

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Monday 19 September 2011
TIME: 10.30 am
VENUE: Tasman Council Chamber, 189 Queen Street,
Richmond.

PRESENT: Crs S G Bryant (Chair), J L Edgar, M L Bouillir

IN ATTENDANCE: Consent Planner (P Webby), Consent Planner
(M Croxford), Resource Scientist – Land (A Burton),
Principal Resource Consents Advisor (J Butler), Landscape
Architect (T Carter), Executive Assistant (V M Gribble)

**1 Application No. RM100632, RM100633, RM100637, RM100638,
RM050727V5, RM110226 - CBH Ltd, Ridgeview Road, Appleby**

The application seeks the following consents:

- Subdivision Consent RM100632** To subdivide a 57 hectare property of Rural 3 zoned land held in two Certificates of Title into 38 residential allotments to be released in eight stages, eight lots to be held in one title by the Appleby Hills Residents' Association Incorporated as common land, and one lot to be transferred to the owner of Lot 3 DP 321214 and one title issued. The eight lots to be held in one title will include two lots of common land that already exist, four lots making up the private rights-of-way within the new subdivision, the area around the existing dam on Lot 66 DP 400216 and a 5 hectare block in the northern section of the site. This consent will be to replace the existing resource consent RM030632 authorising 28 residential allotments in the same area.
- Land Use Consent RM100633** To construct 10 residential buildings without a rainwater collection system for domestic use and to construct three rights-of-way to a formation width of 3.0 metres with passing bays and/or localised seal widening.
- Land Disturbance Consent RM100637** To construct 10 building platforms and accessways for proposed Lots 74, 75, 78 - 85 and the additional earthworks involved in the formation of the proposed rights-of-way.

Discharge Consent RM100638

To discharge stormwater to land in circumstances where it may enter water via both soft and hard techniques in accordance with the system's design and upgrading recommended in the Tonkin & Taylor Report to an existing irrigation dam and to the eastern gully contained within Lot 1 DP 427937.

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 Bouillir/Edgar
EP11-09-01**

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

CBH Ltd

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
CBH Ltd	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Bouillir/Edgar
EP11-09-03**

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

CARRIED

2. Application No. RM100632, RM100633, RM100637, RM100638, RM050727V5, RM110226 - CBH Ltd, Ridgeview Road, Appleby

Moved Crs Bryant/Bouillir
EP11-0-02

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to CBH LTD as detailed in the following report and decision.
CARRIED

TASMAN DISTRICT COUNCIL

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

Meeting held in the Tasman Room, Richmond on 19 September 2011
Site visit undertaken on 19 September 2011
Hearing closed on 19 September 2011

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the application lodged by **CBH Limited** ("the Applicant"), to subdivide land to create 38 lots (to replace existing consent authorising the creation of 28 new lots), to construct 10 dwellings, to undertake earthworks, to discharge stormwater and wastewater, and to undertake works in the bed of a waterbody. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM100632 (subdivision), RM100633 (land use - dwellings), RM100637 (land use - earthworks), RM100638 (discharge stormwater), RM050727V5 (discharge wastewater), and RM110226 (land use -works in watercourse).

- HEARING COMMITTEE:** Cr Stuart Bryant, Chairperson
Cr Judene Edgar
Cr Martine Bouillir
- APPLICANT:** Mr Mark Lile (Consultant Planner)
Mr Chris Edmonds (Applicant)
Mr Rory Langbridge (Landscape Architect)
Mr David Sissons (Landscape Architect)
- CONSENT AUTHORITY:** **Tasman District Council**
Mr Andrew Burton (Resource Scientist, Land)
Mr Tom Carter (Landscape Architect)
Mr Michael Croxford (Consent Planner, Natural Resources)
Ms Pauline Webby (Consent Planner, Subdivisions)
- SUBMITTER:** Mr Peter Stephenson
- IN ATTENDANCE:** Mr Jeremy Butler (Principal Resource Consents Adviser) -
Assisting the Committee
Mrs Valarie Gribble (Committee Secretary)

1. SUMMARY

The Committee has **GRANTED** resource consents, subject to conditions, to subdivide land and for the other associated activities described above.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant currently holds consent to develop 28 residential lots as part of the Appleby Hills subdivision at the southern margins of the Rural 3 Zone and immediately north of the Waimea Plains. This existing resource consent is referenced RM030632 and was originally granted in 2006.

An application to supersede that plan of subdivision was lodged with the Council. Following a negative staff recommendation in the Section 42A report the applicant came to the hearing with a substantially revised application. Here we describe the original application and then the changes made to the application as they were presented at the hearing.

The application site is located at Ridgeview Road, Appleby, being legally described as Lot 1 DP 427937, Lot 2 DP 422794 & Lot 4 DP 321214 comprised in CT 510443; and Lot 66 DP 400216 & Lot 2 DP 427937 comprised in CT 510435.

Application as Originally Lodged

The applicant applied to amend the layout of the Appleby Hills development to include 10 additional lots and to adjust the building location areas within 18 lots that were previously approved by the original consent. The consents applied for were:

Subdivision Consent RM100632 To subdivide a 57 hectare property of Rural 3 zoned land held in two Certificates of Title into 38 residential allotments to be released in eight stages, eight lots to be held in one title by the Appleby Hills Residents' Association Incorporated as common land, and one lot to be transferred to the owner of Lot 3 DP 321214 and one title issued. The eight lots to be held in one title would include two lots of common land that already exist, four lots making up the private rights-of-way within the new subdivision, the area around the existing dam on Lot 66 DP 400216 and a 5 hectare block in the northern section of the site. This consent would replace the existing resource consent RM030632 authorising 28 residential allotments in the same area.

Land Use Consent RM100633 To construct 10 residential buildings without a rainwater collection system for domestic use and to construct three rights-of-way to a formation width of 3.0 metres with passing bays and/or localised seal widening.

Land Disturbance Consent RM100637 To construct 10 building platforms and accessways for proposed Lots 74, 75, 78 - 85 and the additional earthworks involved in the formation of the proposed rights-of-way.

Discharge Consent RM100638	To discharge stormwater to land in circumstances where it may enter water via both soft and hard techniques in accordance with the system's design and upgrading recommended in the Tonkin & Taylor Report to an existing irrigation dam and to the eastern gully contained within Lot 1 DP 427937.
Discharge Consent RM050727V5	To vary an existing wastewater discharge consent to allow for an additional 10 dwelling equivalents to connect to an existing wastewater treatment and disposal system, to reduce the volume of sealed emergency storage for wastewater on each lot from 1500 litres to 600 litres and to reduce the monitoring requirements from two monthly to three monthly and from three to two sites.
Watercourse Consent RM110226	To complete works in the bed of a watercourse including the clearing of the existing channel of exotic weeds, formation of a new channel within the bed into a pool and riffle configuration and planting of the banks with native species as part of the upgrade to the stormwater system.

It was these proposals that were publicly notified and for which an officer's report was prepared. But at the hearing the applicant amended the application as follows:

Application Proposed at the Hearing

The applicant's representatives presented an amended plan that showed five fewer additional lots than the original application as well as the continuation of proposed Lot 60 as a rural productive block. Proposed Lot 60 is to have a dwelling on it so the total increase in the number of dwellings proposed was amended to six.

The applicant also made consequential amendments to the applications for land use consent for dwellings, land disturbance consent, and discharge permits for wastewater and stormwater. The applicant withdrew the application for works in the bed of a watercourse as the amendments remove the need for a stormwater control upgrade.

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): Land Disturbance 1, Wastewater Management Area, 66 kVa Electricity Transmission Lines

Activity	Relevant permitted rule	Applicable rule	Status
Subdivision in Rural 3 zone	Nil	16.3.7.2	Non Complying
Roading	16.2.2.1	16.2.2.6	Restricted discretionary
Land use-construction of a dwelling	17.7.3.1	17.7.3.3	Restricted discretionary
Earthworks	18.5.2.1	18.5.2.5	Restricted discretionary
Discharge wastewater	36.1.2.4	36.1.4.2	Discretionary
Discharge Stormwater	36.4.2.1	36.1.2.3	Discretionary

All parties agreed that the application is to be considered as a non-complying activity.

4. NOTIFICATION AND SUBMISSIONS RECEIVED

A written approval was received from the New Zealand Transport Authority (NZTA) on 19 April 2011. Pursuant to Section 104(3)(a)(ii) we must not have any regard to any effect on that party.

The application was publicly notified pursuant to Section 95 and submissions closed on 8 April 2011. A total of four submissions were received. The following is a summary of the written submissions received and the main issues raised:

Submissions in support

Submitter	Reasons
P N Stevenson	That the current development (Appleby hills) is a credit to the developer. The proposed subdivision will be a benefit to the local community.

Neutral submissions

Submitter	Reasons
Transpower New Zealand Limited	Amended conditions provided. Transpower withdrew their opposition to the proposal and requirement to be heard at the hearing.
New Zealand Fire Commission	Conditions required, which have been volunteered. They have subsequently withdrawn their request to be heard at the hearing.

Submissions in opposition

Submitter	Reasons
Elizabeth Hodgkinson	Preserve current lifestyle values with out detrimental effects from further development. To maintain the visual rural aspect of their farm. If was granted would requires conditions limiting shading to their property from landscape plantings setbacks of sites, stock proof fences and rural emanation easements.

5. PROCEDURAL MATTERS

We note the withdrawal of the submission by Elizabeth Hodgkinson. Apart from that matter there were no procedural matters that required consideration or a ruling.

6. 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.

6.1 Applicant's Evidence

Mr Mark Lile (Consultant Planner)

Mr Lile described the Appleby Hills development as an excellent example of what was intended for the Rural 3 Zone. He said that it is providing a high quality living environment, high quality water supply and wastewater treatment and disposal systems, significant naturalisation of riparian corridors, open spaces and a contribution to walkway linkages through this part of the Zone.

Mr Lile explained the changes to the application. Those changes are summarised in Section 2 above. The residential lots removed from the application are 81, 82, 83, 84 and 85. Associated with the amendments Lot 60 is to remain as a rural productive allotment with its own dwelling or "homestead"; and amendments were made to the pedestrian walkway route as a result of the change in use of Lot 60. Mr Lile said that with a volunteered right-of-way to the Hodgkinson property to the south-east of proposed Lot 60 the Hodgkinson submission has been withdrawn.

Mr Lile then addressed the relevant assessment matters. He said that as a result of the proposal Lot 60 will reduce in size from 9.177 hectares (as it was originally proposed when the subdivision was first approved in 2006) to 7.0 hectares allowing for a homestead and 240 square metres of farm buildings. He described the land lost as being south-western facing.

Mr Lile narrowed the scope of the "contest" to proposed Lots 79 and 80, presumably as the staff report did not express opposition to the other new lots, nor to the revised Building Location Areas. Mr Lile suggested that the changes made will have alleviated the concerns expressed by Mr Tom Carter (Consultant Landscape Architect for the Council). He also considered that most of Mr Andrew Burton's (Resource Scientist, Land) concerns would also be addressed.

Mr Chris Edmonds (Applicant)

Mr Edmonds described the Appleby Hills subdivision as being very successful, but very expensive to implement with the CBH Ltd's investment still far from being recovered. He said that productive land has been taken into common land under the ownership of the Residents Association and that this has been a huge success.

