of the requirements of Rule 16.2.2. D 12/00
- (fa) For a subdivision in the Residential Zone in the Richmond South Development Area: V50 3/06
 - (i) A plan showing the layout of the subdivision, including all building location areas.
 - (ii) Information describing the extent to which compliance is achieved with the standards and terms in Rule 16.3.3 for the Residential Zone in the Richmond South Development Area.
 - (iii) Information describing consistency with the Richmond South Development Area Subdivision and Development Design Guide.
 - (iv) For Compact Density Development, a Comprehensive Development Plan defining all allotments, building location areas, and proposed buildings.
 - (v) A list of proposed street names.
- * (g) Legal descriptions and names of owners of land adjoining the land being subdivided. D 12/00
- * (ga) An assessment of natural or existing drainage and stormwater features, detailing: V56 7/07
 - (i) natural drainage features such as drainage gullies, streams, ponds and wetlands;
 - (ii) primary flowpaths, including natural drainage features and modified features such as pipework, open drains, and stormwater detention structures;
 - (iii) secondary flow paths.
- * (gb) An assessment of the effects of the development on the natural drainage and stormwater flow characteristics of the land, including:
 - (i) changes to natural or existing drainage patterns;
 - (ii) changes in land cover, such as vegetation removal, temporary or permanent earthworks, and existing and proposed areas of impervious surface cover, including buildings and all sealed surfaces;
 - (iii) impact of the proposed development on downstream drainage systems, including natural and Council maintained stormwater drainage networks.
- * (gc) Detail of the proposed management of stormwater, including:
 - (i) management of risk from inundation and flooding;
 - (ii) proposed application of LID solutions for the control of stormwater run-off and water quality;
 - (iii) proposed management of temporary and permanent earthworks, including methods for managing potential sedimentation;
 - (iv) proposed primary stormwater flow path management;

- (v) proposed secondary stormwater flow path management;
 - (vi) proposed protection of all stormwater flow paths.
- D 12/00 |
- * (i) Location and areas of existing and new reserves including esplanade reserves, esplanade strips and access strips. D 12/00 |
 - * (j) Location and areas of land below mean high water springs or any river or lake bed to be vested in the Crown or the Council.
 - * (k) Details of any land or structure on the land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.
 - * (l) Location of all existing buildings, structures and significant topographical features such as landforms, watercourses, flood channels, trees or fences. D 12/00 |

* (m)	Location and size of all existing and proposed buildings on the property, showing distances from boundaries and between buildings.	D 12/00
* (n)	Location of areas, buildings, objects, sites or natural features of special value listed in the Plan and any other archaeological or heritage sites or features on or in close proximity to the site to be subdivided.	D 12/00
* (o)	Location of existing and proposed services such as stormwater, wastewater, water supply, electricity and telephone, to be indicated on the subdivision plan.	D 12/00
* (p)	Proposed tenure and use of access lots, rights of way and easements.	
* (q)	Location and areas of land to be set aside as roads and access, and width and grade of any road and access.	
* (qa)	Show linkages between proposed roads and existing or future roads.	V44 8/05
(qb)	Where a new road is to vest in the Council, the submission of at least three names for the road, and an explanation for each name.	
* (r)	Sufficient accompanying information to enable the Council to determine whether the proposed subdivision meets the requirements of the Plan.	
* (s)	Any traditional, cultural or spiritual site or feature or any other aspect having special significance to the tangata whenua.	
* (t)	Any proposed amalgamation conditions, covenants and consent notices.	
* (u)	The standard of the legal roads providing legal frontage and access.	
* (v)	Provision for on site drainage.	
* (w)	Proposed areas of cut and fill.	
(x)	In the case of land to be subdivided in stages, the above information presented separately in regard to each stage, with an indication of the proposed timing for each stage.	D 12/00
(y)	Identification of proposed building sites in the case of land in Slope Instability Hazard Areas.	
(z)	Evidence of title to any accreted land included in the subdivision application.	D 12/00
(aa)	For a subdivision in the Rural 3 Zone, identification of a building location area within any allotment, within which all future buildings are to be located.	D 12/05 V32 12/03
(aaa)	For a subdivision in the Rural 3 Zone, information on the present use of all adjoining properties.	D 12/05
(bb)	For a subdivision in the Rural 3 Zone, or a subdivision for an allotment in Mapua or Waimea Inlet Rural Residential Zone which is below the controlled activity lot size for the zone, a statement outlining the extent of consistency of the activity with the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District, prepared by a person with an appropriate qualification and experience in landscape or urban design analysis, including any suggested conditions to avoid, remedy or mitigate effects on the wider environment and within the area of the subdivision.	D 12/05 V32 12/03 V 55 7/07
(cc)	For a subdivision in the Rural 3 Zone, where planting and landscaping is proposed, a detailed plan indicating the programme and methods for provision and maintenance prior to and during the development period and for at least the first two years following completion of development.	D 12/05 V32 12/03

