

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 3 May 2010
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Crs N Riley (Chair), B W Ensor, S J Borlase

IN ATTENDANCE: Principal Resource Consents Advisor (J Butler), Consent Planner - Subdivision (W Horner), Forward Planner - Reserves (R Squire), Consent Planner - Natural Resources (D Henehan), Resource Scientist - Land (A Burton), Tasman Carter Ltd (T Carter), Administration Officer (J A Proctor)

- 1. J and R WILMS, DOMINION ROAD, MAPUA - APPLICATION Nos. RM090798, RM090800, RM090815; RM090813; RM090811; RM090810; RM090802; RM090804; RM090807; RM090809**

The application sought the following:

Subdivision and Land Use Consent RM090798; and To subdivide Lot 2 DP 9848 to create the following:

- Proposed Lot 1 comprising 2.12 hectares;
- Proposed Lot 2 comprising 0.66 hectares;
- Proposed Lot 3 comprising 1.88 hectares;
- Proposed Lot 4 comprising 3.21 hectares;
- Proposed Lot 5 comprising 0.54 hectares as an access lot; and
- Proposed Lot 6 comprising 0.02 hectares to be amalgamated with Lot 1 DP 9848

Land use consent is also sought to construct a shared access onto Dominion Road that does not comply with the minimum width required by the permitted activity standards in the Tasman Resource Management Plan.

Land Use Consent RM090800 To construct a single dwelling within a nominated building area on each of the proposed Lots 1 - 4 of the subdivision application described above RM090798.

Discharge Permits RM090810, RM090811, RM090813, RM090815 To discharge to land secondary treated domestic wastewater by way of subsurface dripper line irrigation from a single residential dwelling on each of proposed Lots 1 - 4 of the subdivision application described above RM090798.

Discharge Permit RM090802, RM100208 To discharge to land stormwater collected from buildings, access ways and other hard stand areas on proposed Lots 1 - 5 of the subdivision application described above RM090798.

Land Use Consent RM090804 To undertake earthworks for the construction of access ways and building platforms associated with the subdivision application described above RM090798

Land Use Consent RM090807 To construct a stormwater detention pond within a watercourse to contain stormwater discharged from the buildings, access ways and other hard stand areas on proposed Lots 1 - 5 of the subdivision application described above RM090798.

The application site is located at 159 and 167 Dominion Road, Mahana, being legally described as CFR NL5B/655 comprising Lot 2 DP 9848 containing 8.4290 hectares; and CFR NL5B/654 comprising Lot 1 DP 9848 containing 5634 square metres.

The subject land is zoned Rural 3 Zone, and within a Wastewater Management Area as defined by the Tasman Resource Management Plan.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Riley / Ensor
EP10-05-27

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

J and R Wilms

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
J and R Wilms	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Ensor / Riley
EP10-05-29**

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.

CARRIED

- 2. J and R WILMS, DOMINION ROAD, MAPUA - APPLICATION Nos. RM090798, RM090800, RM090815; RM090813; RM090811; RM090810; RM090802; RM090804; RM090807; RM090809**

**Moved Crs Riley / Borlase
EP10-05-28**

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to J and R WILMS as detailed in the following report and decision.

CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

**Meeting held in the Tasman Room, Richmond on 3 May 2010
Hearing closed on 8 June 2010**

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the application lodged by **John and Ria Wilms** ("the Applicant"), to subdivide two existing titles into six titles, four of which to be residential, and to construct dwellings on the residential titles. The application is also to discharge wastewater to land and to discharge stormwater. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as:

RM090798 and RM090800:	Subdivision and land use for dwellings;
RM090810, RM090811, RM090813 and RM090815:	Discharge wastewater to land on proposed Lots 1 to 4, respectively;
RM090802 and RM100208:	Discharge stormwater to land;
RM090804:	Earthworks; and
RM090807:	Works in the bed of a waterbody.

- HEARING COMMITTEE:** Cr Noel Riley, Chairperson
Cr Stuart Borlase
Cr Brian Ensor
- APPLICANT:** Mr Nigel McFadden (Counsel for the applicant)
Mr John Wilms (Applicant)
Mr Dick Bennison (Farm Management Consultant)
Mr Paul Newton (Surveyor)
Mr Rory Langbridge (Landscape Architect)
Mr Mark Lile (Planner)
- CONSENT AUTHORITY:** Mr Tom Carter (Consultant Landscape Architect)
Mr Andrew Burton (Resource Scientist, Land)
Ms Rosalind Squire (Forward Planner, Reserves)
Mr Wayne Horner (Consent Planner, Subdivisions)
Mr Daryl Henehan (Consent Planner, Natural Resources)
- SUBMITTERS:** Mr Wayne and Ms Nicola Picard
Mahana Estates Trust
- IN ATTENDANCE:** Mr Jeremy Butler (Principal Resource Consents Adviser) -
Assisting the Committee
Mrs Valerie Gribble (Committee Secretary)

1. SUMMARY

The Committee has **GRANTED** resource consents, subject to conditions, to subdivide land at Dominion Road into four residential lots, to construct dwellings, and for associated activities.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The proposal is to subdivide two existing titles¹ to create:

- Lot 1 of 2.12 hectares;
- Lot 2 of 0.66 hectares;
- Lot 3 of 1.88 hectares;
- Lot 4 of 3.21 hectares;
- Lot 5 of 0.54 hectares as an access lot;
- Lot 6 of 0.02 hectares to be amalgamated with Lot 1 DP 9848;

The property details are:

- 167 Dominion Road, Mahana; Lot 2 DP 9848 (CFR NL5B/655) and
- 159 Dominion Road, Mahana; Lot 1 DP 9848 (CFR NL5B/654)

A land use consent is also sought to construct an under-width right-of-way, which will serve four users.

¹ This subdivision includes two titles due to the amalgamation of some land with the neighbouring property. However, in practice, only one title is being subdivided for residential purposes.

Consent is sought to construct a single dwelling within the nominated building area on each of proposed Lots 1 - 4. Lot 1 also contains an area for the construction of non-residential buildings close to Dominion Road.

This site has been fully covered in apple trees in the past. However these apple trees have been removed and the site is in pasture.

The stormwater discharge from the dwellings on Lots 1 - 3 will be overland to Lot 5 via the formed access and to a proposed detention pond adjacent to Dominion Road. This detention pond is intended to contain the peak flows and discharge in a controlled manner into the existing culvert under Dominion Road. Lot 4 will discharge stormwater into the existing irrigation pond within Lot 4.

Earthworks will be required to form the shared access within Lot 5, the building platforms within Lots 1 - 4 and access to these building platforms. The earthworks to form the building platform on Lot 1 will take place once the existing dwelling on Lot 1 has been removed following subdivision.

It is also proposed to amalgamate a 2.0 metre wide strip of land identified as Lot 6, with the leg-in access for an adjacent title containing Lot 1 DP 9848 (CFR NL5B/654). At present the access onto Dominion Road for Lot 1 DP 9848 is 3.66 metres wide and this amalgamation will increase this to 5.66 metres.

3. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED

According to the TRMP the following apply to the subject property:

Zoning: Rural 3

Area(s): Wastewater Management Area; Land Disturbance Area 1

The application is considered to be a Restricted Discretionary Activity under subdivision rule 16.3.7.2 in that the proposal has allotment areas less than the Controlled Activity standards of 50 hectares and not all permitted transport standards are complied with.

The dwellings are considered to be a Controlled Activity pursuant to rule 17.7.3.2 and the formation of the access Lot 5 is a Discretionary Activity due to non-compliance with Rule 16.2.2.1 where the access is being formed to 3.5 metres in width.

The proposed stormwater discharges do not comply with Permitted Activity Rule 36.4.2 of the TRMP and are deemed Discretionary Activities in accordance with Rule 36.4.4 of the TRMP.

The application site is within the Wastewater Management Area (WMA). The relevant TRMP rules for new discharges in the WMA are 36.1.13A and 36.1.14A. The area of the allotment is a key trigger in determining which rule applies and in determining the status of each application. If an allotment is greater than 2 hectares it is considered a Controlled Activity and if the allotment is less than 2 hectares it is considered a Discretionary Activity. In this case the sizes of the proposed allotments are 2.12 hectares, 0.66 hectares, 1.88 hectares and 3.12 hectares. Therefore, two of the proposed discharges are Controlled Activities and two are Discretionary

Activities. All of the allotments are sized larger than the minimum needed for on-site wastewater disposal.

The site is within the Land Disturbance Area 1. The proposed activity does not comply with Permitted Activity Rule 18.5.2.1 (p) due to cut and fill heights being greater than 1 metre and is deemed a Controlled Activity in accordance with Rule 18.5.2.3 of the TRMP.

Therefore, overall this suite of applications is considered to be a Discretionary Activity.

4. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 9 January 2010 pursuant to Section 95 of the Act. A total of three submissions were received. The following is a summary of the written submissions received and the main issues raised:

Submitter	Reasons
NZ Fire Service Commission	The New Zealand Fire Service seeks a fire fighting water supply to each new dwelling that complies with the New Zealand Standard SNZ PAS 4509:2008.
Mahana Estates Trust, M and C Salmond	Concerned that there may be changes to the subdivision design as the subdivision is developed. Also does not agree with Mr Bennison regarding the productivity of this land or the size of the nearby orchards as outlined in Mr Bennison's report.
W and N Picard	Concerned about cross boundary effects and visual effects. Seeks conditions to limit these effects.

5. EVIDENCE HEARD

We heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Mr Nigel McFadden (Counsel for the applicant)

Mr McFadden summarised the intent and direction of the Rural 3 provisions of the TRMP as being to enable and provide for further subdivision, that any development must be assessed against the design guide, and that productive potential should not be lost altogether. Therefore he considered that the TRMP specifically envisages this exact form of development.

Mr McFadden volunteered a rural emanations easement in favour of Mr and Mrs Picard.

Mr McFadden considered that a walkway, as proposed by Ms Squire would be impractical and inappropriate, and should not be required as a condition of consent.

Mr John Wilms (Applicant)

Mr Wilms recounted his knowledge of the block and said that it was not a viable piece of land for productive purposes. He said that they had been advised that neither grapes nor olives would be economic.

Mr Wilms said that their intention is to retain proposed Lot 3 and develop a lavender garden for production of oil.

Mr Dick Bennison (Farm Management Consultant)

Mr Bennison considered the lack of water to be a major limitation to the productivity of this block. He said that the known groundwater resources in the area are already fully allocated, and the catchment areas are too small to collect sufficient runoff.

Mr Bennison agreed that the property falls within the Class B classification but said that the system was developed on a district wide basis using generalised data and information rather than site specific information. The classifications do not take into account any site specific variations and are broad based.

Mr Bennison said that there is a distinct variability in soil depth with the ridges having very shallow topsoils. The deeper soils on the lower slopes are more versatile.

Mr Bennison said that such land is not being developed for pipfruit but is being used for viticulture and olives and that these are generally small-scale boutique or niche developments. He did not consider that subdividing into smaller lots would compromise the use of the land for such purposes. He thought that large scale use of these marginal soils is waning.

Mr Paul Newton (Surveyor)

Mr Newton addressed the stormwater runoff on proposed Lot 4. He said that the catchment above the house was too small to produce any large volumes of stormwater and that any runoff would be managed by the normal drainage systems installed as part of the construction of a new dwelling.