He expressed concern that Lot 60 would be impossible to sell and may not be well managed. He described it as having a broken landform, unreliable drainage and steep topography. He noted support from Mr David Sissons (who was the landscape

architect originally involved with the consenting of the development) for the revised application and the location of the homestead on proposed Lot 60.

Mr Rory Langbridge (Landscape Architect)

Mr Langbridge stated his opinion that the changes made to the application address the concerns raised by the Council's reporting officers. He considered that the only likely disagreement between himself and Mr Carter would be around proposed Lots 79 and 80.

Mr Langbridge was satisfied that proposed Lot 80 would appear as a minor component of the approved cluster of surrounding houses. He also considered that proposed Lot 79 would be in alignment with, and therefore screen, proposed Lot 78. He said that these lots will form a "front edge" to the residential cluster overlooking the dam.

Mr Langbridge advised that all structural planting is located within common areas and that there will be an establishment period before it has effect. He said that the first houses had been established in 2008 and a lot of gully plantings are well established to the point of being maintenance free. Stage 1 plantings are starting to have reasonable impact in terms of overall character.

Mr David Sissons (Landscape Architect)

Mr Sissons said that he had looked carefully at his own contribution to the original resource consent and his concerns were similar to Mr Carter's. The revised application had now fully resolved those concerns.

Mr Sissons agreed with Mr Langbridge that the house and gardens (once established) on proposed Lot 79 would screen proposed Lots 75 and 78. He also considered that it would not be out of place in the Rural 3 zone.

Mr Sissons commended the revised application to us and considered that it is an appropriate compromise between what was originally sought and the productive potential of Lot 60.

Cr Bryant asked if Mr Sissons considered that the dwelling on Lot 60 would be prominent, given that it is not in a cluster. Mr Sissons said it will be clearly seen as the homestead of the productive lot and it will fit perfectly with any other rural property.

6.2 Submitters' Evidence

Mr Peter Stephenson

Mr Stephenson said he had owned the land before the applicant and it is not profitable productive land, otherwise he would still own it. Fragmentation is inevitable and should be done in a sustained and controlled manner as has been done in this case. He was happy to see the application approved.

Mr Stephenson said they farmed the majority of the area in apples, but the contour of the land made it too hard, with safety and spray issues.

6.3 Council's Reporting Officers' Report and Evidence

Mr Andrew Burton (Resource Scientist, Land)

Mr Burton said that the reduction in productive area is greater than 20% of the land area. He emphasised that the land is Class B: it has some limitations and can only be used for certain variety of crops, but overall with correct management it can be very productive.

He is concerned about restricting farm storage area to 240 square metres and said the limit should be able to accommodate requirement of productive land.

Cr Edgar noted that Lot 60 is currently 9.11 hectares, but is now proposed to be 7 hectares. She asked if it was Mr Burton's opinion that 9 hectares could be productive, but that 7 hectares could not. Mr Burton said it still could be productively used but that it is another 2 hectares out of the block. He said that the smaller it is, the more difficult it is to make an economic return. It is about protecting the versatility of the land for the greatest range of possible future uses.

Mr Tom Carter (Landscape Architect)

Mr Carter said he was more comfortable with this proposal than the original application.

Mr Carter clarified that the trees (conifers and eucalypts) next to the road that partially screen the land from SH60 are not on the applicant's site and therefore cannot be relied upon. He said that we should be wary of reducing the importance of the view from SH60 simply because the views are brief. He said that the duration of the view is of little importance as the mind can process the view extremely quickly and an impression is made regardless of the length of the view. The landscape impact needs to be considered in a cumulative way.

Mr Carter considered that structural planting needed to take into account the potential shading of Lots 62, 63, 64, 75, 78 and 79. Further, for proposed Lot 60 (the homestead) there does not appear to be structural planting proposed. He considered that initial structural planting is important and without criteria there is no concept of what is to be achieved. He did not consider it appropriate that landscaping of Lot 60 will occur when the building consent is lodged. He said that the key outstanding item is there are no criteria for structural planting.

As a result of these comments Mr Carter requested that the applicant be directed to prepare a more thorough landscape plan for the new proposal. He said that what is most important is that some criteria be put together to guide the structural planting of this site. Mr Carter considered the appropriate people to have input would be Mr Langbridge, Mr Sissons, Mr Burton and himself. He said that at the moment the structural planting on the plan is just floating in space and it shouldn't be; it should be tied down to a process under Chapter 2 of the design guide. There needs to be purpose and criteria for the structure planting as to why it is being done.

To illustrate the problem as he saw it, Mr Carter said that the plan presented shows separation between Lot 60 and Lots 61, 62, 63, 64, 75, 78 and 79 on the western side of the spur. This may cause shading of the productive lot and also shading of the houses because of planting on the spur. Such shading may mean that plants may be later removed.

Cr Edgar asked if structural planting within Lot 60 would take away from the potential productive value of the section. Mr Cater agreed that it may and therefore criteria need to be identified, for example, to minimise impacts on productive values.

Cr Bryant noted the plantings adjacent to SH60 and asked if it would be possible or desirable to have additional plantings on the applicant's property to give more certainty. Mr Carter agreed it would give certainty but that it is not a good idea to mitigate effects by simply lining the highway with trees. The use of the land needs to be correct. He saw it as erroneous to allow poor quality land use and then simply hide it with roadside screening.

Mr Michael Croxford (Consent Planner, Natural Resources)

Mr Croxford acknowledged the reduction in stormwater with changes now proposed. He agreed that there is now no need for disturbance in the water course as was originally proposed.

Mr Croxford said that with the change in application from that he previously assessed the boundary between Lot 66 DP 400216 and proposed Lot 60 is an issue as it runs across the face of the dam which makes administration of the dam difficult. He said that the entire dam structure and spillway should be included in Lot 66.

Ms Pauline Webby (Consent Planner, Subdivisions)

Ms Webby was satisfied with Mr Lile's proposed conditions. She said that Mr Burton still has concerns in terms of productive values but that is one of several considerations that we must decide upon. She said that productive values are more of a science based consideration and are a core focus of the Rural 3. She considered it appropriate that Mr Burton present his perspective but nevertheless, it is one matter within an overall appraisal.

Ms Webby said that she is supportive of Mr Carter's position and acknowledged that the applicant has gone to considerable effort to allay his concerns. She said that her initial recommendation was to decline consent based on the fact that the proposal was inconsistent with Rural 3 outcomes. Now the application has changed considerably and it is for the Committee to make a decision on how it weighs the productive values and landscape impact versus the allowance in the plan for controlled development.

6.4 Applicant's Right of Reply

Mr Lile said that the applicant has approached this application on the basis that it is trying to get the best outcome out of this property while still maintaining the fundamental benefits. He emphasised that there are no opposing submitters and that reflected the consultative nature of the application.

Mr Lile said that the applicant has made significant concessions leading up to the hearing, they had engaged Mr Sissons who has a high standing, and had carefully listened to and addressed the issues that he raised.

Mr Lile said that the only substantive issue for us to consider is the productive values.

7. PROCEDURAL MATTER - LANDSCAPE AND STRUCTURE PLANTING CRITERIA

During the hearing Mr Carter requested that the applicant undertake a measure of further work to identify a landscape plan and criteria to guide structure planting. As we understand Mr Carter's request, landscape plans to be provided under the conditions of consent would then need to be consistent with these criteria.

Mr Lile for the applicant opposed such a requirement as he considered that previous stages of the development had progressed very effectively without any such plan and the proposed conditions of consent adequately covered the matter. He saw the requirement as just another costly delay.

We considered the matter and found some sympathy with both Mr Carter's and Mr Lile's views. We understood that previous stages of the development had been guided by Mr Sissons' original plan, and it is just this kind of analysis that Mr Carter is seeking to guide landscaping of this new area of subdivision. On the other hand, we did not see that there was a need for a detailed analysis and a great deal of complexity in the assessment. Therefore we directed that Mr Carter, Mr Burton and Mr Langbridge meet immediately to discuss the matter and provide some such criteria. Our decision on the results of this caucusing is presented in Condition 36 of the subdivision consent.

8. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are identified below.

a) To what extent will the application cause adverse effects on the landscape values and rural character of the area, particularly when viewed from State Highway 60?

There appeared to be a level of consensus between parties at the hearing that the revised application would not cause more than minor adverse effects on the landscape values and rural character, and we find that we agree.

The new lots and houses above the dam will form a discrete cluster and will be viewed "end on" so as to not seem extensive or dominating. The houses will be off the ridge and set into the landscape. However, to further ensure that the dwellings do not "*dominate*" in this locality we consider that a maximum height of 5 metres, rather than 6 metres, above natural ground level should be imposed.

The landscape experts agreed that the "homestead" on Lot 60 is in an appropriate location and will not look out of place as it will be clearly associated with the wider expanse of land around it. We accept these opinions. We also agree with Mr Carter that landscaping will need to be carefully considered for Lot 60.

b) To what extent will the proposals compromise productive values of the site?

We accept Mr Burton's perspective about the versatility and potential productivity of rural land. Mr Burton was of the opinion that rather than land being either "productive vs unproductive" or "economic vs uneconomic" the issue is the range of possible uses that productive land could be put to in the future and also the economies of scale which improve with greater land area.

It is therefore inevitable that the proposed variation which will reduce the land area of Lot 60 from over 9 hectares to 7 hectares will have some level of adverse effect on the versatility and ongoing viability of the land.

Mr Burton told us that higher quality pipfruit can be grown on such soils as these. He rejected suggestions that the land was manifestly unproductive by saying that a variety of crops could be grown. He considered that the economics of a block relied not only upon the land but also upon changing markets, the skill of the farmer or horticulturalist, and future crops that may become popular.

The depletion of land area from Lot 60 as a result of this application will come from four sources. First, Lots 75, 78, 79, 80 and 89 will remove west to north-west facing land. Second, the homestead, its access and landscaping will be placed on Lot 60. Third, a small triangle of land (Lot 91) will be transferred to the Stevenson property. Fourth, an area at the north-western corner of the property which is the toe of the dam will become part of Lot 66. (This fourth matter is of no importance as, in any event, that "land" was not usable or any productive purpose.)

c) To what extent is the proposal consistent with the Coastal Tasman Area Subdivision and Development Design Guide?

We accept that the revised subdivision design proposed by the applicant is now generally consistent with the Guidelines in Chapter 3 of the Design Guide. The deletion of houses on the eastern spur has largely removed the proposed development that would otherwise be viewed from the Coastal Highway. The productive buffer and open space will be maintained.

The proposal is inconsistent with Section 3.2 (High Productive Land). While the land would not meet the definition of High Productive Value in the TRMP it is some of the higher quality land available in the District. However, we see the adverse effect on this land as being minor with the majority of the land retained.

Overall, we agree with Mr Edmonds and Mr Lile that the Appleby Hills development has been successful and continues to be consistent with the vast majority of the specified guidelines.

9. RELEVANT STATUTORY PROVISIONS

9.1 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);
- 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.

9.2 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.

10. DECISION

Pursuant to Section 104B of the Act, we **GRANT** the consents sought, subject to conditions.