- | | | |
|--------|--|---------------------|
| (ee) | For a subdivision which is part of a staged development in the Rural 3 Zone, a concept plan for the whole development indicating how the roading, pedestrian, cycleway and open space network (if relevant) will be connected. | V32 12/03 |
| (eea) | For a subdivision where records show historical land use prior to 1975, information and a statement identifying any site contamination with pesticide residues which may affect human health, such as DDT products, copper, arsenic and lead, and proposals to mitigate such effects to accepted levels. | D 12/05
V58 7/07 |
| * (ff) | Sufficient information about wastewater management options that enable compliance to be shown with the wastewater discharge requirements of the Plan, including a site and soil evaluation that provides:
<ul style="list-style-type: none">(i) sufficient information to identify factors that must be taken into account when selecting and designing a wastewater disposal system, and;(ii) the location of an area or areas suitable for on-site disposal of wastewater. | V46 12/05 |

ROD and LEONIE HAINES
19 Best Island, RD1
RICHMOND 7081



Tasman District Council
Private Bag 4
Richmond 7050

(Please refer to Ross Shirley)

29 January 2008

Dear Ross,

Re: Subdivision RMO71019

Further to our memo of 17 December 2007, we begin to respond to the issues you have raised under Chapter 19.2.2 of the Proposed Tasman Resource Management Plan. Before doing so, however, we refer to the Act itself and invite comment on whether the Proposed Tasman Plan itself can deny legal rights retrospectively.

The subdivision on Best Island, as you know, took place in the 1950's and the requirements were minimal. Purchasers of the Lots had ordinary freehold rights granted to them. Those rights were based on sea access and still are.

Splitting one title into two does not change the rights granted in the '50's.

We are seeking two fee simple titles, but are considering cross lease, unit titles or company lease.

The RMA is concerned with effects on the environment as we have pointed out before and we claim that there are no effects in what we are proposing.

Rather than inviting us to hire an expert, we believe the Council needs to be even-handed in its treatment of the claimants and any would-be objectors and should either comment on our submission or seek legal advice.

Re the request for further information (our letters coincide with yours):

- (b) Legal description and current copy of title is attached;
- (c and d) Attached are a copy of the existing location of Lot 19, a site plan (presumably drawn when the buildings were erected) and our plan which we drew to recognise the factual boundary. You will see there are two areas separately occupied already which will be recognised on the yet-to-be-drawn survey plan as "allotments";
- (e) the subdivision is to be effected by either two fee simple titles, cross lease, company lease or unit title;