Mr Rory Langbridge (Landscape Architect)

Mr Langbridge assessed the development against the design guide and found that it was consistent with the guide. He said that the visual prominence of the site is limited, and that a cluster of rural residential housing would not be prominent and would not have more than minor adverse effects on the rural and landscape character values.

Mr Mark Lile (Planner)

With regard to productive potential of the land, Mr Lile said that the subdivision had been designed with the houses at the south western extent to maximise productive land use.

He said that there have been numerous examples of Rural 3 subdivisions granted in more prominent positions and in close proximity to the coast or State Highway. He considered that the walkway linkage sought makes little sense.

Mr Lile assessed the proposal against the policies and objectives of the TRMP and the Rural 3 design guide. Overall, he considered it to be not inconsistent.

Mr Lile did not consider that there would be effects on the neighbours, particularly the Picards who are submitters.

Overall, he considered that the application will provide an outcome that is sought by the TRMP. He said that the proposal has significant merit and the effects have been addressed by appropriate controls. He thought that the land would be used more sustainably as a result than as it has been over the past 10 or so years.

5.2 Submitters Evidence

Mr Wayne and Ms Nicola Picard

The Picards said that they do not support the proposal as the title is too small to support four dwellings. They considered that the subdivision will have an irreversible impact on their quiet rural environment and will not be in keeping with the overall Dominion Road environment.

They were concerned that the driveway which will serve four dwellings will be much busier and result in cross boundary effects.

They said that the forests that surround the proposal are subject to the Kyoto Protocol and therefore will remain in forestry of some sort. There will be cross boundary effects from harvesting or pruning, the risk of falling trees and also spraying from apple orchards.

If granted, they sought that a buffer be imposed between their common boundary and the proposed right-of-way. They also sought a rural emanations easement and that proposed lots 2 and 3 be amalgamated.

Mahana Estates Trust

Mr Malcolm Salmond provided a statement by e-mail. They stated their principal concern as being the potential for cross-boundary effects. They sought that the dwelling sites not be moved close to the north eastern boundary of the subject property.

Mr Salmond said that recent encroachment of residential development around long standing orchard operations had created a difficult environment for operators.

5.3 Council's Reporting Officer's Report and Evidence

Mr Andrew Burton (Resource Scientist, Land)

Mr Burton strongly disagreed with Mr Bennison's evidence. He said that the classification system for productive land is very comprehensive and robust which takes into account climate, altitude, heat units, rainfall, length of growing season, wind, topography, soil structure and texture, drainage and permeability, rooting depth, erosion, fertility and water holding capacity. It is not generalised and can be used at any scale. He said that generally in the Rural 3 zone the difference relates to

slope with Class E soils being between 16 and 25 degrees with numerous gully systems.

Mr Burton said that Class B land is particularly valuable and the inference that there is over 40,000 hectares of land available is false.

Mr Burton said that the claims about soil depth are false. He said that topsoil depth is not related to topography. Mr Burton considered that soils are suitable for pipfruit production and the nearby apple orchards prove this. He said that the profitability of pipfruit has declined and there has been a reduction in pipfruit grown on the Waimea Plains also.

The fragmentation of the land into four blocks will significantly affect the potential productive value of the land. Small blocks are generally not used for productive purposes and the versatility and viability reduces with reduced lot sizes.

Mr Tom Carter (Consultant Landscape Architect)

Mr Carter said that his key concern was with the dwelling on proposed Lot 3. He said that he would be comfortable with a site that was further off the ridge.

Mr Carter said that the landscaping mitigation was along the right lines but care needed to be taken in the consent conditions.

Mr Carter supported the architectural controls put on the buildings.

Ms Rosalind Squire (Forward Planner, Reserves)

Ms Squire advised that Council had secured walkways in the majority of Rural 3 subdivisions. There was an intention that at some stage a connection would be made between Dominion and Nile Roads. The proposed subdivision was close to Mapua which was an area that was expanding rapidly.

The NZTA and the Council were working together to create underpasses in the District and one is provided under the new Ruby Bay Bypass near Dominion Road.

Ms Squire advised that the walkway easement may have to be restricted in width to avoid the water supply bore.

Ms Squire said that safety from pines was not an issue: There are many extremely popular walkways located in and next to forests, e.g. the Richmond foothills.

Ms Squire advised that the Council can contribute to the maintenance of land "ear-marked" for cycleways or walkways before they are formed. Any cycle/walkway would have to comply with NZ standards and that there were a number of steep walkways within the District.

Mr Wayne Horner (Consent Planner, Subdivisions)

Mr Horner advised that there were no outstanding issues with regard to servicing the proposed subdivision. But it was evident that there were some potential adverse effects with regard to visual impact and land productivity.

Mr Horner continued that subdivided land was rarely reversed back into horticultural land and that there were limitations with the size and contour that reduced the land's versatility. In his opinion, this site was suitable for subdivision based on the contour of the land.

Mr Horner advised that there were 1,600 hectares of Rural 3 land that was classified as soil type B.

Mr Horner still considered the cycle/walkway was required when taking a medium to long term approach to development.

Mr Daryl Henehan (Consent Planner, Natural Resources)

Mr Henehan had no further comment to make on his report apart from the minor correction of a recommended condition.

6. PROCEDURAL MATTERS

We conducted a site visit both before and after the hearing. After hearing the evidence and upon visiting the site for the second time we identified some alterations which, we felt, would improve the design of the subdivision and reduce the effects on the environment.

These views were put to the applicant in a memorandum and we asked for comment.

7. APPLICANT'S RESPONSE TO MEMORANDUM OF HEARINGS COMMITTEE

Without prejudicing our final decision we sent four suggestions to the applicant and sought comment on these suggestions. We also asked that the two landscape architects (Mr Langbridge and Mr Carter) consider the proposals together and agree on their positions. The applicant's responses were considered as part of our overall decision-making duties.

Our suggestions and the applicant's response to each were:

- "1. That the Building Location Area (BLA) on proposed Lot 3 be moved approximately 55 metres to the north-north-east as shown on the attached plan and be constructed to a ground level of 71.0 mRL."*

The applicant and landscape architects said that they would accept the positioning of the house on a lower area to the north east but not as far as was proposed by us. The applicant sought a ground level of 75.2 mRL.

- "2. That the BLA on proposed Lot 1 be moved south to lie over the existing dwelling."*

This suggestion was accepted as a viable option by the applicant.

- "3. That the BLA on proposed Lot 2 be slightly moved so as to retain sufficient space between the dwelling and that on proposed Lot 1. The level of 72.5mRL should be retained."*

This suggestion was rejected by the applicant as it is currently the most low-impact of the sites. There is no reason to move it.

“4. While not related to the amendments above, and indeed not related to any of the effects or issues discussed at the hearing, we suggest that the BLA on proposed Lot 4 be raised to closer to the brow of the hill so that a better view and more sunlight can be gained by the owner. We find that the position proposed by the applicant is unnecessarily restricted. “

The applicant and the landscape architects accepted this suggestion as long as appropriate landscaping is undertaken. They were comfortable with a building platform at 70m RL and a maximum building height of 5.5 metres.

7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

a) To what extent will the proposal adversely affect the productive values of the site?

Generally, we prefer the evidence of Mr Burton on this matter. It was clear from his evidence that he has conducted a thorough investigation of the site and that the soil classification regime used by the Council is not just a coarse guide but should be given strong weighting when considering the development of rural land.

We are also mindful of Mr Burton's comment that as titles get smaller, they inevitably become less versatile and less economic for an increasing number of crops. Conversely, keeping titles larger in size leads to greater flexibility for a greater number of crops, whether or not they are viable in today's market.

It seems to us that this block lies at a tipping point between being a really useful viable size for a wide range of crops including pipfruit and dryland crops such as olives and grapes, and being too small and with insufficient water supply to make it really productive. (No doubt it is because of this that productivity is a principle consideration here.)

Overall, we find that the proposal will reduce the productivity of the title. The smaller titles that result from a subdivision will not have nearly the same capacity for viable plantations of crops such olives or grapes. Further, utilisation of the land for valuable future crops will be restricted.

Water availability is a restriction but the bore clearly produces some water - conceivably enough for getting a crop of olives going - and additional sources could be found.

b) To what extent will the proposal have adverse landscape and rural character effects?

We accept the evidence of the two landscape architects. The dwelling on proposed Lot 3 appears to be the most unclear in terms of effects. We find that

the effects are acceptable even if there is some breach of the dwelling above the ridge line when viewed from the ridge to the north.

We agree that the survey and concept plans submitted by the applicant in their reply to our memorandum are appropriate.

With regard to the potential effects described by the Picards, we agree that more dwellings on the subject site may increase the level of sensitivity to activities on their property. However, with the volunteering of a rural emanations easement we are satisfied that the effects on the Picards will be acceptable.

c) Is the creation of a walkway easement appropriate?

We consider that it is entirely appropriate that a walkway link be vested in the location proposed by Council staff. We are aware that there are many other walkway and access linkages which have been required through the esplanade provisions of the Act which are much more remote than this one. We are also aware that many of those have been used by the Council to create valuable and well utilised walkway linkages.

The walkway will adjoin a legal road (Dominion Road) and will be one subdivision away from meeting another legal road (Nile Road) and thereby creating a loop that could be formed up. Such opportunities to enhance public access must not be missed and are supported by the TRMP. Indeed, from our experiences as Councillors, we understand that many landowners provide voluntary walkway linkages to the Council without undertaking a subdivision.

We find that there is no significant impediment to the practical formation of the walkway. The grade is fine for people of low to medium fitness and we are confident that any small banks on neighbouring land that may be encountered can be overcome.

d) To what extent is the proposal consistent with the Rural 3 design guide and the TRMP Rural 3 provisions?

Generally speaking, the Rural 3 seeks to achieve a balance between productive land and providing for rural residential living. Subdivision is provided for, but not to the extent of wholesale losses of valuable productive land.

The provisions of the Rural 3 zone in the TRMP will inevitably result in the formation of "lifestyle blocks" and that the productivity of these will be low or non-existent. We also have concerns over the long-term level of demand that exists for these type of blocks but this is a matter that we cannot (and have not) had regard to in reaching our decision.

We do see that the subdivision has considerable merits and will not cause significant adverse effects on the environment. There are some minor benefits such as the removal of the buildings at the end of the driveway and the creation of what could be a valuable public walkway linkage.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, we have had regard to the matters outlined in Section 104 of the Act. In particular, we have had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

The proposed activity contravenes Section 15 of the Act, and therefore we have also had regard to the matters outlined in Sections 105 and 107 of the Act.

8.2 Part 2 Matters

In considering this application, we have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B of the Act, we (the Council's Environment & Planning Subcommittee) **GRANT** consents, subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

We have approved this subdivision because, in the trade-off between development of the Rural 3 zone as the TRMP envisages and retention of the productive soils and productive opportunity, we find that this is a not an allotment of high productive value. The good outcomes resulting from the planting, the public access and the improvement of some visual elements as well as the generally enabling thrust of the Act, outweigh the loss of productive potential.

However, we wish to be very clear that the decision was a tight one and we still see the protection of larger blocks of Class B land as very important. In this respect we agree with the evidence of Mr Burton.

In all other regards (e.g. landscape, servicing, access) we are satisfied that the effects will be no more than minor.