11. REASONS FOR THE DECISION

Effects on the Environment

Following the hearing we were satisfied that all of the adverse effects on the environment had been adequately avoided, remedied or mitigated, with the exception of the effects on land productivity values.

As we have stated above, we consider that there are effects on land productivity but that they are not significant. Our task was to weigh up those effects on the productivity of Lot 60 against the positive effects of creating high value places to live in the rural environment.

Objectives and Policies of the TRMP

The following policies specifically relate to the Rural 3 Zone and are relevant to this application.

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

7.3.3.5 *To protect land of higher productive values within the Coastal Tasman Area.*

- 7.3.3.6 *To protect rural and coastal character, including landscape and natural character, and productive land and amenity values from development pressures in parts of the Coastal Tasman Area outside the areas where development is specifically provided for, including Kina Peninsula and the land to the west of the Moutere Inlet.*
- 7.3.3.8 *To avoid, remedy or mitigate adverse effects of development on land, surface and ground water resources, and the coastal marine area.*
- 7.3.3.12 *To progressively develop a network of interconnected pedestrian, cycle and equestrian routes, and reserves within the Coastal Tasman Area, including to and along the coast.*
- 7.3.3.14 *To take into account, and avoid or mitigate potential cumulative adverse effects on rural character, rural landscapes and amenity values, including the potential impact that complaints from new residential activities can have on existing productive activities, arising from adverse cross-boundary effects, when assessing the effects of subdivision and development in the Coastal Tasman Area.*
- 7.3.3.16 *To protect from further subdivision and development, land that has been retained as open space either within any allotment or as an allotment, in an approved subdivision in the Rural 3 Zone, for its productive, rural or coastal character, landscape, amenity, or wastewater discharge management value.*
- 7.3.3.17 *To avoid or mitigate exposure of subdivision and development to road noise, including from State Highway 60 and the designated Ruby Bay Bypass.*

The proposal is consistent with all of the policies except for Policy 7.3.3.5, which we have already discussed, and Policy 7.3.3.16. The latter reflects the non-complying status of this application. The applicant has argued that the current proposal is not a wholesale re-subdivision of land but is an attempt to more efficiently use the lots already created and also utilise more area of the property without having adverse effects. We accept the reasoning given by the applicant, mainly because of the limited scope of the amended application. The amended proposal also substantially retains the values of Lot 60 that were established when the original subdivision was first approved.

Section 9.2 of the TRMP sets the objective of retaining the contribution that rural landscapes make to the amenity values and rural character of the District, and the retention of those values from inappropriate subdivision and development. Supporting policies are to retain the rural characteristics of the landscape (9.2.3.3), to encourage landscape enhancement through design (9.2.3.4), and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas (9.2.3.5). We are satisfied that these outcomes are provided for by this revised application that we are considering.

We have provided our assessment of the application against the guidelines of the Coastal Tasman Area Subdivision and Development Design Guide above. Again, with the exception of the protection of higher productive land values, the proposal is generally consistent with these provisions.

Section 104D of the Act

A resource consent with a non-complying status cannot be granted unless either the adverse effects of the activity on the environment are minor, or the activity is not contrary to the objectives and policies of the TRMP.

In this case, we consider that the effects on land productivity will be minor, and all other effects will certainly be less than minor when the conditions of consent are taken into account. Therefore we are satisfied that this first gateway of Section 104D is passed and that the amended application can proceed to be considered under Section 104.

Regarding the objectives and policies of the TRMP, the proposal is not contrary to most, but is contrary to those that relate to the protection of higher productive land. Since the objectives and policies that relate to such protection are throughout the TRMP we have our doubts as to whether it could be said that the proposal is “not contrary” overall.

Purpose and Principles of the Act

There are no Section 6 matters of national importance relevant to this case.

We have had particular regard to the other matters listed below:

- S.7(b) the efficient use and development of natural and physical resources.
- S.7(c) the maintenance and enhancement of amenity values.
- S.7(f) maintenance and enhancement of the quality of the environment.
- S.7(g) any finite characteristics of natural and physical resources.

In assessing this application we have had to balance a number of conflicting considerations including the existing environment as it is affected by a subdivision consent, the intentions of the Rural 3 Zone, the minimal adverse effects on landscape and the effects on land productivity.

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.

12. COMMENTARY ON CONDITIONS OF CONSENT

Following the request by Mr Carter and the discussions between experts at the hearing we have included some additional criteria to guide the landscaping of the subdivision prior to the granting of a Section 224(c) certificate. The applicant requested that the landscaping of Lot 60 be done as part of Condition 36 of the subdivision consent, rather than as part of Condition 2 of the land use consent RM100633 which would put the responsibility onto the new landowner.

We have altered the height restriction on new dwellings to 5 metres, for the reason stated in Section 8 above.

We have also made reference to the relevant TDC Engineering Standards and Policies for Pedestrian lighting in Condition 12 of the Subdivision consent.

A full copy of the conditions on the wastewater discharge permit RM050727V5, as modified by this decision are included to provide an ongoing consolidated consent document.

Issued this 19th day of October 2011

A handwritten signature in black ink, appearing to read 'Stuart Bryant', is written on a light-colored rectangular background.

Councillor Stuart Bryant
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM100632

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

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

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide a 57 hectare property (held in two Certificates of Title) into:

- 33 residential allotments (Lots 42 - 44, 46, 47 - 65, 67 - 72, 74, 78 - 80)
- Lot 86 access lot to Pt Lot 2 DP11800
- Lot 89 access lot that includes ROWs I, J, H and K and connection to Lot 66
- Lot 90 access includes ROW B
- Lot 88 part of common land (Under Transpower line)

Amalgamations

- Lots 86, 88, 89 and 90 to be held in one title with Lot 66 DP400216, Lot 2 DP438731 and Lot 45 DP438731 (owned by the Appleby Hills Residents Association)
- Lot 73 to be amalgamated with Lot 3 DP321214
- Lot 91 to be amalgamated to Lot 1 DP321214

LOCATION DETAILS:

Address of property: Ridgeview Road, Appleby
Legal description: Lot 1 DP 427937, Lot 2 DP 422794, Lot 4 DP 321214,
Lot 66 DP 400216 and Lot 2 DP 427937
Certificate of title: CT 510443 and CT 510435
Valuation number: 1938078212
Easting and Northing: 2517323E 5990417N

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

CONDITIONS

General

1. The subdivision and development shall be carried out in accordance with the revised application plan by Aubrey Survey & Land Development Consultancy Job No. R593 Sheets 1 and 2 dated September 2011 and attached to this consent as Plans B and C. The subdivision and development shall also be carried out in accordance with the Revised Proposal plan by Rory Langbridge Landscape Architects Sheet RC-L3-K dated September 2011 and attached to this consent as Plan A.

However, the following amendments shall be made:

- i) the boundary between Lot 66 DP 400216 and Lot 60 shall be relocated so that it is three metres from the toe and spillway of the dam and the toe and spillway are included in Lot 66 DP 400216; and
 - ii) the building location area for farm buildings on Lot 60 shall be increased to 500 square metres.
- 1A. The Building Location Area for each residential allotment on lots 47 and 48 shall be set back at least 30 metres from the adjoining properties, outside the subdivision area.

Staging

2. The subdivision shall be completed in the stages as proposed within the application and as set out below:

Stage 7	Lots 42-44, 46 and 47
Stage 8	Lots 48-51, 58, 88 and 90
Stage 9	Lots 52, 59, 65, 69 and 86
Stage 10	Lots 53-57, 60, 80, 91
Stage 11	Lots 61-62, 75, 78 and 79
Stage 12	Lots 63, 64, 67, 68 and 74
Stage 13	Lots 70- 73

(The proposed stages are identified on the revised Scheme Plan referred to in Condition 1 above).

3. Financial contributions attributable to each stage shall be payable upon application for Section 224(c) certificate for each stage, unless as otherwise provided for in this consent.
4. Land covenants/consent notices in accordance with conditions of this consent are to be placed on the lots as they are created, not on balance areas yet to be developed.
5. The following amalgamation conditions shall be imposed:
 - i) That lots 86, 87, 89 and 90 are to be held in one title with Lot 66 DP 400216 and Lots 2 and 45 DP438731
 - ii) That Lot 73 hereon be transferred to the owner of Lot 3 DP 321214 (CT 84439) and one certificate of title issue.

- iii) That Lot 91 is to be transferred to the owner of Lot 1 DP 321214 CFR 84438 and one certificate of title issued.

Land Information New Zealand reference: 1025702

Advice Note

Regarding point i) of this condition, Land Information New Zealand has advised that all land must be brought into common ownership at the time of issue. The correct DP number must also be recited for Lot 66 400216 (not DP 40021).

Roads, Footpaths and Walkways

- 6. The remaining formation of the main access road shall be a sealed width of 6 metres, 600 millimetre wide metalled shoulders with grassed swale drains, a maximum grade of 1-in-7 and a design speed of 50 kph and where there is no walkway within the road reserve, a 1.4 metre wide sealed footpath. Footpaths and walkways shall be constructed to a minimum standard of chip seal.
- 7. All roads shall be constructed to meet the Tasman District Engineering Standards & Policies 2008, unless otherwise stated. Appropriate measures shall be incorporated in the road design to control scour of any swale drains.
- 8. Street names shall be submitted and approved by Council for the main access road and all the cul-de-sacs prior to the approval of the Section 223 certificate for Stage 2. Cost of name plates shall be met by the Consent Holder.
- 9. Walkways shall be constructed as shown on the David Sissons CBH Ltd Landscape Design Fig 4 Development Layout and Landscape concept dated 19 June 2003 and as amended by the revised Stages 7 to 13 as shown on the revised layout plan prepared by Rory Langbridge Landscape Architects Ltd (RC-L3 K, dated September 2011).

Walkways shall have a legal easement width of 4 metres (except where the walkway is part of road reserve) and be formed with a chip sealed (minimum) surface 1.4 metres wide prior to the application for the Section 224(c) certificate for each stage.

Walkway gradients shall not exceed 1-in-5.5 unless approved by Council's Community Services Manager.

Note: The costs of formation will be credited against the reserve fund contributions (subject to a quote acceptable to the Council).

- 9A. A private walkway easement shall be granted over proposed Lot 45 in favour of Pt Section 183 (the property owned by S & J Eden).

Advice Note:

The purpose of this easement is to provide legal pedestrian access from the Eden property to the proposed walkway easement.

Rights-of-way

10. Rights-of-way shall have a minimum 10 metre legal width, a minimum sealed width of 4.5 metres, metalled shoulders of 500 millimetres and grassed swales for drainage and a maximum grade of 1-in-6. Where a site has a frontage to both an access road and a right-of-way (that it has access rights to), the vehicle crossing shall be located onto the right-of-way, ensuring that the crossing is as far from the intersection as possible.
- 10A. For stages 7 to 13, the rights-of-way shall have the following formation widths. Rights-of-way A, B, C, E, F, G, I, J and K will be no less than 3 metres. Rights-of-way H and D will be no less than 4.5 metres.