- (f) Legal access for Lot 2 is to be taken from Lot 1. This gives access to the Reserve and thence to the sea. Practical access is the reverse – a right of way exists, in practice, in favour of what will become Lot 1 over what will become Lot 2, to the “grace and favour” road belonging to Arch Barclay and Bruce Gillespie. This has been so since the 1950’s subdivision. The Council is aware that action can be taken to legalise the existing road just as it was in the purchase of the road from Barnett’s farm. To keep the likely cost down the Council seemingly prefers to wait until Barclay and Gillespie subdivide or sell. Of course we have no control over when this will happen and we can’t be blocked from proceeding with our subdivision meantime.
- (g) As owners of just one section in the settlement, there is little we can do to change the practical situation. Sea access, we would think, recognises the pre-Deadman’s Bridge situation where vehicles were driven over the sand flats at low tide. None of us wish to see a return to practices that are not now seen to be ecofriendly.
- (fa) how much thought do you think was given to the situation of Best Island when the Residential Zone included it? There are to be no new buildings and no change to the infrastructure in our proposal.
- (h) the legal descriptions and names of owners of land adjoining ours can be easily obtained, but we submit it is not necessary to notify them as there are no proposed changes to the current situation.
- (ga), (gb) and (gc) there are no changes proposed to existing drainage and stormwater situations;
- (h) to (l) these are not applicable;
- (m) existing buildings are shown on the Plan. No new building is proposed;
- (n) there are no sites or natural features of special value, no archaeological or heritage sites or features on or in close proximity to this site;
- (o) presently, there are no proposed services to be installed. Stormwater flows into sumps. Wastewater is treated through a shared septic tank. Water is supplied from the TDC “tricklefeed” system. Electricity is and telephone lines are underground from the adjoining pole. Easements will be provided where appropriate.
- (p) maximum tenure will be set on rights of way and other easements;
- (q) we propose that the access strip be just three metres wide as it is only for pedestrian access, the practical access being off the road;
- (qa) the linkages between the existing roads are shown. We thought you would be familiar with our linkages and wouldn’t require a smarter plan;

- (qb) unless the new strip purchased off Barnett farm is still to vest in the TDC, we are not aware of any proposals;
- (r) we trust the information supplied will be sufficient;
- (s) to our knowledge, there are no sites, features or aspects which have special significance to the tangata whenua;
- (t) there are no proposed amalgamation conditions, covenants and consent notices;
- (u) the standard of the legal roads providing legal frontage and access is the natural state of the Reserve and sea access. The survey marks put in the 1950's survey indicate little or no change to this part of the island since then;
- (v) if drainage services come to the island easements may be necessary. Otherwise a change in the current situation seems superfluous;
- (w) there are no proposed areas of cut and fill;
- (x) through to (eea) not applicable;
- (ff) there are no proposed changes to the wastewater discharge. Currently the two relatively small dwellings share a septic tank. A relevant easement will ensure continued access to this facility until reticulation is provided or a separate system installed.

In summary, in our view, this has been an exercise to prove that there are no impacts on our neighbours or on the community at large.

We look forward to hearing from you as soon as possible.

Sincerely,



Rod and Leonie Haines.

6.18 ISSUES - BEST ISLAND

The main issues at the small coastal settlement of Best Island are the provision of adequate access and the extent of development.

Policies

- | | | |
|--------|--|---------|
| 6.18.1 | To provide formed legal road access to the Best Island settlement. | |
| 6.18.2 | To avoid, remedy or mitigate any adverse effects of residential development on the present rural character of Best Island. | D 10/98 |

6.18.20 Methods of Implementation

D 2/00

- | | | |
|-----|-------------------|--|
| (a) | Regulatory | |
| | (i) | Zoning that limits the extent of residential development on Best Island. |
| | (ii) | Indicative roading pattern that will assist the formation of a legal road access to the existing settlement. |

6.18.30 Principal Reasons and Explanation

Best Island is not seen as a major growth area.

While a small residential subdivision can be undertaken to assist with solving the lack of formed legal road access within the settlement, major new developments are not provided for.

The island is close to Bell Island regional sewage ponds and has suffered occasional odour problems. Also, some properties are prone to inundation and there is only one causeway road access to the island. There is a possibility the road could be overtopped if sea-level rise occurs.

Some properties on the margin of Best Island are prone to inundation during exceptionally high tides. This problem will increase if predicted sea-level rise occurs.