The Design Guide and the Objectives and Policies of the TRMP

We agree with, and adopt, Mr Horner's assessment of the application against the relevant provisions of the TRMP (including the design guide). We find that the proposal is, overall, not inconsistent with the Objectives and Policies of the TRMP. We also find that it is broadly consistent with the Rural 3 Design Guide.

Purpose and Principles of the Act

There are no matters of national importance involved in this application. In making our decision we have had particular regard to the maintenance and enhancement of amenity values, and the finite characteristics of productive land (Sections 7(c) and 7(g), respectively).

Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

There are no special conditions which we felt were necessary to impose over and above those recommended by Mr Horner and, in some cases, the modifications sought by Mr McFadden. We have required that a walkway be provided for the reasons outlined above.

We have found that there is no need to impose a buffer as sought by the Picards. To do so will result in inefficient use of land and we consider that little will be gained. The walkway will provide a buffer of sorts. Also, the rural emanations easement in favour of the Picards will be sufficient.

12. LAPSING OF CONSENT(S)

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM090798), this consent is given effect to when a Survey Plan is submitted to the Council for the subdivision under Section 223 of the Act. Once the Survey Plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Land Use Consent, (RM090800 to construct dwellings) will lapse five years after the issue of each of the certificates of title for the respective allotments (Lots 1 to 4) inclusive. This is a pragmatic approach to ensure that delays with the subdivision do not compromise the effective 'life' of the land use consent for the dwellings to be erected on the titles created by the subdivision.

The other consents granted for wastewater and stormwater discharges, earthworks and works in the bed of the stream will lapse in ten years unless given effect to.

13. EXPIRY OF CONSENT(S)

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided.

The discharge permits to discharge stormwater expire in 35 years which is the maximum provided for under the Act. The discharge permits authorising the discharge of treated wastewater expire in 15 years which is a standard term provided by the Council for such discharge permits.

Consents that have a set duration have the relevant date of expiry recorded on each consent.

Issued this 23rd day of June 2010

A handwritten signature in black ink, appearing to read 'N Riley', enclosed within a faint rectangular border.

Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090798

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide Lot 2 DP 9848 into six lots including four residential lots.

LOCATION DETAILS:

Address of property: 167 Dominion Road, Mahana
Legal description: Lot 2 DP 9848
Certificate of title: NL5B/655
Valuation number: 1938061800
Easting and Northing: 2514584E 5994508N

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

CONDITIONS

Subdivision Plan

1. The subdivision and development shall be carried out generally in accordance with the application plan prepared by Newton and Associates Limited, labelled RC01, dated 30 April 2010, and attached to this consent as Plan A, except that the plan shall be as modified by the Rory Langbridge Landscape Architects plans labelled L1G, L2G and L3G, all dated 18 May 2010 and attached to this consent as Plans B, C and D, respectively, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail

Landscape Planting Plan

2. A Landscape Planting Plan shall be prepared by a qualified Landscape Architect at the cost of the consent holder for the approval of the Council’s Environment & Planning Manager and shall be submitted at the time engineering plan approval is sought. This Landscape Planting Plan shall be prepared for the areas identified on the Rory Langbridge plan labelled L1G dated 18 May 2010 and attached as Plan B.

The Landscape Planting Plan shall detail the following information:

- i) Planting plan specifying the type, number, and size of the plants;
 - ii) Establishment works required to implement the Landscape Planting Plan;
 - iii) Staging of planting;
 - v) Pest plant and animal controls and ongoing maintenance schedules;
 - vi) Replacement planting;
 - vii) Ongoing maintenance of planted areas;
3. The planting required by the Landscape Planting Plan shall be completed prior to the approval of the Section 224(c) certificate. A written statement shall be provided from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the above Landscape Planting Plan.
 4. The consent holder shall be responsible for maintenance, pest control, replacement and management of the planting required by the Landscape Planting Plan within the development for a minimum of three (3) years following the completion of this planting. These maintenance responsibilities thereafter shall devolve to the owner of the allotments.

Contaminated Soils

5. That prior to the survey plan being submitted for the purposes of Section 223 of the Act, a contaminated soil sampling and assessment in accordance with the Soil Sampling and Assessment Guidelines for Horticultural Sites in TDC and NCC, dated June 2003, shall be undertaken on Lots 1 - 4 by a suitably qualified person. The results of such sampling shall be provided to Council's Environment & Planning Manager to determine whether any remedial works are required for residential development, should any contamination be found.
6. No further earthworks shall take place on Lots 1 - 4 prior to the Soil Sampling and Assessment being carried out in accordance with Condition 5.
7. That prior to a completion certificate pursuant to Section 224(c) of the Act being issued by the Council written confirmation that the pesticide residues meet the Interim Residential Soil Criteria of the Soil Sampling and Assessment Guidelines for Horticultural Sites in TDC and NCC shall be provided to Council's Environment & Planning Manager.

Public Access

8. Notwithstanding Condition 1 a 5.0 metre wide public access easement shall be provided parallel to the boundary of Lot 58 DP685 from Dominion Road to the boundary with Lot 49 DP640. The width of the easement may be reduced to avoid the water supply bore that is currently on the consent holder's property.

Easements

9. Easements are to be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council for Council reticulated services or appurtenant to the appropriate allotment.
10. 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 building location areas shall be shown on the Land Transfer title plan.

11. A rural emanations easement shall be registered over Lots 1 - 4 in favour of Lot 55 DP685 (CFR NL13A/1082), Lot 56 DP685 CFR NL1346/116) and Lot 58 DP685 (CFR NL114/199). This easement shall be in general accordance with the wording set out in Appendix 1 attached to this consent. In the event that the owner of one of the above lots refuses the imposition of an easement then it shall be considered that the consent holder has complied with this condition for that lot.
12. Easements for the provision of irrigation water supply over Lots 1, 3 and 4 shall be provided for to allow Lots 1 and 3 to access the irrigation water contained in the existing pond on Lot 4. Also water supply easements over Lot 5 shall be provided to allow for future water supply to be installed from Dominion Road.
13. Reference to easements is to be included in the Council resolution on the title plan at the section 223 stage.

Amalgamations

14. That Lot 6 hereon be transferred to the owners of Lot 1 DP 9848 (CFR NL5B/654) and one Computer Register be issued to include both parcels.
15. That Lot 5 hereon (legal access) be held as to four one-fourth shares by the owners of Lots 1-4 hereon as tenants in common in the said shares and that individual Computer Freehold Registers be issued in accordance therewith.
16. The LINZ consultation reference is 910568.

Power and Telephone

17. Full servicing for power and telephone cables shall be provided underground to the boundary of Lots 1 to 4 inclusive. The consent holder shall provide written confirmation from the relevant utility provider(s) to the Council's Engineering Manager that power and telephone cabling has been installed from the existing network to the boundaries of the abovementioned allotments. It is also recommended that either fibre optic cable, or else pipes for the future installation of fibre optic cable, be installed.
18. Confirmation that these requirements have been met shall be provided in a written statement from the supply authority. A copy of the supplier's certificate of compliance shall be provided to the Council's Engineering Manager prior to a completion certificate being issued pursuant to Section 224(c) of the Act.
19. All servicing shall be accordance with Tasman District Engineering Standards and Policies 2008.
20. Electricity sub-stations, where required, shall be shown as road to vest on the land transfer survey plan if they are located adjacent to a road or road to vest. These shall be shown on the survey plan prior to section 223 approval.

Stormwater

21. The management of stormwater shall be carried out in accordance with the conditions of the relevant associated stormwater discharge permits, RM090802 and RM100208.

Access Formation and Crossing (Lot 5)

22. The access shown as Lot 5 on Plan A - RM090798 shall be formed as follows:
- A minimum legal width of 5.0 metres;
 - A maximum gradient of 1:5;
 - A two coat chip sealed surface if the gradient is greater than 1:6;
 - Two side drains;
 - Two 500 millimetre wide metal shoulders;
 - Total carriageway width of 4.5 metres with passing bays as shown on Plan A - RM090798
23. The vehicle access crossing for Lot 5 shall be a minimum carriageway width of 9.0 metres and shall be designed and constructed in accordance with Figure 1 with:
- a formed and sealed surface between the edge of the seal of the carriageway of the road to at least 5.0 metres inside the Lot 5 boundary;
 - the first 6 metres in from the access formation shall be more or less level with the Dominion Road carriageway formation;
 - A culvert drain with a minimum diameter of 300 millimetres shall be provided where the access is crossing a roadside drain.

The access crossing shall be permanently surfaced with a minimum requirement of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.

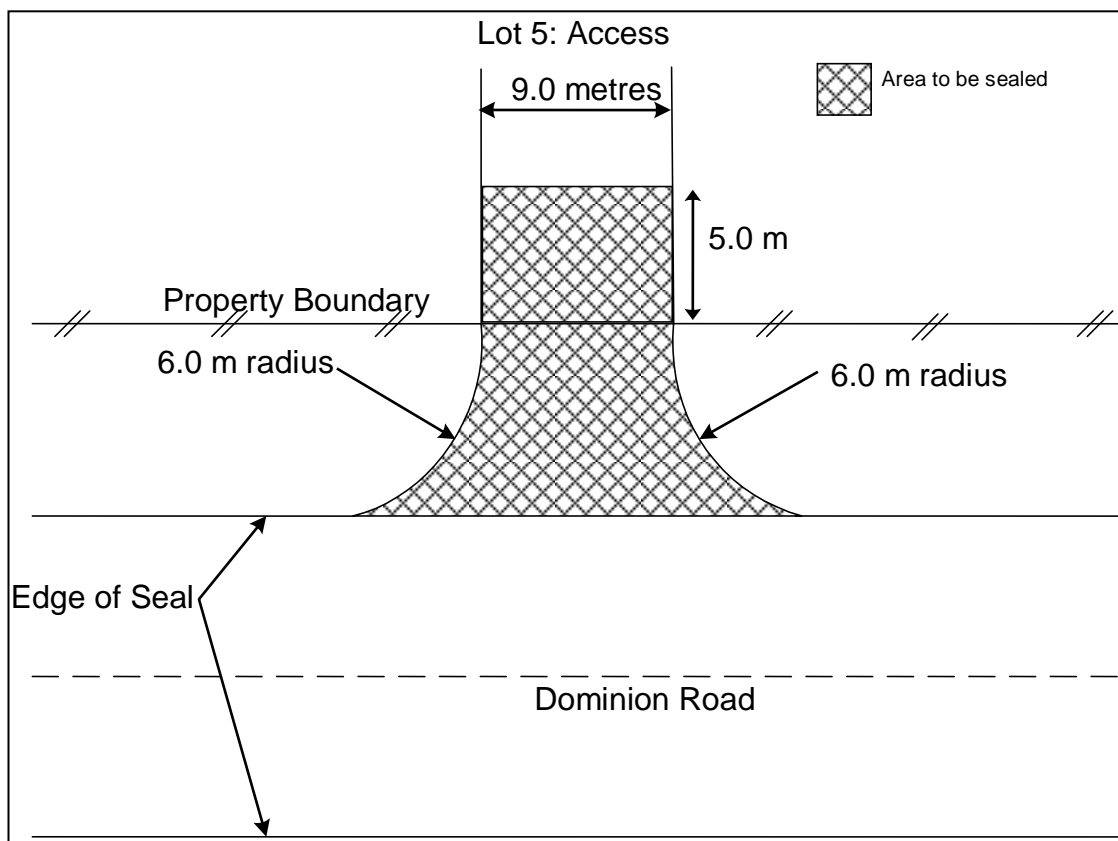


Figure 1 - Lot 5 Crossing Design

Access to Building Location Areas

24. The access to Lots 1 - 4 shown on Plan A - RM090798 shall be formed as follows:
- i) A maximum gradient of 1:5;
 - ii) Compacted basecourse surface;
 - iii) Two side drains; and
 - iv) Total carriageway width of 3.5 metres, with passing bays at 50 metre intervals.