Advice Note:

The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat. All road and Right-of-way formation to have a concrete edge restraint and 2 coat chip seal. Rights-of-way to have passing bays and or localised seal widening as shown on Aubrey Survey and land development job No R593 dated September 2011.

11. All lots shall have crossing places formed from the edge of the seal to the lot boundary in accordance with Tasman Engineering Standards & Policies 2008. The legal width of all rights-of-way shall include all associated swales, water tables, grassed verges, cuts and batters.

Pedestrian Lighting

12. Pedestrian lighting is to be provided in accordance with Standard 10.3.3 Rural/Residential Lighting (in TDC Engineering Standards and Policies 2008) to the approval of Council's Engineering Manager.

Building Site Stability

13. The Consent Holder shall ensure that each building location area is subject to an investigation, evaluation and report by a chartered professional engineer to ensure the site is suitable for residential building, particularly in relation to any cuts, fills, or batters. If the engineer identifies any need for special design (especially foundation design) then that shall be recorded on the relevant title by way of consent notice.
 - i) The certification of building platforms constructed for residential development shall be in accordance with NZS 4404:2008 Schedule 2A.
 - ii) Where fill material has been placed on any of the residential sites, a certificate shall be provided by a suitably qualified and experienced engineer certifying that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.
 - iii) The engineering report shall also cover stormwater run-off from each building site, with any recommended conditions to ensure that the run-off does not adversely affect stability or cause adverse effects off-site.

Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 recording the soil condition and foundation recommendations on the certificates of title.

Water Supply

14. The subdivision shall be reticulated for potable water supply, in accordance with the Connell Wagner Water Supply Concept Plan SKO3 dated 9 December 2004 and each stage of the development (except Stages 1 and 2) shall be provided with a water supply for firefighting purposes, to comply with NZS PAS 4509:2008 - NZFS Firefighting Water Supplies Code of Practice.

As-built plans and a water supply producer statement from a chartered professional engineer confirming that the allotments in each stage/substage comply with NZS PAS 4509:2008 - NZFS Firefighting Water Supplies Code of Practice shall be provided to the Council's Environment & Planning Manager prior to Section 224 approval for each stage/substage.

Advice Note:

If it can be shown that the proposed water supply complies with the New Zealand Community Drinking Water Standards 2005, then additional water treatment will not be required.

Wastewater

15. With the exception of Lots 73, 86, 88, 89, 90, 91, no Section 224(c) certificate will be issued until each allotment within the respective stage has a connection to an approved communal effluent disposal system constructed by the Consent Holder and authorised by a discharge consent.

Advice Note - Stormwater:

All stormwater management arising from the subdivision is controlled under RM030656V1

Consent Notice Required for Transpower Overhead Lines Protection Relating To Lots 7, 15, 26, 45, 69, 51, 71 and 72)

Construction Management Plan

16. The consent holder must submit a Construction Management Plan (CMP) for the Council's approval. The CMP is to include methods and measures to ensure the following.
 - (a) Adequate clearances between mobile plant and the overhead transmission lines are maintained at all times during construction. For the purpose of this condition adequate clearances are the distances to which Clause 5.2 of New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001) refers;
 - (b) A minimum clearance of 6.5 metres between the ground and the overhead transmission lines will be maintained at all times during construction, and will be achieved following construction (refer Table 4, NZECP 34:2001);

- (c) Any earthworks must be undertaken so that excavations:
 - (i) greater than 300mm are not located within 2.2 metres of any pole supporting a high voltage transmission line (or stay wire if applicable); or
 - (ii) greater than 750mm are not located between 2.2 and 5 metres of any pole supporting a high voltage transmission line (or stay wire if applicable); or
 - (iii) do not create an unstable batter.
- (d) Dust and other particulate material do not accumulate on the insulators for the overhead transmission lines.
- (e) Physical barriers to be constructed or installed to ensure that the structural integrity of any pole supporting a high voltage transmission line will not be compromised by vehicle impact during subdivision construction activities.
- (f) Provisions to enable the existing high voltage infrastructure to be accessed for maintenance at all reasonable times, or emergency works at all times, whilst construction activities associated with the subdivision are occurring.

The CMP must also:

- (g) Specify the name, experience and qualifications of a person nominated by the owner to supervise the implementation of, and adherence to, the CMP.
 - (h) Include details of the contractor's liability insurance held to cover any costs, direct or indirect, associated with damage to the Stoke - Upper Takaka A and B transmission lines directly or indirectly caused by subdivision construction activities.
17. No construction activities are to undertaken without the CMP being first approved by the Council, and all construction activities are to undertaken in accordance with the approved plan.

Engineering Plans for Road Construction

18. The engineering plans for road construction must include details of physical barriers to be constructed or installed to ensure that the structural integrity of Pole 79 on the Stoke - Upper Takaka A transmission line (and Pole 83 on the Stoke - Upper Takaka B transmission line if applicable) will not be compromised by vehicle impact following completion of the subdivision.

Landscaping

19. Where landscaping is to be undertaken as a condition of this consent the landscaping plan, when it is submitted to the Council, must be accompanied by certification for a suitably qualified person (eg: a registered landscape architect) confirming that any vegetation shown on the landscaping plan is of a species that does not have the ability to reach such a height that it is able to:
- (a) encroach into the growth limit zone under the Hazards from Trees Regulations;
or,

- (b) fall within 5 metres of the conductors on the Stoke - Upper Takaka A and B transmission lines.

As-Built

- 20. Before submitting a survey plan to the Council for approval and following completion of earthworks, the consent holder must submit an earthworks as-built plan for the approval of the Council. This must be accompanied by a report by a suitably qualified and experienced electrical engineer determining the minimum ground (as-built) clearance below the conductors on the Stoke - Upper Takaka A and B transmission lines under worst case conditions. Where the compliance check indicates the required clearances are not achieved the consent holder must undertake the required remedial work within one month.

Survey Plan Condition

- 21. The survey plan submitted for the Council's approval must be in accordance with the plan of proposed subdivision submitted with the application except that the survey plan must define and label consent notice areas comprising corridors within Lots 46, 52, 53, 54, 69, 71, 72, and 88, parallel to the Stoke - Upper Takaka A and B transmission lines (as the case maybe).

The width of these corridors (as measured either side from the centreline of the transmission line) shall be:

- (a) Either, 20 metres;
- (b) Or, the maximum distance of the conductor swing as determined under worst case conditions and with an additional safety margin of 3 metres lateral distance included or, 12 metres whichever is the greater distance.

Advice note

The distance to which Condition 21(b) above refers must be determined by a suitably qualified electrical engineer experienced in high voltage transmission lines, and the engineer's assessment must be provided to Transpower for its review and comment at least one month before it is submitted to the Council.

Consent Notice Conditions

- 22. No building or structure shall be constructed within those parts of Lots 46, 52, 53, 54, 69, 71, 72, and 88 shown as Areas << consent notice label to be inserted >> on DP << to be inserted >>.
- 23. Regardless of the restriction imposed in Condition 22, buildings or any part of a building on Lot 88 must not be located within 6 metres of the closest visible edge of any high voltage transmission line support structure.
- 24. The owners of Lots 44, 46, 51, 52, 53, 54, 58, 69, 71, 72, and 88 must not plant or allow to be planted any trees or vegetation able to exceed a height of two metres where the tree or vegetation is:
 - (i) within that part or parts of Lots 46, 52, 53, 54, 69, 71, 72, and 88 shown as Area << consent notice label to be inserted >> on DP << to be inserted >>; or
 - (ii) able to fall within 5 metres of any part of a transmission line.

25. All land use activities, including the construction of new buildings/structures, earthworks (filling and excavations), the operation of mobile plant and/or the construction of fences on Lots 46, 52, 53, 54, 69, 71, 72, and 88 must comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).

For the purpose of this condition the following are the most relevant considerations:

(a) For Lot 88:

- (i) Clause 2.2.1 of NZECP 34:2001 which outlines restrictions on excavations within 5 metres of a pole supporting a transmission line; and,
- (ii) Clause 2.3 of NZECP 34:2001 outlines restrictions on erection of conductive fences.

(b) For 46, 52, 53, 54, 69, 71, 72 and 88:

- (i) A minimum clearance of 4 metres is required between mobile plant and overhead transmission lines (Clause 5.2.1 of NZECP 34:2001).
- (ii) A minimum clearance of 6.5 metres is required between the ground and the conductors on the Stoke - Upper Takaka A and B transmission lines (Table 4 in NZECP 34:2001).
- (iii) A minimum clearance between mobile plant and the overhead transmission lines of 4 metres must be maintained at all times (Clause 5.2 of NZECP 34:2001).

Advice Notes:

1. All new trees/vegetation planted in the vicinity of any transmission line are limited to those which at a mature height will not encroach upon the relevant growth limit zone [or notice zone] for the line, as defined in the Electricity (Hazards from Trees) Regulations 2003.
2. Under s23 Electricity Act 1992 Transpower NZ has a right of access its existing assets situated on Lot 88 and the land shown as legal road. Any development on Lot 88 and the legal road must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act 1992.

Power and Telephone

26. Each residential lot shall be serviced with underground power and telephone connections to the boundary of the lots. Written confirmation of servicing shall be provided to Council by the relevant utility provision prior to application for 224(c) certificate for each stage. All power and telephone reticulation in the subdivision shall be underground.
27. Electricity substations 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.

Residents' Association (Management Company) and Management Plan

28. The Consent Holder shall form a Residents' Association to which the transferee or its successors shall be members. The purpose of the Residents' Association is to manage and maintain communal assets and utilities (wastewater reticulation including any reserve disposal area, water supply, treatment and reticulation, and stormwater detention areas including dams), including the management of plant and animal pests on land under the control of the Residents' Association to ensure all the relevant consent conditions are complied with. Prior to the issue of the Section 223 certificate, a Management Plan setting out the purpose, responsibilities, accountabilities and procedural policies of the Residents' Association shall be submitted for the approval of the Environment & Planning Manager.

Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 requiring compliance with the Residents' Association Management Plan by lot owners on an ongoing basis.

This Management Plan shall also make provision for the Consent Authority to require work to be undertaken by or on behalf of the Residents' Association in the event that the Management Company/Residents' Association fails to meet its obligations to the standards identified as appropriate for such purposes, such that a breach of the conditions has occurred or seems likely to occur, and should the work not be undertaken, the Consent Authority has the power to undertake the work itself and recover the full cost of the work from the Residents' Association and its members.

Easements

29. Easements are required over any Right-of-way, public or communal services, including water for irrigation for Lots 45 and 60 where these pass through the lots in the subdivision, for any lots that have stormwater discharge that will cross adjoining property prior to discharging to a gully. Easements shall be shown on the land transfer title plan and any documents shall be prepared by solicitors at the Consent Holder's expense.

Provision for easements on any allotment where stormwater has to flow across adjoining land before it is discharged to gullies.

30. A rural emanations easement shall be registered against all residential allotments in favour of productive land use activities and their associated effects on those rural allotments (Lots 1 and 2, 7, 15, 26 and 60) within the subdivision.

Building Location Restrictions

31. The building sites identified on the application plan (attached) shall be shown on the land transfer title plan and the corners of the sites fixed by co-ordinates.
32. All buildings on all lots shall be erected within the 1,000 square metre building curtilage area identified on the application plan (attached).