Memorandum

Engineering Services

TO: Ross Shirley, Consent Planner
FROM: Dugald Ley, Development Engineer
DATE: 9 June 2008
REFERENCE: RM071019
SUBJECT: **TWO-LOT SUBDIVISION – BEST ISLAND**

Introduction

This application is for the existing two residential properties to be subdivided to provide two individual freehold titles.

Services - Background

Wastewater

No wastewater reticulated service is available in the area to service this site.

Stormwater

No stormwater reticulated service is available in the area to service this site.

Water Supply

Council has a restricted water supply that services this locality and the existing site has an existing supply of 2m³ per day which is to be split into the two lots, ie 1m³ per lot.

Roading

Council has no legal road access to service this site. However, legal road access has been provided to an adjoining property, ie Pt Lot 2 DP1667 CT 9C/1398 and CT NC8A/398.

Dugald Ley
Development Engineer

Memorandum

Environment & Planning Department

To: Ross Shirley, Subdivision Officer
From: Rosalind Squire, Planner Community Services
Date: 11 June 2008
File: RM071019
Subject: **L AND R HAINES – SUBDIVISION, BEST ISLAND**

The report by the subdivision officer provides a description of the site and outlines the details of the proposed subdivision. In summary the applicants have applied to subdivide their land at Best Island to create Lot 1 of 330 square metres and Lot 2 of 325 square metres with physical and legal access via rights-of-way that connect both lots to the formed road and to Best Island Esplanade Reserve.

Community Services comments are limited to the proposal to provide a right-of-way for vehicular access to the esplanade reserve boundary.

The Application

The application states that the legal access to the land is across the reserve to the sea, with a right-of-way (Right-of-Way A) over Lot 1 to link Lot 2 to the reserve.

Comment

It is acknowledged that prior to the bridge which now provides access to Best Island being constructed, the applicant and other residents accessed their batches a number of ways. This was generally by boat across the estuary and then by foot or alternatively by driving vehicles across the estuary at low tide and from there across the esplanade reserve. However, although the applicant and other residents had pedestrian and other non-vehicular access across the esplanade reserve once they had crossed the inlet, they had no legal vehicular right-of-way across the esplanade reserve that adjoins their titles.

The proposed right-of-way, which includes vehicular access to the reserve boundary is not supported as it does not provide any meaningful vehicle access to the applicant's site because his ability to drive across the reserve from the proposed allotments is not provide for legally and would not be supported by Community Services. This is because the use of the reserve for vehicular access is not anticipated or supported in the reserves management plans (see attachment 1). In fact the policies for esplanade reserves prohibit motorised vehicle use on reserves unless permitted by individual reserve policies, on designated road ways or for approved maintenance or emergency vehicles or otherwise approved by Council for special events. The policies also prohibit motorised vehicle access to adjoining land through reserve land unless authorised by Council.

The Community Services Department acknowledge that there is some historic vehicle access over the Best Island esplanade reserve. Although that use is likely to continue until such time as legal road access is provided for residents, the Department does not support any additional vehicle access or any legalisation of vehicle access to or across the reserve.

Rosalind Squire
Planner Community Services

Attachment 1

The Best Island management plan describes the reserve as a narrow strip of land above the high water mark around Bests Island in the Waimea Inlet. The reserve is described as undeveloped and providing protection for the foreshore from development and allowing public access to the foreshore and seabed.

The Richmond Ward Management Plan contains the general objectives and policies with respect to esplanade reserves and specific objectives and policies for the Best Island Esplanade Reserve. The management plan identifies the appropriate uses for each reserve, states how conflicting uses are to be managed and outlines any development proposals.

The general policies for reserves include the following:

6.8.1 Prohibit motorised vehicle use on reserves unless permitted by individual reserve policies or on designated roadways and parking areas or approved maintenance vehicles or emergency vehicles or otherwise approved by Council for special events.