Water Supply

25. A Council approved water meter shall be installed at the bore within Lot 5 to enable future monitoring of the water take.

Advice Note:

The consent holder is advised that it will need to seek a variation to the existing water permit (NN010343) to reflect the new land ownership arrangements.

Engineering Plans

26. Engineering plans detailing all services shall be submitted to the Council's Engineering Manager for approval prior to the commencement of any works. All engineering details are to be in accordance with the Council's Engineering Standards and Policies 2008. All necessary fees for engineering plan approval shall be payable.

Commencement of Works and Inspection

27. The consent holder shall advise the Council's Engineering Department and the Council's Coordinator Compliance Monitoring at least five working days prior to the commencement of any engineering works on site.

Advice Note

Prior to the commencement of work the Consent Holder and its representatives may be invited to meeting with Council staff to discuss the work to be undertaken including (but not limited to) roles and responsibilities, timing of the works and reporting.

28. No works shall commence on-site until the engineering plans have been approved by the Council's Engineering Manager.

Engineering Works

29. All works shall be constructed in strict accordance with the Council's Engineering Standards and Policies 2008, or to the Council's Engineering Manager's satisfaction.
30. The construction of the proposed accesses, stormwater control and earthworks for the construction of the Building Location Areas on Lots 2- 4 shall be completed prior to an application being made for s224 approval.

Engineering Certification

31. At the completion of works a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's Engineering Manager with written certification that the works have been constructed in accordance with the approved engineering plans, drawings and specifications and any Council approved amendments.
32. Certification that the nominated building sites on Lots 1 - 4, as shown on Plan B attached, are suitable for the construction of a residential building shall be submitted from a chartered professional engineer practicing in civil engineering. This certificate shall define on Lots 1 - 4 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2004 Schedule 2A. Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Act prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.
33. Where fill material has been placed on any part of a lot, a suitably experienced chartered professional engineer shall provide Certification that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development and shall be provided to the Council's Engineering Manager.

The Council will issue a consent notice pursuant to section 221 of the Act recording the soil condition and foundation recommendations on the certificates of title for each lot.

34. The workers accommodation and farm buildings close to Dominion Road shall be removed and the area restored.

Consent Notices

35. The following consent notices shall be registered on the certificate of title for the relevant allotments pursuant to Section 221 of the Act.

The consent notices shall be prepared by the applicant'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.

Consent notices in accordance with conditions of this consent shall be placed on the allotments as they are created.

A. Building Location Restrictions

The location of buildings within Lots 1 to 4 shall be within the areas identified on the Land Transfer Plan. There shall be no dwelling constructed within the lower Building Location Area identified on Lot 1.

All buildings shall be fully contained within each Building Location Area, except that these conditions do not apply to any buildings solely associated with utilities within the subdivision.

B. Maximum Building Heights

Buildings shall not exceed the following building heights:

- i) Dwellings and accessory buildings on Lots 1, 2 and 4 shall be to a maximum height of 5.5 metres above the Relative Levels (RL) shown on the Plans B, C and D dated 18 May 2010 (attached).
- ii) The dwelling and accessory buildings on Lot 3 shall be to a maximum height of 5.0 metres above the Relative Levels (RL) shown on the Plans B, C and D dated 18 May 2010 (attached).

C. Building Site Stability

Any recommended conditions resulting from the engineering certification required under Condition 32.

D. Building Colour

The exterior of all buildings (including water tanks) in this development shall be finished in colours that are recessive and which blend in with the immediate environment.

Buildings shall be finished in colours that meet the following standards:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$, and hue range 06-12.	
Group E	Excluded	
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

The consent holder shall engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

The exterior surfaces of all buildings shall be non-reflective.

E. Wastewater

Each residential allotment in this subdivision shall be provided with wastewater treatment and disposal in accordance with the conditions of the relevant associated wastewater discharge permit, RM090815, RM090813, RM090811 and RM090810.

F. Stormwater

The management of stormwater shall be carried out in accordance with the conditions of the stormwater discharge permits RM090802 and RM100208. Maintenance of the stormwater systems is required.

G. Landscaping

A Landscape Plan shall be developed by an appropriately qualified person and submitted to the Council's Environment & Planning Manager for approval and shall take into account the following:

- a) How the proposed buildings would be integrated within the site. The Landscape Plan shall take into account the natural form of the land, the form of the buildings and any existing plantings.
- b) Issues of privacy and views shall be specifically identified on the Landscape Plan and shown how these will be addressed and/or protected.
- c) The Landscape Plan shall include a planting schedule and maintenance program. Any dead plants shall be replaced within the next planting season.

The appropriately qualified person shall also confirm that the proposed style and form of the new buildings is suitable for the surrounding landscape.

The approved Landscape Plan shall be completed within two years following the commencement of the building construction on the lot.

No building shall commence on the lot until the Landscape Plan has been approved by Council's Environment & Planning Manager.

The existing landscape plantings on site established in accordance the approved Landscape Planting Plan required by Condition 2 of RM090798 shall be maintained. Any dead plants shall be replaced within the next planting season.

Written confirmation shall be provided to Council's Environment & Planning Manager from a suitably qualified landscaping professional that the landscaping has been fully completed in accordance with the approved Landscape Plan within 30 months of the commencement of building construction.

H. Retaining Walls and Planting

All unsupported batters, including the use of rock stacking, created on these sites shall not exceed a height of 2.5 metres or a gradient of 1:3 and shall be planted so that no bare earth remains visible one year after construction.

All retaining walls external to the dwelling shall be a maximum of 1.5 metres in height and planted so that 80% of the retaining wall area is screened within two years following construction.

I. Water Storage for Fire fighting

Each dwelling shall be provided with a water supply system that complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice.”

J. Buildings

Any buildings constructed on Lots 1 to 4 shall comply with the requirements of Land Use consent RM090800.

Financial Contributions (based on three new sites)

36. Payment of financial contributions assessed as follows:

Reserves and Community Services

5.5% of the assessed market value of the area of a notional 2,500 square metre area within each of Lots 3 and 4.

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

If payment of the financial contribution is not made within two years of the date of this consent, a revised valuation will be required and the cost of the revised valuation shall be paid by the Consent Holder.

Advice Note - Development Contributions

Council will not issue the Section 224(c) certificate in relation to this subdivision until all development contributions have been paid in accordance with Council’s Development Contributions Policy under the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are the amount to be paid and will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract development contributions for two new lots in respect of roading and water.

GENERAL ADVICE NOTES

Council Regulations

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

Other Proposed Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

3. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

Development Contributions

4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Cultural Heritage

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

Issued this 23rd day of June 2010



Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090800

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct a dwelling on each of Lots 1 to 4 as authorised by subdivision consent RM090798.

LOCATION DETAILS:

Address of property:	167 Dominion Road, Mahana
Legal description:	Lot 2 DP 9848
Certificate of title:	NL5B/655
Valuation number:	1938061800
Easting and Northing:	2514584E 5994508N

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

CONDITIONS

Commencement Date and Lapsing of Consent

1. The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotments.
2. This consent will lapse five years after the issue of the certificate of title for the respective allotments unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Building Location Restrictions

3. The location of buildings within Lots 1 to 4 shall be within the areas shown on Plans B, C and D dated 18 May 2010 (attached).

There shall be no dwelling constructed within the lower Building Location Area identified on Lot 1.

- All buildings shall be fully contained within each Building Location Area, except that these conditions do not apply to any buildings solely associated with utilities within the subdivision.

Building Heights

- Dwellings and accessory buildings on Lots 1, 2 and 4 shall have a maximum height restriction of 5.5 metres above the Relative Levels shown for each building platform shown on Plan B dated 18 May 2010 (attached).
- The dwelling and any accessory buildings on Lot 3 shall have a maximum height restriction of 5.0 metres above the Relative Level of the building platform shown on Plan B dated 18 May 2010 (attached).

Water Tanks

- Water tanks are to be incorporated within the structure of the buildings or buried below ground level or screened to not be visible beyond the site.

Retaining Walls and Planting

- All unsupported batters, including the use of rock stacking, created on these sites shall not exceed a height of 2.5 metres or a gradient of 1:3 and shall be planted so that no bare earth remains visible one year after construction.
- All retaining walls external to the dwelling shall be a maximum of 1.5 metres in height and planted so that 80% of the retaining wall area is screened within two years following construction.

Building Colour

- The exterior of all buildings (including water tanks) in this development shall be finished in colours that are recessive and which blend in with the immediate environment.

The building shall be finished in colours that meet the following standards:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$, and hue range 06-12.	
Group E	Excluded	
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

Advice Note

The consent holder shall engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

Fire Fighting Water Storage

11. The dwelling shall be provided with a fire fighting water supply system that complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice. The water storage volume required to meet this Code shall be maintained on site at all times.

Landscape Plan

12. A Landscape Plan shall be developed by an appropriately qualified person and submitted to the Council's Environment & Planning Manager for approval and shall take into account the following:
 - a) How the proposed buildings would be integrated within the site. The Landscape Plan shall take into account the natural form of the land, the form of the buildings and any existing plantings.
 - b) Issues of privacy and views shall be specifically identified on the Landscape Plan and shown how these will be addressed and/or protected.
 - c) The Landscape Plan shall include a planting schedule and maintenance program. Any dead plants shall be replaced within the next planting season.

The appropriately qualified person shall also confirm that the proposed style and form of the new buildings is suitable for the surrounding landscape.

The approved Landscape Plan shall be completed within two years following the commencement of the building construction on the lot.

No building shall commence on the lot until the Landscape Plan has been approved by Council's Environment & Planning Manager.

The existing landscape plantings on site established in accordance the approved Landscape Planting Plan required by Condition 2 of RM090798 shall be maintained. Any dead plants shall be replaced within the next planting season.

Written confirmation shall be provided to Council's Environment & Planning Manager from a suitably qualified landscaping professional that the landscaping has been fully completed in accordance with the approved Landscape Plan within 30 months of the commencement of building construction.

GENERAL ADVICE NOTES

Council Regulations

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

Other Proposed Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

3. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

Development Contributions

4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Cultural Heritage

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

Issued this 23rd day of June 2010



Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090810

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge domestic wastewater to land on Lot 1 authorised by subdivision consent RM090798.

LOCATION DETAILS:

Address of property: 167 Dominion Road, Mahana
Legal description: Lot 2 DP 9848
Certificate of title: NL5B/655
Valuation number: 1938061800
Easting and Northing: 2514584E 5994508N

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

CONDITIONS

1. The design and the construction and operation of the approved wastewater treatment and disposal system shall be in general accordance with the design report prepared by Tasman Consulting Engineers, (reference 09193 and dated 27 October 2009) and attached to this consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

Advice Note:

The wastewater system designer should be involved from an early stage with other parties responsible for the design. Design flow volumes, design and sizing of the land application area(s) and reserve land application area(s) need to be undertaken concurrently with, for example, landscaping designs and planning.