Advice Note

This condition does not apply to any buildings associated with utilities within the subdivision.

33. No building on any of the allotments shall be higher than 5.0 metres above natural ground level.
34. No buildings shall be erected on Lots 73, and 88-91.
35. Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 noting the requirements of Conditions 34-37 on the subsequent certificates of title.

Landscaping

36. A landscape management 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 prior to the issue of the Section 223 certificate for Stage 1. The landscape management plan shall detail the following information:
 - (i) Planting plan specifying the type, number, and size of the plants for all the plantings shown on the David Sissons CBH Development layout and landscape concept plan dated 13 June 2003 as amended by the revised stages 7 to 13 as shown on the revised layout plan prepared by Rory Langbridge Landscape Architects Ltd (RC-L3 K dated September 2011)
 - (ii) Establishment works required to implement the planting plan.
 - (iii) Staging of planting in accordance with the subdivision staging.
 - (iv) The plantings shall be in accordance with the Landscape Design Report dated 16 March 2004 and the species in accordance with the "Proposed species and spacing for vegetative framework planting" set out in the report.
 - (v) Pest plant and animal controls and ongoing maintenance schedules.
 - (vi) Replacement planting.
 - (vii) Ongoing maintenance of planted areas (developer and future owners).
 - (viii) Landscaping areas to be subject to land covenants to ensure their ongoing existence.
 - (ix) the mechanism designed to ensure the morning sunlight to the Broderick/Maisey property is not adversely affected by the proposed woodlot plantings.

Notwithstanding the above, the plan shall provide for the following criteria and outcomes to the satisfaction of the Council's Environment & Planning Manager:

That the landscaping and planting of ROW K and Lots 89 and 79 shall provide for:

- (a) morning sun egress to the Building Location Areas on Lots 61, 62, 63, 64, 75, 78 and 79;

- (b) maximisation of the productive potential of Lot 60 through provision of sunlight, and through no restriction on any future shelterbelt or spraybelt planting requirements; and
- (c) appropriate visual buffering of Lots 61, 62, 78 and 79 when viewed from State Highway 60.

That for Lot 60:

- (d) The landscaping shall give consideration to planting behind the residential building location area when viewed from State Highway 60 to create a suitable backdrop. Any backdrop planting shall be such that shading on Lot 2 DP 11800 is avoided and that views through to the mountains, particularly mountain tops, when viewed from State Highway 60 are maintained.
 - (e) Landscaping shall also be undertaken in such a way that minimises the impacts on productive land.
37. The framework planting and conservation amenity plantings for each stage shall be completed for each stage prior to the approval of the Section 224(c) certificate. A written statement shall be provided from a suitably qualified landscaping professional approved by Council that the plantings have been fully completed in accordance with the above landscaping plan.
38. The Consent Holder shall be responsible for maintenance, pest control, replacement and management of the planting within the development for a minimum of three years following the signing of the Section 224(c) certificate for each stage. The responsibilities thereafter devolving to the owners of the lots.
39. Land covenants shall be imposed on all lots detailing the ongoing preservation and management requirements of the landscape plan. The Consent Holder shall provide a written undertaking from a solicitor that land covenants will be imposed on each lot of each stage following the issue of the Section 224(c) certificate.
40. Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 recording the requirements of Conditions 41 and 42 on each certificate of title.

Future Subdivision - Consent Notice

41. No further subdivision of any of the lots in the subdivision will be permitted, unless such subdivision constitutes a boundary adjustment where it does not result in the creation of additional lots (for a dwelling) or is for the provision of a utility site. Council will issue a consent notice pursuant to Section 221 of the Act recording the requirements of this condition on the certificates of title.

Engineering Works, Services, Supervision and Plans

42. Prior to undertaking any engineering works, including earthworks, road works, water, wastewater, stormwater, other utilities and storage dams as outlined in this consent, engineering plans are to be prepared for each stage, in accordance with Council's Engineering Standards & Policies 2008 and submitted to the Council's Engineering Manager for approval. All construction is to be in accordance with the approved

plans. Private services laid in the road to vest shall be to a standard approved by Council's Engineering Manager.

Advice Note:

A licence to occupy road reserve for any private reticulation services to be located within road to vest will be required.

43. "As-built" plans of services will be required at the completion of the works and approved by the Council's Engineering Manager prior to the issue of the Section 224(c) certificate for each stage.
44. All works undertaken and services and engineering plans shall be in accordance with the Tasman District Council Engineering Standards & Policies 2008, unless otherwise described above, or to the satisfaction of the Council's Engineering Manager. The Consent Holder shall advise the Council at least five working days prior to the commencement of any works on this subdivision.
45. The Consent Holder shall engage a chartered professional engineer to observe and test the construction of the works. The certificate pursuant to Section 224(c) of the Act will not be released by Council until a "Certificate of Supervision" signed by the engineer is provided and all necessary fees and levies attributable to the stages of the development have been paid.

Maintenance Performance Bond

46. The Consent Holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,100 per residential lot to a maximum of \$20,000 or a lesser figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of the Section 224(c) certificate of each stage.
47. The bond shall cover maintenance attributable to defects and the remedy of defects arising from defective workmanship or materials.

Financial Contributions

48. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
 - (a) the amount of the contribution shall be 5.62 per cent of the total market value of 2,500 square metres (rural)(at the time subdivision consent is granted) for 33 lots.
 - (b) the Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;
 - (c) if payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.62 per cent contribution shall be

recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

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

Duration of Subdivision Consent

49. The five year extension is given to Stages 7-13 of the consent, meaning that the Section 223 certificate for each of these stages will need to be submitted for approval within 10 years of the issue of consent.

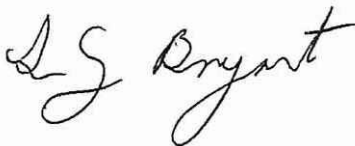
Pesticide Residues

50. Prior to Section 223 approval for Stage 9, 11-13 an assessment of pesticide contamination be carried out on the building sites for Lots 59-64, 75, 78-80 by a suitably qualified professional, acceptable to Council. It would also be a requirement that any recommended mitigation measures be completed prior to the Section 224 approval of this stage.