6.24.3 Prohibit motorised vehicle access to adjoining land through reserve land unless authorised by Council.

The policies for esplanade reserves include the following:

11.1.1 Manage rural recreation and esplanade reserves for the primary purposes of providing opportunities for informal recreation, public access to the countryside, and the protection of indigenous flora and wildlife habitat.

The specific policies for the Bests Island Esplanade Reserve include the following:

11.3.1 Manage primarily to protect the foreshore and estuary margin vegetation and wildlife habitat, and to provide for public access; and

11.3.2 Prohibit any encroachment onto the reserve by the activities of adjoining landholders; and

11.3.3 Clearly define and mark public access points from the land to the foreshore within the esplanade reserve; and

11.3.4 Protect areas of indigenous vegetation and wildlife habitat from threats posed by plant and animal pests.

Memorandum

Environment & Planning Department

To: Environment & Planning Subcommittee
From: Rob Lieffering –Resource Consents Manager
Date: 11 June 2008
File: RM071019
Subject: **L AND R HAINES – WASTEWATER TREATMENT AND DISPOSAL**

Introduction

My name is Robert Lieffering and I hold the position of Resource Consents Manager within the Council. I hold the qualifications of Doctor of Philosophy (PhD) in Earth and Soil Science from Waikato University, a Masters of Science (Honours) in Soil Science and Bachelor of Science in Earth Sciences both from Massey University. I have seven years experience in environmental research (hydrogeology and soil physics and chemistry) and over eleven years of local government work experience in environmental investigations and resource consent processing/planning.

Prior to being employed at Tasman District Council I worked for Northland Regional Council for seven years as the Water and Wastes Team Leader, and prior to this worked for Tonkin and Taylor Environmental and Engineering Consultants Ltd and Marlborough District Council.

I have undertaken many technical assessments of wastewater treatment and disposal systems, ranging from on-site wastewater treatment disposal systems through to municipal treatment plants. These assessments have been for the purpose of reporting and making decisions on discharge permit applications under the Resource Management Act.

I have reviewed the application for resource consent to subdivide Lot 19 DP 5090 into two allotments in respect to wastewater management. In addition to the application material I have also reviewed the property file (1938091900) which includes information on various building permits which have been issued for the property.

The proposal is to subdivide the subject property into two allotments. Proposed Lot 1 would have a net area of 330 square metres and proposed Lot 2 would have a net area of 325 square metres. Proposed Lot 1 would contain an existing two storey dwelling (the “first dwelling”) and proposed Lot 2 would contain the single level dwelling which is also on the property (the “second dwelling”).

Existing Wastewater Treatment and Disposal System on Lot 19 DP 5090

There appears to be some conflicting information both in the resource consent application as well as on the property file in respect to the current wastewater treatment and disposal system on the property.

The resource consent application, in particular the response to the further information request, states that wastewater from both dwellings is treated through a "*shared septic tank*".

The first dwelling (the two storey house) was granted building consent in December 1991 and this was serviced by a septic tank of unknown capacity and, according to the Drainage Plan on the property file, discharges to "*3 m drainage coil*". No further details are provided and one can only make an assumption that the wastewater discharges to a conventional trench system which is only 3 metres long. Interestingly, the original building plan on the property file shows that the design of the disposal system was to be "*60 m MINIMUM SOAKAGE TRENCH*" to be located in an area currently occupied by the second dwelling.

The second dwelling (the single level house) was granted building consent in October 1992. It appears that the Site Plan which accompanied the application showed the wastewater being directed to the existing septic tank (which services the first dwelling). However this Site Plan was subsequently amended (evidenced by hand writing on the plan) to show the wastewater from the second dwelling and the garage being directed to a separate septic tank and 40 metres of "*Effluent Trench*" located on the northern part of the section (between the access road and the second dwelling). This amendment appears to have been because it was a condition of the building permit as noted on the "For Office Use Only" portion of the Application Form where it states that a "*Separate septic tank system per unit*" is required. Further, the Plumbing and Drainage Report card for this building consent mentions that the soakage system is "*...to be 40 m Effluent Trench*" and this is consistent with the amended Site Plan (discussed above).