While the application refers to aerated systems, any form of secondary treatment capable of treating wastewater to comply with Condition 4 is considered suitable. These may include vermiculture or constructed wetland systems.

2. The design flow volumes for the wastewater system shall be calculated in accordance with the AS/NZS 1547:2000 On-site Domestic Wastewater Management standards as per the below table. If a dwelling has more than 5 habitable rooms, the design shall be submitted to Council's Co-ordinator Compliance Monitoring for approval.

Number of habitable rooms	Number of people	Design flow (Litres)
3	5	900
4	6	1,080
5	7	1,260
6	8	1,440
7	9	1,620

Advice Note:

The above table is based on the AS/NZS 1547:2000 On-site Domestic-Wastewater Management standards, which assumes two people per room for the first two rooms of a house, and one person per room for each subsequent room. It also assumes that each person will generate 180 Litres per day of wastewater as per the standard for reticulated community or a bore water supply.

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application areas shall be no less than that calculated using the formula below.

$$\text{Land application area (square metres)} = \frac{\text{Approved daily wastewater flow (litres)}}{2 \text{ litres per square metre per day}}$$

The land application areas shall incorporate at least 1 lineal metre of pressure-compensating drip irrigation line for each square metre of land application area. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Adjacent lateral drip irrigation lines shall be laid no more than 1 metre apart.

4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
- a) the five day biochemical oxygen demand (BOD₅) in any single sample shall not exceed 30 grams per cubic metre; and
 - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and land application system shall be carried out under the supervision of a person who is suitably qualified and experienced.
That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent.

This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1, 3, and 11 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications; and
 - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.
 9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
 10. A suitable reserve land application area equivalent to not less than 100% of each land application area (see Condition 3) shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped. For the purpose of this condition, "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation. A suitable reserve land application area equivalent to not less than the land application area calculated under Condition 3 shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped and shall be located within the areas marked "land application reserve area" on the plan referred to in Condition 2 of this consent. For the purpose of this condition "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation.
 11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

Maintenance and Monitoring

12. Samples of the treated wastewater shall be collected 6, 12 and 24 months following the first exercise of this consent from the sampling point referred to in Condition 11. The samples shall be tested for BOD₅ and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.
The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. "Typical fashion" means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than one person from the number of people who normally reside in the dwelling. The samples

shall be taken using laboratory supplied containers and according to the procedures directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and land application systems.

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

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

14. Notwithstanding Condition 13, the wastewater treatment and land application system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

- a) the date the inspection was undertaken and the name of the service provider;
- b) a list of all components of the treatment and land application systems that were inspected and the state of those components;
- c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- d) a description of the appearance of the filter/s and tanks;
- e) the location and source of any odour detected from the system; and
- f) a description of the appearance of the land application area (ponding, vegetation growth, etc).

Review of Consent Conditions

15. The Council may, during the month of April each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or

- c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
- d) to review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate;
- e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Lapse Date and Expiry

- 16. Pursuant to Section 125 of the Act this consent shall lapse 10 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
- 17. This resource consent shall expire on 1 July 2025

GENERAL ADVICE NOTES

- 1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- 2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
- 3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
- 4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
- 5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g., shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should 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.
- 6. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.

7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 23rd day of June 2010

A handwritten signature in black ink, appearing to read 'N Riley', written in a cursive style.

Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090811

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge domestic wastewater to land on Lot 2 authorised by subdivision consent RM090798.

LOCATION DETAILS:

Address of property:	167 Dominion Road, Mahana
Legal description:	Lot 2 DP 9848
Certificate of title:	NL5B/655
Valuation number:	1938061800
Easting and Northing:	2514584E 5994508N

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

CONDITIONS

1. The design and the construction and operation of the approved wastewater treatment and disposal system shall be in general accordance with the design report prepared by Tasman Consulting Engineers, (reference 09193 and dated 27 October 2009) and attached to this consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

Advice Note:

The wastewater system designer should be involved from an early stage with other parties responsible for the design. Design flow volumes, design and sizing of the land application area(s) and reserve land application area(s) need to be undertaken concurrently with, for example, landscaping designs and planning.

While the application refers to aerated systems, any form of secondary treatment capable of treating wastewater to comply with Condition 4 is considered suitable. These may include vermiculture or constructed wetland systems.

2. The design flow volumes for the wastewater system shall be calculated in accordance with the AS/NZS 1547:2000 On-site Domestic Wastewater Management standards as per the below table. If a dwelling has more than five habitable rooms, the design shall be submitted to Council's Co-ordinator Compliance Monitoring for approval.

Number of habitable rooms	Number of people	Design flow (Litres)
3	5	900
4	6	1,080
5	7	1,260
6	8	1,440
7	9	1,620

Advice Note:

The above table is based on the AS/NZS 1547:2000 On-site Domestic-Wastewater Management standards, which assumes two people per room for the first two rooms of a house, and one person per room for each subsequent room. It also assumes that each person will generate 180 Litres per day of wastewater as per the standard for reticulated community or a bore water supply.

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application areas shall be no less than that calculated using the formula below.

$$\text{Land application area (square metres)} = \frac{\text{Approved daily wastewater flow (litres)}}{2 \text{ litres per square metre per day}}$$

The land application areas shall incorporate at least 1 lineal metre of pressure-compensating drip irrigation line for each square metre of land application area. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Adjacent lateral drip irrigation lines shall be laid no more than 1 metre apart.

4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
 - a) the five day biochemical oxygen demand (BOD₅) in any single sample shall not exceed 30 grams per cubic metre; and
 - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and land application system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1, 3, and 11 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications; and
 - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.
 9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
 10. A suitable reserve land application area equivalent to not less than 100% of each land application area (see Condition 3) shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped. For the purpose of this condition, "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation. A suitable reserve land application area equivalent to not less than the land application area calculated under Condition 3 shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped and shall be located within the areas marked "land application reserve area" on the plan referred to in Condition 2 of this consent. For the purpose of this condition "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation.
 11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

Maintenance and Monitoring

12. Samples of the treated wastewater shall be collected 6, 12 and 24 months following the first exercise of this consent from the sampling point referred to in Condition 11. The samples shall be tested for BOD₅ and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. "Typical fashion" means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than one person from the number of people who normally reside in the dwelling. The samples shall be taken using laboratory supplied containers and according to the procedures directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and land application systems.

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

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

14. Notwithstanding Condition 13, the wastewater treatment and land application system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

- a) the date the inspection was undertaken and the name of the service provider;
- b) a list of all components of the treatment and land application systems that were inspected and the state of those components;
- c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- d) a description of the appearance of the filter/s and tanks;
- e) the location and source of any odour detected from the system; and
- f) a description of the appearance of the land application area (ponding, vegetation growth, etc).

Review of Consent Conditions

15. The Council may, during the month of April each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or

- b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
- c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
- d) to review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate;
- e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Lapse Date and Expiry

- 16. Pursuant to Section 125 of the Act this consent shall lapse 10 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
- 17. This resource consent shall expire on 1 July 2025

GENERAL ADVICE NOTES

- 1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- 2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
- 3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
- 4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
- 5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g., shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should 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.
- 6. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or

- c) be authorised by a separate resource consent.
7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 23rd day of June 2010

A handwritten signature in black ink, appearing to read 'N. Riley', written over a light grey rectangular background.

Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090813

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge domestic wastewater to land on Lot 3 authorised by subdivision consent RM090798.

LOCATION DETAILS:

Address of property:	167 Dominion Road, Mahana
Legal description:	Lot 2 DP 9848
Certificate of title:	NL5B/655
Valuation number:	1938061800
Easting and Northing:	2514584E 5994508N

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

CONDITIONS

1. The design and the construction and operation of the approved wastewater treatment and disposal system shall be in general accordance with the design report prepared by Tasman Consulting Engineers, (reference 09193 and dated 27 October 2009) and attached to this consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

Advice Note:

The wastewater system designer should be involved from an early stage with other parties responsible for the design. Design flow volumes, design and sizing of the land application area(s) and reserve land application area(s) need to be undertaken concurrently with, for example, landscaping designs and planning.

While the application refers to aerated systems, any form of secondary treatment capable of treating wastewater to comply with Condition 4 is considered suitable. These may include vermiculture or constructed wetland systems.

2. The design flow volumes for the wastewater system shall be calculated in accordance with the AS/NZS 1547:2000 On-site Domestic Wastewater Management standards as per the below table. If a dwelling has more than five habitable rooms, the design shall be submitted to Council's Co-ordinator Compliance Monitoring for approval.

Number of habitable rooms	Number of people	Design flow (Litres)
3	5	900
4	6	1,080
5	7	1,260
6	8	1,440
7	9	1,620

Advice Note:

The above table is based on the AS/NZS 1547:2000 On-site Domestic-Wastewater Management standards, which assumes two people per room for the first two rooms of a house, and one person per room for each subsequent room. It also assumes that each person will generate 180 Litres per day of wastewater as per the standard for reticulated community or a bore water supply.

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application areas shall be no less than that calculated using the formula below.

$$\text{Land application area (square metres)} = \frac{\text{Approved daily wastewater flow (litres)}}{2 \text{ litres per square metre per day}}$$

The land application areas shall incorporate at least 1 lineal metre of pressure-compensating drip irrigation line for each square metre of land application area. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Adjacent lateral drip irrigation lines shall be laid no more than 1 metre apart.

4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
- a) the five day biochemical oxygen demand (BOD₅) in any single sample shall not exceed 30 grams per cubic metre; and
 - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and land application system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1, 3, and 11 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications; and
 - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.
 9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
 10. A suitable reserve land application area equivalent to not less than 100% of each land application area (see Condition 3) shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped. For the purpose of this condition, "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation. A suitable reserve land application area equivalent to not less than the land application area calculated under Condition 3 shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped and shall be located within the areas marked "land application reserve area" on the plan referred to in Condition 2 of this consent. For the purpose of this condition "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation.
 11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

Maintenance and Monitoring

12. Samples of the treated wastewater shall be collected 6, 12 and 24 months following the first exercise of this consent from the sampling point referred to in Condition 11. The samples shall be tested for BOD₅ and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. "Typical fashion" means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than one person from the number of people who normally reside in the dwelling. The samples shall be taken using laboratory supplied containers and according to the procedures directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and land application systems.

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

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

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

Review of Consent Conditions

15. The Council may, during the month of April each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or

- b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
- c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
- d) to review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate;
- e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Lapse Date and Expiry

- 16. Pursuant to Section 125 of the Act this consent shall lapse 10 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
- 17. This resource consent shall expire on 1 July 2025

GENERAL ADVICE NOTES

- 1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- 2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
- 3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
- 4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
- 5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g., shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should 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.
- 6. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or

- c) be authorised by a separate resource consent.
7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 23rd day of June 2010

A handwritten signature in black ink, appearing to read 'N. Riley', written over a light grey rectangular background.

Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090815

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge domestic wastewater to land on Lot 4 authorised by subdivision consent RM090798.