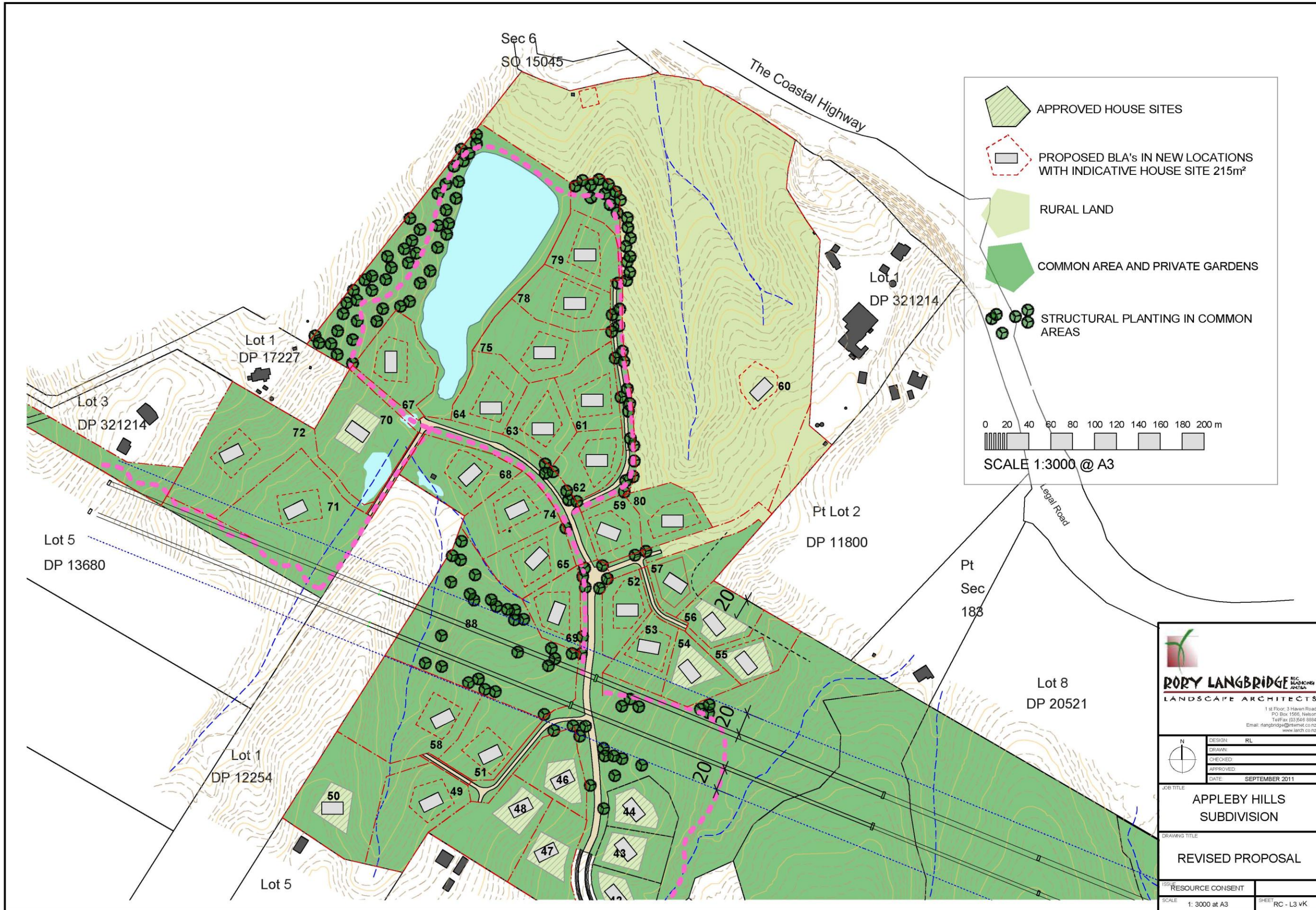
GENERAL ADVICE NOTES

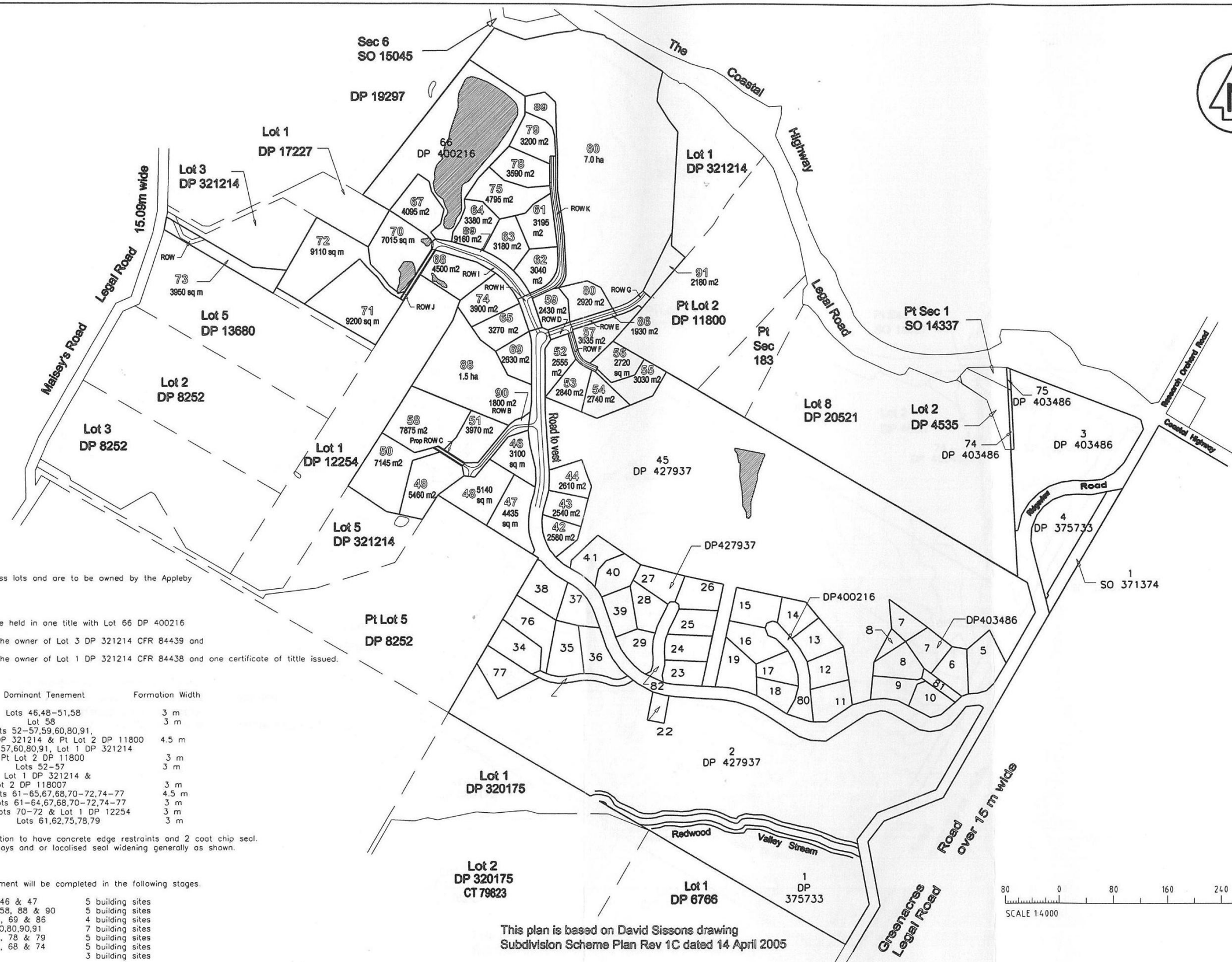
1. Council will not issue the Section 224(c) certificate in relation to the stages in this subdivision until all development contributions payable for each stage have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.
2. The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid for each stage.
3. All consent notices shall be prepared by a solicitor and the cost met by the Consent Holder.

Issued this 19th day of October 2011



Councillor Stuart Bryant
Chair of Hearings Committee





NOTES

1. Lots 86, 87, 89 & 90 are access lots and are to be owned by the Appleby Hills Residents Association.
2. AMALGAMATION CONDITIONS
 - a. Lots 86, 88, 89 & 90 are to be held in one title with Lot 66 DP 400216 & Lots 2 & 45 DP 438731
 - b. Lot 73 is to be transferred to the owner of Lot 3 DP 321214 CFR 84439 and one title issued.
 - c. Lot 91 is to be transferred to the owner of Lot 1 DP 321214 CFR 84438 and one certificate of title issued.
3. PROPOSED RIGHTS OF WAY

Shown	Servient Tenement	Dominant Tenement	Formation Width
B	Lot 90	Lots 46,48-51,58	3 m
C	Lot 50	Lot 58	3 m
D	Lot 86	Lots 52-57,59,60,80,91,	4.5 m
E	Lot 86	Lot 1 DP 321214 & Pt Lot 2 DP 11800	3 m
F	Lot 86	Lots 57,60,80,91, Lot 1 DP 321214 & Pt Lot 2 DP 11800	3 m
G	Lot 60	Lots 52-57	3 m
H	Lot 89	Lot 91, Lot 1 DP 321214 & Pt Lot 2 DP 118007	3 m
I	Lot 89	Lots 61-65,67,68,70-72,74-77	4.5 m
J	Lot 89	Lots 61-64,67,68,70-72,74-77	3 m
K	Lot 89	Lots 70-72 & Lot 1 DP 12254	3 m
		Lots 61,62,75,78,79	3 m

4. All road and right of way formation to have concrete edge restraints and 2 coat chip seal. Rights of way to have passing bays and/or localised seal widening generally as shown.

5. STAGING

The remainder of this development will be completed in the following stages:

Stage 7	- Lots 42 - 44, 46 & 47	5 building sites
Stage 8	- Lots 48 - 51, 58, 88 & 90	5 building sites
Stage 9	- Lots 52, 59, 65, 69 & 86	4 building sites
Stage 10	- Lots 53 - 57,60,80,90,91	7 building sites
Stage 11	- Lots 61, 62, 75, 78 & 79	5 building sites
Stage 12	- Lots 63, 64, 67, 68 & 74	5 building sites
Stage 13	- Lots 70 - 73	3 building sites

This plan is based on David Sissons drawing
Subdivision Scheme Plan Rev 1C dated 14 April 2005

SUBDIVISION CONSENT PLAN
- VARIATION to RM 030632



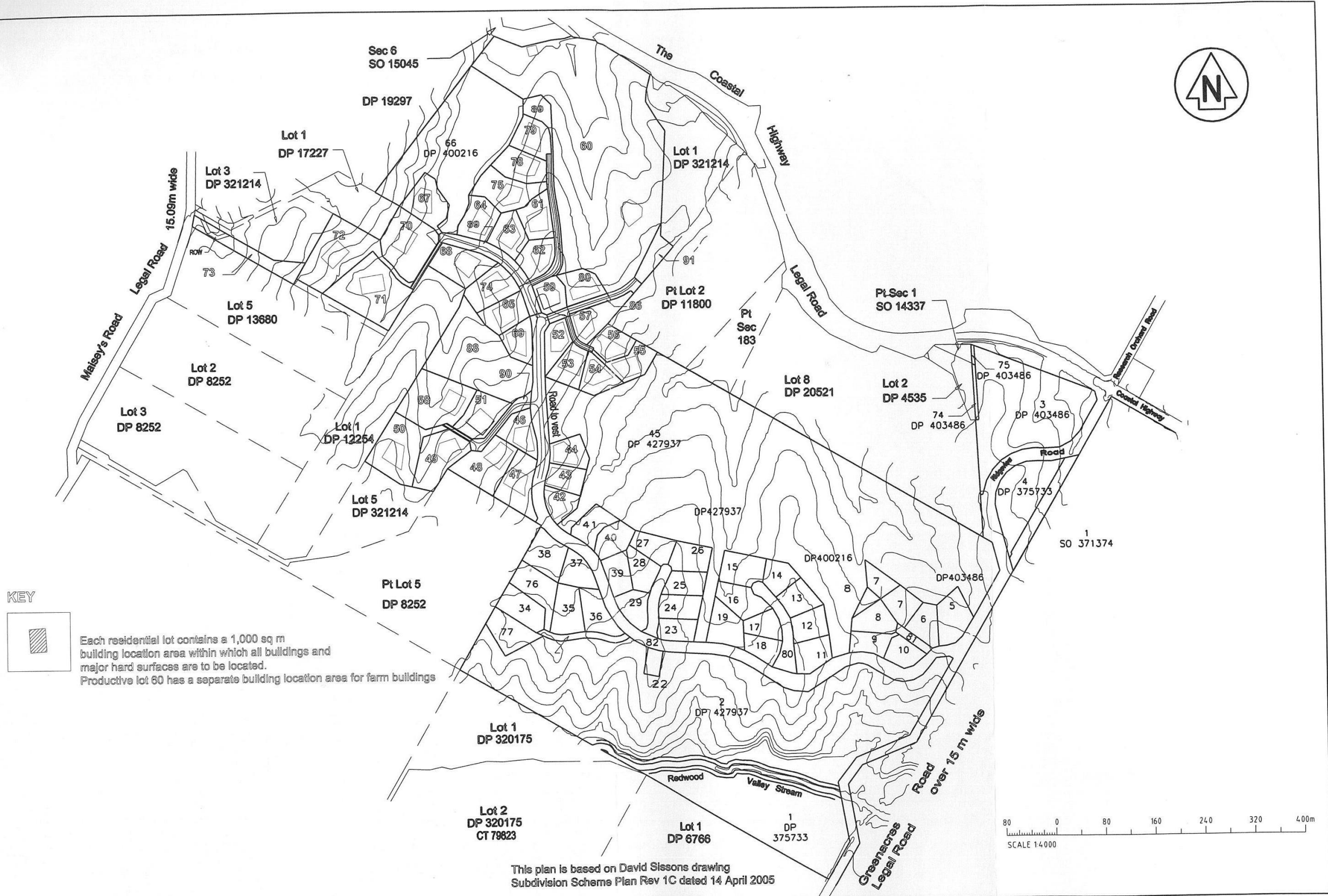
Aubrey

Survey and Land
Development Consultancy

66 Oxford St
Richmond
(near Newmarket Road)

Phone 03 544 9970
Fax 03 544 9971

Job No.	R593	Scale	1:4000 @ A2
Client	CBH Ltd	Drawn/Rev.	RA/Rev. Variation
Sheet	1 of 2	Date	Sept 2011



KEY

Each residential lot contains a 1,000 sq m building location area within which all buildings and major hard surfaces are to be located. Productive lot 60 has a separate building location area for farm buildings

This plan is based on David Sissons drawing Subdivision Scheme Plan Rev 1C dated 14 April 2005

**SUBDIVISION CONSENT PLAN
- VARIATION to RM 030632**

Aubrey Survey and Land Development Consultancy
66 Oxford St Richmond (opposite Richmond Station)
Phone 03 544 5970 Fax 03 544 6971

Job No.	R593	Scale	1:4000 @ A2
Client	CBH Ltd	Drawn/Rev.	RIA/
Sheet	2 of 2	Date	Sept 2011



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM100633

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

CBH Limited

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct six residential buildings, including five new residential buildings on allotments Lots 74, 75, 78, 79 and 80 created by RM100632, and a residential building on Lot 60 of RM100632.

LOCATION DETAILS:

Address of property:	Ridgeview Road, Appleby
Legal description:	Lot 1 DP 427937, Lot 2 DP 422794, Lot 4 DP 321214, Lot 66 DP 400216 and Lot 2 DP 427937
Certificate of title:	CT 510443 and CT 510435
Valuation number:	1938078212
Easting and Northing:	2517323E 5990417N

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

CONDITIONS

General

1. All proposed new buildings shall be within the building site area set down in condition 32 of the subdivision consent.