There is no note or comment on any of the other building consent documentation on the property file which authorises the wastewater from the second dwelling entering the existing septic tank such that a "*shared*" system may occur. Notwithstanding this, the Council has never taken any action with any of the owners of the property to rectify this.

I undertook a site visit and met with Mr Haines and he showed me the wastewater pipes which clearly show that the wastewater from the second dwelling are directed to the septic tank which services the two storey dwelling and therefore there is one septic tank of unknown capacity servicing both dwellings. The exact disposal system is also unknown but based on the property file it is likely to only be the 3 metres length of conventional trench discussed above.

Soil Type and Ground Conditions

The soil type of the property is Tahunanui sand or gravel and is very freely draining. The depth to groundwater beneath the disposal area is unknown but likely to be in the order of 1-2 metres below ground level (J Thomas, pers comm.). The current disposal trench depth is unknown but these were typically installed to a depth of 400-600 mm below ground level. Therefore, the distance between the bottom of the disposal trench and the shallow groundwater is likely to be in the order of 0.5-1.5 metres.

Wastewater that enters the ground from the septic tank will migrate downwards very rapidly in the gravelly soil and therefore limited renovation (treatment) of the wastewater will occur before it enters the shallow groundwater. The shallow groundwater generally flows towards the coast and in this case this would be in a south-easterly direction (towards the Council's reserve). There are no groundwater users between the disposal site and the coastal marine area.

Whilst the Council does not have any evidence that the current discharge is resulting in adverse effects in respect of groundwater quality or coastal water quality, it is my view that the discharge will certainly be contributing to a degradation of both types of water quality because of the limited treatment the wastewater receives in the septic tank and the rapidly draining soils of the disposal area.

The soil type on the property would be classified as Category 1 according to the joint Australian/New Zealand Standard "On-site domestic-wastewater management" (AS/NZS 1547:2000). Category 1 soils require special design and distribution techniques to help achieve even distribution of the wastewater over the full length of the trench but better still the wastewater should receive a higher level of treatment before being discharged to ground (see section below).

Special Domestic Wastewater Disposal Area

According to the proposed Tasman Resource Management Plan (PTRMP) the subject property is within the Special Domestic Wastewater Disposal Area (SDWDA) and as such any **new** discharge of wastewater is required to be treated to at least a secondary level before being discharged to ground to be a permitted activity (Rule 36.1.5 of the PTRMP). The current treatment system, being a single septic tank, would not meet this standard but it is provided for as a permitted activity by virtue of being an existing discharge (occurring before 1998).

Shared Wastewater Systems

The current wastewater treatment and disposal system is a shared system. Provided the wastewater treatment and disposal system is designed to accommodate the maximum likely flows from the two dwellings then there is nothing wrong with shared wastewater treatment and disposal systems from a technical point of view. Whether the current system is sized appropriately is questionable because:

1. The second dwelling was meant to have its own wastewater treatment and disposal system but instead it has been connected into the existing system which was presumably designed to only treat and dispose the wastewater from the first dwelling on the property;
2. The best available information from the property file suggests that the existing disposal system consists of only 3 metres of conventional trench. This is far too short a length of trench for two households, even back in the 1990's when different design guides were in use (this is evidenced by the original plan on the property file which suggests that 60 metres of trench was recommended as a minimum just to service the first dwelling and 40 metres of trench for the second dwelling).

There are two bedrooms in the first dwelling on the property. For two bedrooms wastewater designers would assume four persons living in the house. The water supply is reticulated (up to 2 cubic metres per day trickle feed) and therefore a wastewater allowance of 180 litres per person per day would be used. This equates to a daily wastewater flow of 720 litres. For Category 1 soils using trenches the design loading rate (DLR) would be 20 mm/day and therefore 36 square metres of infiltration surface is required. Trenches are typically 0.4-0.6 metres wide and therefore between 60-90 metres of trench would be required to service just the first dwelling (this ties in well with the 60 metres specified on the original plan).