LOCATION DETAILS:

Address of property:	167 Dominion Road, Mahana
Legal description:	Lot 2 DP 9848
Certificate of title:	NL5B/655
Valuation number:	1938061800
Easting and Northing:	2514584E 5994508N

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

CONDITIONS

1. The design and the construction and operation of the approved wastewater treatment and disposal system shall be in general accordance with the design report prepared by Tasman Consulting Engineers, (reference 09193 and dated 27 October 2009) and attached to this consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

Advice Note:

The wastewater system designer should be involved from an early stage with other parties responsible for the design. Design flow volumes, design and sizing of the land application area(s) and reserve land application area(s) need to be undertaken concurrently with, for example, landscaping designs and planning.

While the application refers to aerated systems, any form of secondary treatment capable of treating wastewater to comply with Condition 4 is considered suitable. These may include vermiculture or constructed wetland systems.

2. The design flow volumes for the wastewater system shall be calculated in accordance with the AS/NZS 1547:2000 On-site Domestic Wastewater Management standards as per the below table. If a dwelling has more than five habitable rooms, the design shall be submitted to Council's Co-ordinator Compliance Monitoring for approval.

Number of habitable rooms	Number of people	Design flow (Litres)
3	5	900
4	6	1,080
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6	8	1,440
7	9	1,620

Advice Note:

The above table is based on the AS/NZS 1547:2000 On-site Domestic-Wastewater Management standards, which assumes two people per room for the first two rooms of a house, and one person per room for each subsequent room. It also assumes that each person will generate 180 Litres per day of wastewater as per the standard for reticulated community or a bore water supply.

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application areas shall be no less than that calculated using the formula below.

$$\text{Land application area (square metres)} = \frac{\text{Approved daily wastewater flow (litres)}}{2 \text{ litres per square metre per day}}$$

The land application areas shall incorporate at least 1 lineal metre of pressure-compensating drip irrigation line for each square metre of land application area. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Adjacent lateral drip irrigation lines shall be laid no more than 1 metre apart.

4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
 - a) the five day biochemical oxygen demand (BOD₅) in any single sample shall not exceed 30 grams per cubic metre; and
 - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and land application system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1, 3, and 11 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications; and
 - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.
 9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
 10. A suitable reserve land application area equivalent to not less than 100% of each land application area (see Condition 3) shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped. For the purpose of this condition, "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation. A suitable reserve land application area equivalent to not less than the land application area calculated under Condition 3 shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped and shall be located within the areas marked "land application reserve area" on the plan referred to in Condition 2 of this consent. For the purpose of this condition "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation.
 11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

Maintenance and Monitoring

12. Samples of the treated wastewater shall be collected 6, 12 and 24 months following the first exercise of this consent from the sampling point referred to in Condition 11. The samples shall be tested for BOD₅ and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the dwelling is being used in a typical fashion. "Typical fashion" means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than one person from the number of people who normally reside in the dwelling. The samples shall be taken using laboratory supplied containers and according to the procedures directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

13. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and land application systems.

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

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

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

Review of Consent Conditions

15. The Council may, during the month of April each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or

- b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
- c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
- d) to review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate;
- e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Lapse Date and Expiry

- 16. Pursuant to Section 125 of the Act this consent shall lapse 10 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
- 17. This resource consent shall expire on 1 July 2025

GENERAL ADVICE NOTES

- 1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- 2. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
- 3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
- 4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
- 5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g., shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should 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.
- 6. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or

- c) be authorised by a separate resource consent.
7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 23rd day of June 2010

A handwritten signature in black ink, appearing to read 'N. Riley', written over a light grey rectangular background.

Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090802

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge stormwater collected from buildings, accessways and other hardstand areas on Lots 1 to 3 and Lot 5 authorised by subdivision consent RM090798.

LOCATION DETAILS:

Address of property:	167 Dominion Road, Mahana
Legal description:	Lot 2 DP 9848
Certificate of title:	NL5B/655
Valuation number:	1938061800
Easting and Northing:	2514584E 5994508N

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

CONDITIONS

1. The discharge of stormwater shall be carried out in accordance with the application submitted by Landmark Lile Ltd. and Newton Survey, dated 20 November 2009 and details contained in the report prepared by Tasman Consulting Engineers Ltd., dated 27 October 2009 (ref. 09193), submitted with resource consent application. 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 stormwater system at the proposed development. The specifications shall be in general accordance with the requirements of Condition 1.
3. Notwithstanding Condition 1, the stormwater disposal systems shall be designed in accordance with the Council’s Engineering Standards 2008, or else to the satisfaction of the Council’s Engineering Manager.

4. The Consent Holder shall submit to the Council's Coordinator 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 maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection, pest fish monitoring and pest fish eradication.

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

5. An Earthworks Management Plan in accordance with Condition 23 of RM090804 shall be submitted to Council's Co-ordinator, Compliance Monitoring for approval prior to any works taking place.
6. 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.
7. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain. Bare ground shall be revegetated as soon as practical, but within six months of the completion of works to minimise the generation of sediment.
8. The discharge or diversion shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.
9. At the time of sale the Consent Holder shall transfer consent RM090802 to the purchased of Lots 1, 2 and 3.

Dwellings

10. Any dwelling built on the site shall have a water tank(s) with a minimum volume of 23,000 litres to collect rainwater from roofs. The overflow from the tanks shall discharge to a primary stormwater management system (grass swale, watertable, etc) and all structures associated with this shall be constructed to avoid flooding and erosion.

Advice Note:

Low impact design for stormwater management on each of these properties is encouraged. The soils found in this area have poor drainage, thus soakage methods of disposal are unlikely to be effective.

Maintenance

11. All systems associated with the discharge (such as the interceptors, connecting drains, swales, water tables, tanks and dams) shall be maintained in effective, operational order at all times.
12. All systems shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.

Review of Consent Conditions

13. Pursuant to Section 128 of the Act, the Consent Authority may review the conditions of these consents by serving notice during the month of April each year, and for any of the following purposes:
 - 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.

Lapse and Expiry

14. Pursuant to Section 125 of the Act this consent shall lapse ten years after the date of this consent unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
15. This consent shall expire 35 years from the date of issue.

GENERAL ADVICE NOTES

1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Act.
2. The Consent Holder's attention is drawn to Permitted Activity 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 separate resource consent must be obtained.

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: (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); (b) be allowed by the Act; or (c) 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.

Issued this 23rd day of June 2010

A handwritten signature in black ink, appearing to read 'N Riley', written over a faint rectangular stamp.

Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM100208

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge stormwater collected from buildings, accessways and other hardstand areas on Lot 4 authorised by subdivision consent RM090798.

LOCATION DETAILS:

Address of property:	167 Dominion Road, Mahana
Legal description:	Lot 2 DP 9848
Certificate of title:	NL5B/655
Valuation number:	1938061800
Easting and Northing:	2514584E 5994508N

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

CONDITIONS

1. The discharge of stormwater shall be carried out in accordance with the application submitted by Landmark Lile Ltd. and Newton Survey, dated 20 November 2009 and details contained in the report prepared by Tasman Consulting Engineers Ltd., dated 27 October 2009 (ref. 09193), submitted with resource consent application. 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 stormwater system at the proposed development. The specifications shall be in general accordance with the requirements of Condition 1.
3. Notwithstanding Condition 1, the stormwater disposal systems shall be designed in accordance with the Council’s Engineering Standards 2008, or else to the satisfaction of the Council’s Engineering Manager.

4. The Consent Holder shall submit to the Council's Coordinator 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 maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection, pest fish monitoring and pest fish eradication.

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

5. An Earthworks Management Plan in accordance with Condition 23 of RM090804 shall be submitted to Council's Co-ordinator, Compliance Monitoring for approval prior to any works taking place.
6. 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.
7. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain. Bare ground shall be revegetated as soon as practical, but within six months of the completion of works to minimise the generation of sediment.
8. The discharge or diversion shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.
9. At the time of sale the consent holder shall transfer consent RM100208 to the purchaser of Lot 4.

Dwellings

10. Any dwelling built on the site shall have a water tank(s) with a minimum volume of 23,000 litres to collect rainwater from roofs. The overflow from the tanks shall discharge to a primary stormwater management system (grass swale, watertable, etc) and all structures associated with this shall be constructed to avoid flooding and erosion.

Advice Note:

Low impact design for stormwater management on each of these properties is encouraged. The soils found in this area have poor drainage, thus soakage methods of disposal are unlikely to be effective.

Maintenance

11. All systems associated with the discharge (such as the interceptors, connecting drains, swales, water tables, tanks and dams) shall be maintained in effective, operational order at all times.
12. All systems shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.

Review of Consent Conditions

13. Pursuant to Section 128 of the Act, the Consent Authority may review the conditions of these consents by serving notice during the month of April each year, and for any of the following purposes:
 - 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.

Lapse and Expiry

14. Pursuant to Section 125 of the Act this consent shall lapse ten years after the date of this consent unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
15. This consent shall expire 35 years from the date of issue.

GENERAL ADVICE NOTES

1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Act.
2. The Consent Holder's attention is drawn to Permitted Activity 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 separate resource consent must be obtained.
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: (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); (b) be allowed by the Act; or (c) 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.

Issued this 23rd day of June 2010

A handwritten signature in black ink, appearing to read 'N Riley', written in a cursive style.

Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090804

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To undertake earthworks for the construction of accessways and building platforms authorised by subdivision consent RM090798.

LOCATION DETAILS:

Address of property:	167 Dominion Road, Mahana
Legal description:	Lot 2 DP 9848
Certificate of title:	NL5B/655
Valuation number:	1938061800
Easting and Northing:	2514584E 5994508N

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

CONDITIONS

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application submitted by Landmark Lile Ltd. and Newton Survey, dated 20 November 2009 and details contained in the report prepared by Tasman Consulting Engineers Ltd., dated 27 October 2009 (ref. 09193), submitted with resource consent application. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.
2. The Consent Holder shall contact Council’s Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
3. The Consent Holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure that all personnel working on the site are made aware of the conditions of this resource consent and with the Management Plans required by Condition 23 of this consent, and shall ensure compliance with consent conditions.

4. A copy of this resource consent shall be available to contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
5. The earthworks authorised shall be completed at each Lot within six months of the commencement of works at that Lot. This may be extended by the Council's Co-ordinator Compliance Monitoring if a valid reason for an extension is provided in writing (for example, the contractor goes out of business or unforeseen geological issues).
6. Should the Consent Holder cease or abandon work on-site, adequate preventative and remedial measures to control sediment discharge shall be taken first, and shall thereafter be maintained for so long as necessary to prevent sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of the Council's Environment & Planning Manager.
7. Prior to bulk earthworks commencing, the Consent Holder shall submit to the Council's Co-ordinator Compliance Monitoring, a certificate signed by an appropriately qualified and experienced engineer to certify that the appropriate erosion and sediment control measures have been constructed in accordance with the Earthworks Plan (Condition 23) and the conditions of this consent. The certified controls shall include, where relevant, diversion channels, sediment fences, decanting earth bunds and sediment retention ponds. The certification for these measures for each construction phase shall be supplied to the Council Co-ordinator Compliance Monitoring.
8. The work shall be carried out during normal work hours (i.e., 7.30 am to 5.30 pm) to limit the nuisance of noise and access of vehicles.

Earthworks

9. The Consent Holder shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.
10. No petrochemical or synthetic contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the activity and no machinery shall be cleaned, stored, or refuelled within 5 metres of any watercourse.
11. Fuels, oils and hydraulic fluids associated with the operation shall be stored in a secure and contained manner in order to prevent the contamination of adjacent land and/or waterbodies.
12. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that there is no residual potential for contamination of land and surface water. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform Council's Co-ordinator Compliance Monitoring.