Landscaping Plan

2. Prior to the issue of a building consent for any dwelling on each lot, the owner of that lot shall submit to and have approved by the Council’s Environment and Planning Manager, a landscape plan for that particular lot and building curtilage area. The landscape plan shall be prepared by a suitably qualified landscaping professional approved by Council and shall include:

- i) How the proposed building will integrate with the site, natural landforms and riparian and landscape plantings on the site.
 - ii) Proposed planting to build on the planting established as part of the development and the management regime for it.
 - iii) The identification of views from adjacent properties and the features designed to preserve those views as part of the site development.
 - iv) The identification of the proposed building in relation to the centre and extent of the building curtilage area.
 - v) An earthworks plan showing the extent of earthworks required to implement the building on site, and mitigation measures proposed to avoid any adverse visual impacts.
 - vi) A planting implementation plan, including establishment, maintenance and management proposal for the first 5 years following the construction of the dwelling. The plan shall specify regular monitoring and reporting responsibilities of the owner to Council's Environment and Planning Manager to ensure compliance.
3. The landscape plan required under Condition 2 shall be fully implemented within two years of the building consent for the dwelling being issued. The completion of the work shall be confirmed in writing by a suitably qualified landscaping professional approved by Council. The building consent for the dwelling shall be accompanied with a statement from a suitably qualified design professional showing compliance of the building design with the Building Design guidelines in Section 11 of the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District (September 2009)

Commencement of Consent

4. The commencement date for this consent is the issue of certificate of title for the respective allotment.

Height of Dwellings

5. The maximum height of the dwelling shall be 5.0 metres above natural ground level.

Colours

6. The exterior of all buildings shall be finished in colours that are recessive and which blend in with the immediate environment. The Consent Holder shall submit to the Council for approval the following details of the colours proposed to be used on the walls and roof of the building:
- (i) The material to be used (e.g. paint, colour steel);
 - (ii) The name and manufacturer of the product or paint;
 - (iii) The reflectance value of the colour;
 - (iv) The proposed finish (e.g. matt, low-gloss, gloss); and

- (v) Either the BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

Advice Note:

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$, and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Setbacks

7. The dwelling shall be setback at least 6.5 metres from any road reserve boundary.

Overhead Lines (Transpower Conditions Relating to Lots 71 and 72)

8. All land use activities, including the construction of new buildings/structures, earthworks (filling and excavations) the operation of mobile plant and/or the construction of fences on Lots 46, 52, 53, 54, 69, 71, 72 and 88 must comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).

For the purpose of this condition the following are the most relevant considerations:

- (a) For Lot 88:
- (i) Clause 2.2.1 of NZECP 34:2001 which outlines restrictions on excavations within 5 metres of a pole supporting a transmission line; and,
 - (ii) Clause 2.3 of NZECP 34:2001 outlines restrictions on erection of conductive fences.
- (b) For 46, 52, 53, 54, 69, 71, 72 and 88:
- (i) A minimum clearance of 4 metres is required between mobile plant and overhead transmission lines (Clause 5.2.1 of NZECP 34:2001).

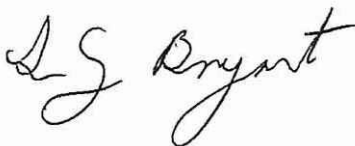
- (ii) A minimum clearance of 6.5 metres is required between the ground and the conductors on the Stoke - Upper Takaka A and B transmission lines (Table 4 in NZECP 34:2001).
- (iii) A minimum clearance between mobile plant and the overhead transmission lines of 4 metres must be maintained at all times (Clause 5.2 of NZECP 34:2001).

GENERAL ADVICE NOTES

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
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:
 - (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.
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 that are required to be complied with on an ongoing basis.
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.

Issued this 19th day of October 2011



Councillor Stuart Bryant
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM100637

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

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

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct six building platforms and accessways for Lots 74, 75, 78, 79 and 80 authorised by subdivision consent RM100632, and additional earthworks involved in the formation of rights-of-way.

LOCATION DETAILS:

Address of property: Ridgeview Road, Appleby
Legal description: Lot 1 DP 427937, Lot 2 DP 422794, Lot 4 DP 321214,
Lot 66 DP 400216 and Lot 2 DP 427937
Certificate of title: CT 510443 and CT 510435
Valuation number: 1938078212
Easting and Northing: 2517323E 5990417N

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

CONDITIONS

General

1. The Consent Holder shall ensure that all works are carried out in general accordance with the information received on 14 September 2010 in support of the application for resource consent RM100637, and Plan A attached, unless inconsistent with the conditions of this consent, in which case these 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 28 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 Consent Holder shall appoint a representative(s) prior to the exercise of this resource consent, who shall be the Council's principal contact person(s) in regard to matters relating to this resource consent. At least 10 days prior to beginning the works authorised by this consent, the Consent Holder shall inform the Council's Co-ordinator Compliance Monitoring of the representative's name and how they can be contacted within the works period. Should that person(s) change during the term of this resource consent, the Consent Holder shall immediately inform the Council's Co-ordinator Compliance Monitoring and shall also give written notice of the new representative's name and how they can be contacted.
6. The Consent Holder shall carry out operations in accordance with the provisions of the approved Earthworks Management Plan required by Condition 28 of this consent.
7. 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.
8. Should the Consent Holder cease or abandon work on-site, it shall first take adequate preventative and remedial measures to control sediment discharge, and shall thereafter maintain these measures 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 Environment & Planning Manager.
9. 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 Management Plan (Condition 28) 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.
10. The work shall only be undertaken between 7.00 am - 6.00 pm Monday - Friday and 8.00 am - 1.00 pm on Saturday. No works shall be undertaken on Sunday or any public holiday.

Earthworks

11. The Consent Holder shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.
12. The Consent Holder shall ensure that any discharge of contaminants onto or into land or water from any activity is avoided, remedied or mitigated to ensure no contaminants are present at a concentration that is, or is likely to have, a more than minor effect on the environment.
13. 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.
14. 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.
15. The Consent Holder shall notify the Council's Co-ordinator Compliance Monitoring as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Consent Holder shall, within seven days of the incident occurring, provide a written report to the Council, identifying the causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.
16. 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.
17. All disturbed vegetation, excess soil or debris shall be disposed of off-site or stabilised to minimise the risk of erosion.
18. Topsoil and subsoil shall be stripped and stockpiled separately. On completion of the works topsoil shall spread over the subsoil.

Stormwater Control

19. All disturbed vegetation, soil or debris shall be handled so that it does not result in diversion or damming of any river or stream. All stockpiled material shall be protected from stormwater by appropriate measures, e.g., bunding.
20. 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.

21. The discharge of stormwater shall not cause in the receiving water any of the following:
 - (a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - (b) any emission of objectionable odour;
 - (c) the rendering of freshwater unsuitable for bathing;
 - (d) the rendering of freshwater unsuitable for consumption by farm animals; and
 - (e) any adverse effect on aquatic life.
22. 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.
23. 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.
24. 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.

25. 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

26. All exposed ground shall be revegetated as soon as practical and shall be within 6 months of completion of the works so that erosion/ 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.
27. 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

28. Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare an Earthworks Management Plan.
29. The Earthworks Management Plan required by Condition 28 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) location, design, operation and maintenance of stormwater run-off controls and sediment control facilities;
 - (j) detailed specifications of the diversion of any water bodies including channel configurations and rehabilitation measures;
 - (k) detailed specifications of the spoil storage and stabilisation;
 - (l) construction method for watercourse crossings;
 - (m) staff and contractor training;
 - (n) traffic management and property access management;
 - (o) contingency plans (e.g., mechanical failures, oil/fuel spills, flooding, landslips);
 - (p) public access, community information and liaison procedures;
 - (q) complaints and reporting procedures;
 - (s) cultural and archaeological protocols (including discovery protocols);
 - (t) assessment and monitoring procedures; and
 - (u) methodology and approval procedures for making changes to the Earthworks Management Plan.

Advice Note:

The following are the general principles that should be adhered to when writing and implementing the Earthworks Management 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.

Keep on-site run-off velocities low by the use of the following: contour drains, retention of natural vegetation, provision of buffer strips of vegetation, low gradients and short slopes, control anticipated erosion and prevent sediment from leaving the site.

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.

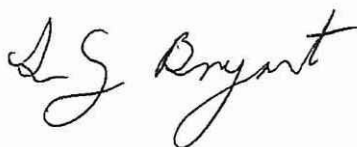
30. Council may, for the duration of this consent, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:
- (a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
 - (c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.

31. This resource consent shall expire on the issue of Section 224 approval for final stage of RM100632.

GENERAL ADVICE NOTES

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
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:
 - (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.
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 that are required to be complied with on an ongoing basis.
4. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery should cease. The owner should then consult with the New Zealand Historic Places Trust’s Central Regional Office and local iwi, and should not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained. It should also be noted that the discovery of any pre-1900 archaeological site (Maori or non-Maori) is subject to the provisions of the Historic Places Act and needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

Issued this 19th day of October 2011



Councillor Stuart Bryant
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM050727V5

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

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

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge treated wastewater to land.

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

AMENDMENTS TO CONDITIONS

Condition 1

Physical Address:	Greenacres Road, Redwood Valley
Legal Description:	Lots 2 and 45 DP438731 (refer Conditions 12 and 17)
Valuation Number:	1938080000
Map Reference of Property:	East 2517536 North 5989725
Receiving Environment:	Land
Maximum Discharge Volume:	90,000 litres per day
Maximum Discharge Rate:	3.6 millimetres per day
Discharge Characteristics:	Tertiary treated wastewater which is of a domestic nature from residential developments.

Condition 3

The discharge shall contain only treated wastewater which is of a domestic nature from 89 dwelling equivalents. For the purposes of this condition, wastewater which is of a “domestic nature” includes wastewater from toilets, urinals, kitchens, showers, washbasins, spa baths, and laundries but does not include water from spa pools and large-scale laundry activities. Also, for the purposes of this condition, a “dwelling equivalent” constitutes an individual dwelling house or any other building which produces no more than 1,000 litres of wastewater per day. No industrial or trade waste shall be included.

Advice Note:

This condition allows the 67 dwellings from the subdivision authorised by Consent RM030632 to be connected to the wastewater treatment and disposal system. In addition, this condition allows an additional 22 dwelling equivalents from outside this subdivision to be connected. Wastewater generated from tourist accommodation units and any associated food preparation areas servicing any such units is considered to be of a “domestic nature”.

Condition 25

The Consent Holder shall ensure that each on-site pump station has a sealed emergency storage volume of at least 600 litres. For the purposes of this condition the “emergency storage” is defined as the normally empty volume that is available for temporary storage of wastewater during periods when there are power failures or unscheduled shutdowns of the pump station. The emergency storage volume may include the space within the pump station itself over and above the high level alarm and/or any separate external tank into which overflows from the pumping chamber may enter.