The second dwelling has one bedroom and designers would assume two persons living in this dwelling. This would add an additional 360 litres of wastewater per day to the shared system resulting in a daily wastewater discharge flow of 1,080 litres. For this volume of wastewater the length of trench required would be between 90-135 metres (for the combined/shared system).

It should be noted that these design calculations are based on maximum daily discharge rates and maximum occupancy of the dwellings, however this is an appropriate approach because the Council has no control of likely future use of either dwelling in respect of occupancy. Having fewer occupants provides a factor of safety and I understand that there are only two persons currently in the first dwelling and only one person in the second dwelling, however this could change in the future.

Whilst shared wastewater systems can function adequately if they are designed properly, there are potential problems which can occur in respect of ongoing maintenance and upgrades of the system where the system services two dwellings on different titles under separate ownership. It is important to ensure that the owner of the property which does not contain the wastewater system has ongoing legal rights to discharge their wastewater onto the adjacent allotment. This can be provided by way of easement, however ensuring that both parties have a legal agreement in respect to maintenance an upgrade is just as important. The Council does not encourage shared on-site wastewater systems for this reason as it is much tidier for each individual property to have its own system and be responsible for it.

Recommendation

There is sufficient land available on proposed Lot 2 for a separate on-site wastewater treatment and disposal system. It would be my recommendation that if this subdivision consent is granted that there be a requirement that a new on-site wastewater treatment and disposal system be installed on proposed Lot 2 to service the dwelling currently on that part of the site.

Further, I would also recommend that the existing system servicing both dwellings be examined by a person suitably qualified and experienced in on-site wastewater management to determine the size of the septic tank and also the exact type and size of the disposal system. The person should also determine if the existing system is adequately designed in respect of the daily flows from the dwelling on proposed Lot 1 and if need be the disposal system should be upgraded to bring the system up to current design standards (this may involve some form of dose loading of the wastewater to a new series of disposal trenches).

If the subdivision consent is granted, I would recommend the following conditions (to be complied with prior to the completion certificate being issued for the subdivision pursuant to Section 224(c) of the RMA):

1. The Consent Holder shall install a new wastewater treatment and land application system on Lot 2 to service the existing dwelling. The wastewater treatment and land application system shall be designed by a person suitably qualified and experienced in on-site wastewater management. The design shall be submitted to the Council's Resource Consents Manager for approval prior to the system being installed. The wastewater system shall include a treatment system able to treat the wastewater to a secondary level before being discharged to land via pressure compensating dripper lines. The wastewater treatment and land application system shall be installed under the supervision of the person who designed the system and a producer statement and "as built" plans shall be submitted to the Council's Resource Consents Manager following installation.
2. The Consent Holder shall engage the services of a person suitably qualified and experienced in on-site wastewater management to prepare a report on the existing wastewater treatment and disposal system servicing the dwelling on Lot 1. The report shall include an assessment of the capacity of the existing septic tank and determination of the size and type of the disposal system. The report shall also include an assessment on how the existing system complies with the Australian/New Zealand Standard "On-site domestic-wastewater management" (AS/NZS 1547:2000). If the existing system does not comply with AS/NZS 1547:2000 the report shall include recommendations on how the system needs to be upgraded to comply with the Standard and these upgrades shall be undertaken under the supervision of the person who prepared the review report. If upgrades are required, the person who reviewed the system and supervised the upgrade shall submit a producer statement and "as built" plans to the Council's Resource Consents Manager following the upgrade.

Advice Note: The Council's preference would be for the wastewater treatment and disposal system to be completely upgraded so that the wastewater is treated to a secondary standard prior to discharge to land via pressure compensating drippers. However the Council acknowledges that this is an existing discharge and as such the existing level of treatment will be accepted but the current information on the Council's records suggests that the disposal system is undersized.