13. All practical measures shall be taken to ensure that any dust created by operations at the site and vehicle manoeuvring (in accessing the site and driving within it) shall not, in the opinion of Council's Co-ordinator Compliance Monitoring, become a nuisance to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.
14. Surplus fill soil shall be placed and compacted on stripped stable ground with a slope of 8° or less.
15. Topsoil and subsoil shall be stripped and stockpiled separately. On completion of the works topsoil shall spread over the subsoil.
16. The Consent Holder shall take all practical measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the earthworks.

Advice Note:

In particular, the key earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

17. The Consent Holder shall monitor weather patterns during the construction phase and works shall be discontinued and appropriate protection and mitigation measures put in place prior to forecast heavy rainfalls and where resulting floods reaching the site works.
18. The Consent Holder shall stop construction in heavy rain when the activity shows sedimentation in run-off that may enter water that is more than minor in the opinion of the Council's Compliance Officer.
19. Sediment and erosion controls shall be implemented and maintained in effective operational order at all times.

Advice Note:

Appropriate sediment control equipment including erosion protection matting and batter covers should be kept on-site for use in minimising potential sedimentation problems from areas of exposed soil.

20. All erosion and sediment control measures shall be inspected after any major rainfall event and any problems shall be rectified within 24 hours required.

Revegetation

21. All exposed ground excluding the accessway, driveways and building platforms shall be revegetated as soon as practical and shall be within 12 months of completion of the works so that erosion/downhill movement of soil is limited as much as is practical. This shall include supplemental planting of appropriate vegetation that enhances the stability and minimises surface erosion, e.g. mulching and hydroseeding.
22. The Consent Holder may use flocculation or chemical treatment as a sediment control measure. The accumulated sediment removed from the sediment control ponds shall be spread thinly over land in such a manner that it is prevented from entering water bodies.

Advice Note:

The Consent Holder is directed to the Tasman District Council Engineering Standards & Policies 2008, Section 5 for details of possible sediment control measures.

Earthworks Management Plan

23. Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare an Earthworks Management Plan.
24. The Consent Holder shall carry out operations in accordance with the provisions of the approved Earthworks Management Plan.
25. Any changes to the Earthworks Management Plan shall be made in accordance with the methodology and approved procedures in that plan and shall be confirmed in writing by the Consent Holder following consultation with Council's Compliance Officer. Changes to the Earthworks Management Plan shall not be implemented until authorised by the Council's Co-ordinator Compliance Monitoring.
26. The Earthworks Management Plan required by Condition 23 shall set out the practices and procedures to be adopted in order that compliance with the conditions of this consent can be achieved, and in order that the effects of the activity are minimised to the greatest extent practical. This plan shall, as a minimum, address the following matters:
 - (a) description of the works;
 - (b) engineering design details;
 - (c) silt and dust control during earthwork stages;
 - (d) temporary activities and equipment storage in specified areas;
 - (e) construction programme including timetable, sequence of events and duration including any landscaping;
 - (f) construction methods and equipment to be used;
 - (g) dust sources and potential impact during construction;
 - (h) methods used for dust suppression during construction activities;
 - (i) detailed specifications of the spoil storage and stabilisation;
 - (j) traffic management and property access management;
 - (k) contingency plans (e.g., mechanical failures, oil/fuel spills, flooding, landslips);
 - (l) assessment and monitoring procedures;
 - (m) methodology and approval procedures for making changes to the Earthworks Management Plan;
 - (n) erosion and sediment controls to be implemented during the works to form the stormwater discharge network in accordance with RM090802; and
 - (o) erosion and sediment controls to be implemented during the works in a watercourse to construct a dam and wetland in accordance with RM090807.

The following are the general principles and outcomes that shall be achieved as a result of the writing and implementing the Construction, Erosion and Sediment Control Plan:

- (a) minimise the disturbance to land;
- (b) stage construction;
- (c) protect steep slopes;
- (d) protect watercourses;

- (e) stabilise exposed areas as soon as possible;
- (f) minimise the run-off velocities;
- (g) revegetate as soon as possible;
- (h) install perimeter controls and protect disturbed areas from run-off sourced above site;
- (i) employ detention devices;
- (j) take the season and weather forecast into account;
- (k) use trained and experienced contractors and staff;
- (l) update the plan as the project evolves;
- (m) assess and monitor.

The Consent Holder is directed to the following documents for more detail on earthworks and sediment control: e.g., Auckland Regional Council's Technical publication TP90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

Review of Consent Conditions

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

Lapse and Expiry

28. Pursuant to Section 125 of the Act this consent shall lapse ten years after the date of this consent unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Advice Note:

The consent is given effect to once the on-site excavation first commences.

29. This resource consent expires 15 years after the date of granting.

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g., shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should 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.
6. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.

Issued this 23rd day of June 2010



Cr N Riley
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090807

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

John and Ria Wilms
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct a stormwater detention pond within a watercourse and contain the stormwater discharged from Lots 1, 2, 3 and 5 authorised by subdivision consent RM090798.

LOCATION DETAILS:

Address of property:	167 Dominion Road, Mahana
Legal description:	Lot 2 DP 9848
Certificate of title:	NL5B/655
Valuation number:	1938061800
Easting and Northing:	2514584E 5994508N

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

CONDITIONS

Wetland Development and Management Plan

1. A suitably qualified person experienced in wetland design and management shall prepare a “Wetland Development and Management Plan” (WDMP) for the design, construction and management of the wetland. This plan shall be prepared in accordance with the conditions of this resource consent and shall contain, but not be limited to, the following:
 - (a) A complete design of the wetland including, but not limited to:
 - (i) specifications of the proposed stream channel;
 - (ii) a transverse cross-section of the wetland showing the typical variety of bank shape through the length of the wetland; and

- (iii) a planting plan.
 - (b) a schedule describing the methods and frequency of plant and animal pest control within the wetland;
 - (c) timeframes for the implementation of the WDMP; and
 - (d) a written contract between the Consent Holder and a suitably qualified person or organisation who agrees to oversee the implementation of the WDMP and timeframes referred to in Condition 1(c).
2. A copy of the WDMP required by Condition 1 shall be submitted to the Council's Coordinator Compliance Monitoring for approval prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.

Earthworks

3. The dam shall be designed and constructed in accordance with the NZSOLD Dam Safety Guidelines and the application submitted by Landmark Lile Ltd. and Newton Survey, dated 20 November 2009 and details contained in the report prepared by Tasman Consulting Engineers Ltd., dated 27 October 2009 (ref. 09193), submitted with resource consent application. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.
4. The dam shall be designed and its construction overseen by a Chartered Professional Engineer practicing in Geotechnical Engineering and specialising in the construction of dams.
5. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
6. The Consent Holder shall take all practical measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the earthworks.

Advice Note:

In particular, the key earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

7. The Consent Holder shall monitor weather patterns during the construction phase and works shall be discontinued and appropriate protection and mitigation measures put in place prior to forecast heavy rainfalls and where resulting floods reaching the site works.
8. An Earthworks Management Plan in accordance with Condition 23 of RM090804 shall be submitted to Council's Co-ordinator, Compliance Monitoring for approval prior to any works taking place.
9. All exposed areas associated with the works in a watercourse shall be revegetated as soon as is practicable and no later than six months after the completion of the

works, or before the winter following the completion works, whichever is sooner, to limit erosion and downhill movement of exposed material.

10. The Consent Holder shall ensure that all excess construction material is removed from the site and stream beds and that the site is left in a neat and tidy condition following the completion of construction works.
11. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity and no refuelling of equipment shall take place on any area of the river bed. In the event that more than 20 litres of fuel or hydrocarbon is spilt the Consent Holder will inform Council's Co-ordinator Compliance Monitoring immediately.

Spillway Protection

12. To ensure that there are no adverse effects of the dam on the watercourse below it, rock protection (or similar) shall be placed under the direction of the chartered professional engineer referred to in Condition 4 below the spillway and shall be maintained by the Consent Holder.

Culvert

13. The existing culvert below the proposed dam shall be assessed by the Chartered Professional Engineer referred to in Condition 4. If in the opinion of that engineer the culvert requires to be upgraded or otherwise modified then that shall be undertaken by the Consent Holder and the Council is to be advised accordingly.
14. Prior to undertaking any on site works authorised by this consent the Consent Holder shall provide a copy of this consent and any other relevant consents to the contractor undertaking the works and the Chartered Professional Engineer referred to in Condition 4.
15. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents by serving notice during the month of January each year each year, and for any of the following purposes:
 - (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 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.
16. Pursuant to Section 125 of the Act this consent shall lapse ten years after the date of this consent unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Advice Note:

The consent is given effect to once the on-site excavation first commences.

GENERAL 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 (e.g., shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & 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 Tasman Resource Management Plan (TRMP); 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.

Issued this 23rd day of June 2010



Cr N Riley
Chair of Hearings Committee

APPENDIX 1 WILMS (RM090798 etc)

Right to Emit Noise from Rural Activities and Drift from Agricultural and Horticultural Sprays

1. Definition

In this easement the term “authorised farming activities” means all rural activities, including farming and horticultural crop production (and in particular, odour and noise from farming activities, the spraying for weeds and horticultural pests and diseases and the use of hail cannons to protect against hail damage to fruit crops) together with any other activity permitted under the relevant District Resource Management Plan for the time being in force and any existing uses and any activity permitted by any resource consent(s). The term “authorised farming activities” shall also include any other activity ancillary to the activities already defined or necessary therefore.

2. Rights and Powers

The owners or occupiers from time to time of the Dominant Tenement shall have the full, free, uninterrupted and unrestricted right, liberty and privilege for themselves and their respective servants, tenants, agents, licensees and grantees from time to time to emit noise from hail cannons and other farming practices and equipment, odour from farming activities, and drift from agricultural and horticultural sprays and to allow such emanations to escape, pass over or settle on the Servient Tenement in the course of the use of the Dominant Tenement for rural purposes with the intent that such aforementioned rights shall run with the Servient Tenement and be forever appurtenant to the Dominant Tenement.

3. Terms, Conditions, Covenants, or Restrictions in Respect of the Above Easement

- (a) The owners or occupiers from time to time of the Servient Tenement shall allow authorised farming activities to be carried out on the Dominant Tenement without interference or restraint.
- (b) All noise emitted from hail cannons, frost protection devices and farming practices and equipment shall not exceed the maximum level permitted in any relevant District Resource Management Planning document.

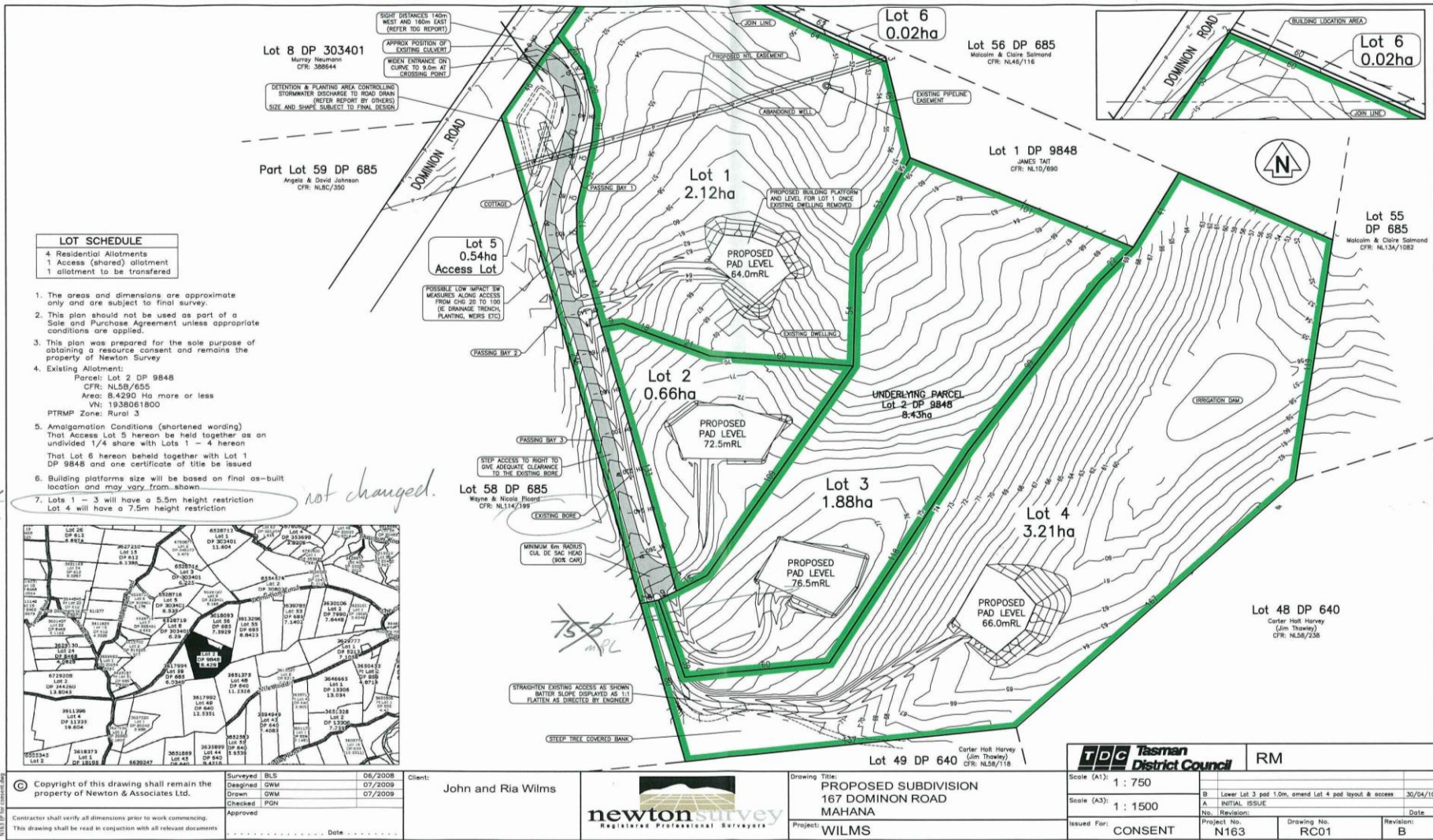
The owners or occupiers from time to time of the Servient Tenement shall not:

- (i) make or lodge; nor
- (ii) be party to; nor
- (iii) finance nor contribute to the cost of;

any submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation or recommencement of the authorised farming activities by the owners or occupiers from time to time of the Dominant Tenement.

- (c) The owners or occupiers from time to time of the Dominant Tenement shall at all times use sprays in accordance with usual agricultural and horticultural practices in the District.

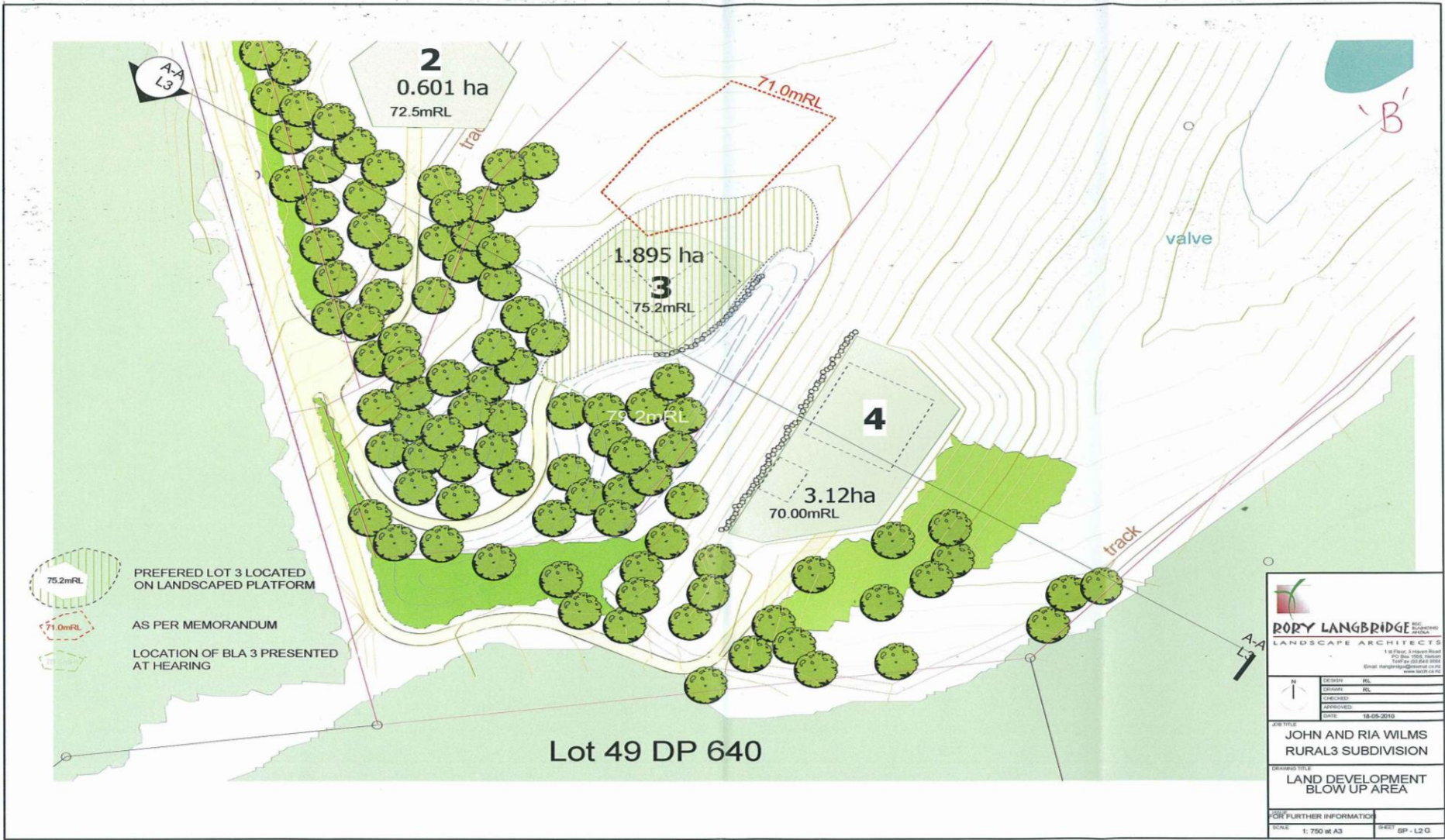
PLAN A - WILMS (RM090798 etc)



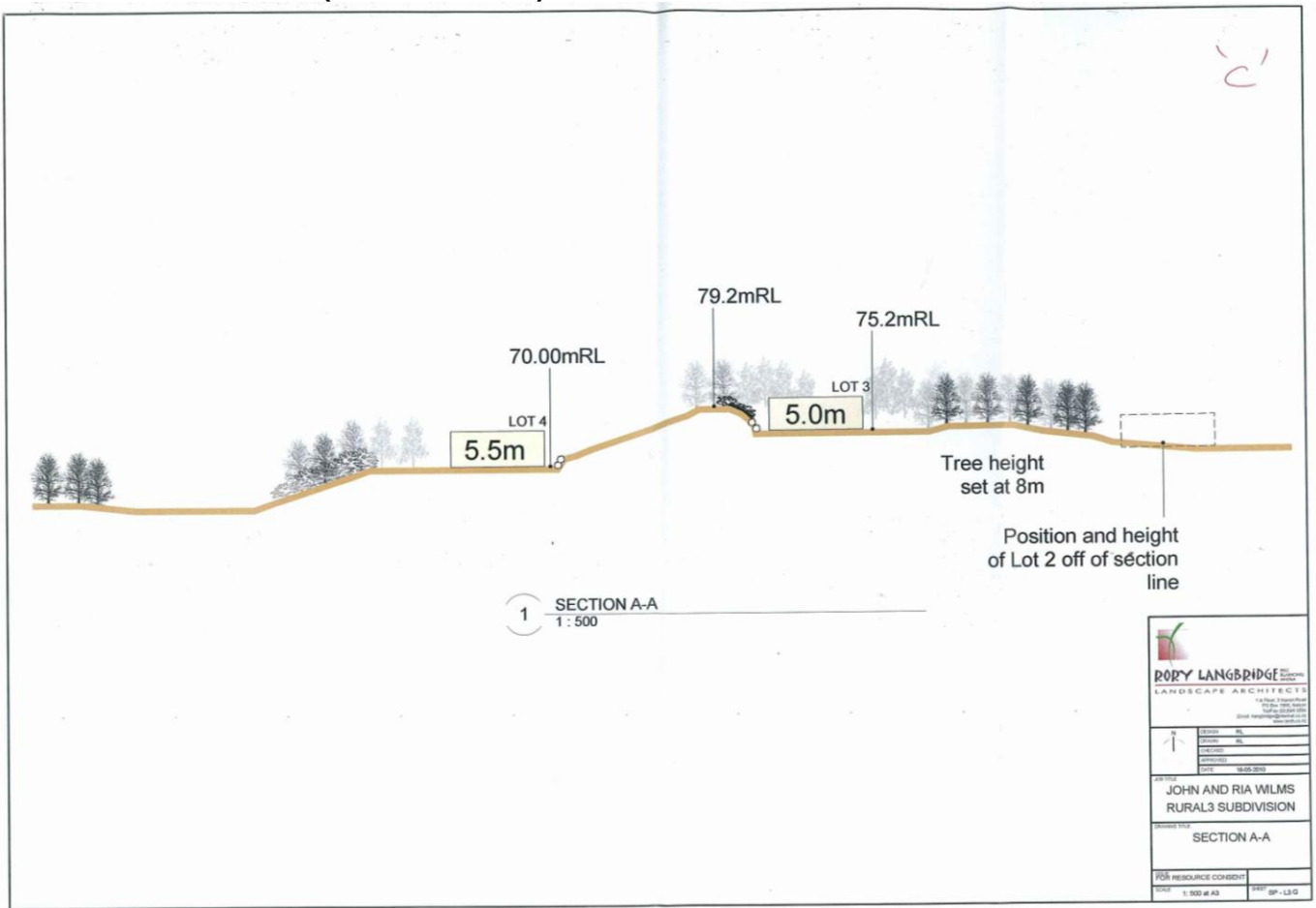
PLAN B - WILMS (RM090798 etc)



PLAN C - WILMS (RM090798 etc)



PLAN D - WILMS (RM090798 etc)



Date Confirmed: _____

Chair: _____