Advice Note for Conditions 24 and 25:

The site is relatively remote and the wastewater reticulation, treatment, and disposal system will be privately owned and as such the Council considers that emergency storage within the system should be designed conservatively. However, the applicant has advised that the water supply for the subdivision has been designed so that it will also be off during periods of power outages. This should result in less wastewater being generated during these periods and as such the Council has specified a 12 hour emergency storage volume at the treatment plant. The Consent Holder has designed the wastewater collection and treatment system on the basis that emergency storage will be provided both at the treatment plant and within the on-site pump stations that will be located on each allotment. A minimum of 600 litres of emergency storage will be provided within each on-site pump station and this equates to around 36 hours storage for each dwelling based on average dry-weather flows. In addition, the Consent Holder will provide a minimum of 45,000 litres (45 cubic metres) of emergency storage at the treatment plant when the plant is at full capacity. However, the plant is proposed to be developed in a staged manner and as such the emergency storage provided over time will progressively increase up to the minimum of 45,000 litres. During periods of power outage, the on-site pump stations will not operate so no wastewater will be pumped to the treatment plant during these periods. The Consent Holder has advised that during periods when there is a failure at the treatment plant but the on-site pump stations remain operational, the system operator will arrange for the on-site pump stations to be switched off. It is important that the Operations and Management Plan for the entire system outlines the procedures to be followed during these various scenarios.

Condition 28

A sample of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 27. Samples shall be analysed for five day carbonaceous biochemical oxygen demand (cBOD5), total suspended solids, total faecal coliforms, total nitrogen, pH, temperature. The frequency of sampling shall be as follows:

- i) for the first four months following plant start up, samples shall be collected weekly when the plant is discharging to the disposal field for first two months and then two weekly for the two months following;
- ii) for the following eight months samples shall be collected monthly;
- iii) following the first 12 months samples shall be collected at least quarterly provided compliance with the contaminant limits specified in Condition 5. Should these limits not be met, the sampling frequency required in ii) above shall be continued until compliance with the contaminant limits of Condition 5 has been achieved over an eight month period.

Condition 29

Prior to the exercise of this consent the Consent Holder or their authorised agent shall collect at least one water samples from the Redwood Valley Stream as it runs below the proposed disposal site, as marked Site 1 on Figure 2 Annexure E Cawthron Report. An additional sampling site shall also be established immediately upstream of the disposal area. The locations shall be fixed by Global Positioning System (GPS) and submitted to the Council's Co-ordinator Compliance Monitoring prior to sampling. Thereafter the Consent Holder or their authorised agent shall collect samples from the same sites quarterly when wastewater is being discharged to the disposal field. Samples shall be collected at no closer interval of one month between sampling. These samples shall be analysed to determine the presence and concentration of the following determinants:

- Faecal coliforms
- E coli
- Total Kjeldahl Nitrogen
- Total ammonia nitrogen (total ammonia)
- Dissolved inorganic nitrogen
- Nitrate/nitrogen
- Nitrite/nitrogen
- Total phosphorous
- Dissolved reactive phosphorous

FULL SET OF AMENDED CONDITIONS - RM050727V5

Site and Discharge Details

1. Physical Address: Greenacres Road, Redwood Valley
 Legal Description: Lots 2 and 45 DP438731 (refer Conditions 12 and 17)
 Valuation Number: 1938080000
 Map Reference of Property: East 2517536 North 5989725
 Receiving Environment: Land
 Maximum Discharge Volume: 90,000 litres per day
 Maximum Discharge Rate: 2 millimetres per day
 Discharge Characteristics: Tertiary treated wastewater which is of a domestic nature from residential developments.

Discharge Restrictions

2. Notwithstanding Condition 3, the maximum daily discharge volume shall not exceed 90,000 litres.
3. The discharge shall contain only treated wastewater which is of a domestic nature from 89 dwelling equivalents. For the purposes of this condition, wastewater which is of a “domestic nature” includes wastewater from toilets, urinals, kitchens, showers, washbasins, spa baths, and laundries but does not include water from spa pools and large-scale laundry activities. Also, for the purposes of this condition, a “dwelling equivalent” constitutes an individual dwelling house or any other building which produces no more than 1,000 litres of wastewater per day. No industrial or trade waste shall be included.

Advice Note:

This condition allows the 67 dwellings from the subdivision authorised by Consent RM030632 to be connected to the wastewater treatment and disposal system. In addition, this condition allows an additional 22 dwelling equivalents from outside this subdivision to be connected. Wastewater generated from tourist accommodation units and any associated food preparation areas servicing any such units is considered to be of a “domestic nature”.

4. The maximum loading rate at which the wastewater is applied to land shall not exceed 3.6 millimetres per day (3.6 litres per square metre per day).

Advice Note:

For a daily discharge volume of 90,000 litres the primary disposal area will need to be at least 2.5 hectares, with an additional 2.5 hectare suitable reserve area. Condition 13 of this consent specifies additional requirements that must be met in respect of the method of discharge.

5. The treated wastewater entering the disposal field, as measured at the sampling point required to be installed by Condition 27, shall comply at all times with the following limits:
 - i) carbonaceous biochemical oxygen demand (cBOD₅) 10 grams per cubic metre;
 - ii) total suspended solids 10 grams per cubic metre; and
 - iii) faecal coliforms 100 faecal coliforms per 100 millilitres; and
 - iv) total nitrogen 25 grams per cubic metre.
6. The discharge shall not cause any of the following effects on the receiving waters (ground or surface waters) beyond the boundary of Lots 2, 45 and 78 on which the discharge occurs:
 - i) the production of any conspicuous oil or grease film, scums or foams, or floatable or suspended material; or
 - ii) any conspicuous change in the colour or visual clarity; or
 - iii) any emission of objectionable odour; or
 - iv) any significant adverse effects on aquatic life.

Collection, Reticulation, Treatment and Disposal Systems

7. The Consent Holder shall submit a detailed "Wastewater Treatment and Disposal Design Report", prepared by a person who is suitably experienced in designing wastewater treatment and disposal systems, to the Council's Environment & Planning Manager prior to the construction of the collection, treatment or disposal systems. This report shall provide evidence of how design requirements imposed by this consent on the treatment and disposal systems shall be met and shall include, but not be limited to, the following information:
 - i) certification that the selected disposal areas are of suitable topography and soil type and are suitable for the loading rates proposed and sufficiently stable for wastewater disposal; and
 - ii) the location and dimensions of disposal areas (including reserve areas), including setbacks from neighbouring properties, watercourses and domestic bores, depth of unsaturated soils beneath dripper lines and avoidance of slopes greater than 15 degrees; and
 - iii) details of how the disposal system will be operated and criteria to be used to determine the timing, period and rate of application. The criteria shall be based on, amongst other things, climatic data, soil moisture status, and groundwater levels within the disposal areas; and
 - iv) details regarding management of vegetation at the disposal area for the duration of consent; and
 - v) the measures proposed to minimise stormwater infiltration and inflow into the disposal field; and
 - vi) the proposed method of wastewater treatment including specific design details and evidence of how the contaminant limits required by Condition 5 will be complied with on a consistent basis; and
 - vii) the location of the wastewater treatment plant.
8. The construction and installation of the wastewater treatment plant and disposal system shall be carried out in accordance with information submitted with the application for resource consent RM050727, the application to vary this consent dated 17 August 2006, the design report required under Condition 7, and under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems.

The person supervising the construction and installation of the system shall provide a written certificate or producer statement to the Council's Co-ordinator, Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Conditions 10-17 (inclusive) and shall also confirm the following:

- i) that the wastewater system (including the collection system, treatment plant and the disposal area) is capable of treating the design flows and that it has been designed generally in accordance with standard engineering practice, AS/NZ Standard 1547:2000 for On-Site Domestic Wastewater Management; and
 - ii) that all components of the wastewater system (including the treatment plant and the disposal area) have been inspected and installed in accordance with standard engineering practice, the manufacturer's specifications; and
 - iii) that the components used in the facility are in sound condition for continued use for the term of this resource consent, or are listed in the Operations and Management Plan (required by Condition 18) for periodic replacement.
9. The Consent Holder shall submit a set of final "as-built" plans to the Council's Co-ordinator Compliance Monitoring which show the siting of all components of the wastewater treatment and disposal system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans.
10. 1. All wastewater shall be treated prior to disposal using a primary treatment process followed by a secondary treatment process (Attached Growth Media, Membrane Bio-Reactor or Sequencing Batch Reactor), and ultra-violet tertiary treatment process (where the treatment process is not a Membrane Bio-Reactor) to ensure the wastewater meets the standards specified in Condition 5.
2. If UV disinfection is required the wastewater shall receive a minimum level of UV disinfection, defined as the 10 minute average received UV light dose, of 45 milli-Watt seconds per square centimetre (mWs/cm²) prior to the discharge leaving the treatment plant and being disposed to land. The UV disinfection system shall include an automatic self-cleaning mechanism.
3. The treatment plant shall be designed such that it is able to be configured for nitrogen removal should it be required to meet conditions of conditions of consent.

Advice Note:

The Consent Holder has proposed that an ultra violet light disinfection system will be used to provide tertiary treatment of wastewater. The specific design of the disinfection system has yet to be determined, but it is expected that the Consent Holder will provide sufficient technical information to the Council for it to be confident that the required viral reduction can be consistently achieved. For clarification, if monitoring of the treatment system shows that the minimum ultraviolet dose has not been met, then the Council may undertake additional microbiological sampling to verify compliance with Condition 5(iii). If a Membrane Bio-reactor is installed then no UV treatment will be required as the membrane filter achieves the required bacterial and viral reductions.

11. The Consent Holder shall include in the “Wastewater Treatment and Design Report” required by Condition 7, two copies of a monitoring methodology that is proposed to be used to measure the effectiveness of the disinfection or filtering system required to be installed in accordance with Condition 10. This monitoring methodology shall be designed to provide sufficient data to allow the Council to confirm that the wastewater has always received the prescribed minimum level of disinfection or filtering. The approved monitoring methodology shall be incorporated into the “Operation and Management Plan” required by Condition 18.

Advice Note:

The Consent Holder is proposing to install a Membrane Bioreactor (MBR) treatment system which utilises microfiltration technology. The monitoring programme specified in Condition 28 is likely to be adequate to confirm the ongoing effectiveness of the filtering system.

Disposal / Land Application System

12. The primary and reserve wastewater disposal areas totalling 5.0 hectares shall be located within the areas marked “Wastewater Disposal Area” on Lots 2, 45, and 78 of the subdivision as shown on the plan entitled “Subdivision Consent Plan - Variation to RM030632” (dated 15 August 2006) prepared by Aubrey Survey and Land Development Consultancy (attached).

Advice Note:

This condition allows the Consent Holder the flexibility to utilise any of the areas identified as “Wastewater Disposal Area” on the plan referred to for the disposal of treated wastewater. However, as specified in Condition 4 of this consent, a total of 2.5 hectares of land will need to be utilised when this consent is fully exercised (90,000 litres per day). The 2.5 hectares not used for the initial disposal of wastewater will be deemed to be the reserve area and the requirements of Condition 17 of this consent will apply to this land.

- 12A. Notwithstanding Conditions 4, 12, and 17, in the event that the total area required to adequately dispose of the wastewater is shown to be greater than 5.0 hectares, the Consent Holder shall make additional land available for such disposal.

Advice Note:

The Consent Holder has undertaken testing of the soils on the property and determined that a design irrigation rate (DIR) of 3.6 millimetres per day is appropriate for the soils present and has therefore put aside 5.0 hectares of land for primary disposal and reserve areas. However, there is a possibility that the DIR may need to be reduced should soil conditions be different to those found during the initial investigations. This Condition requires that additional land be set aside for land disposal in the event that the DIR in the design is found to be too high. The subject property is large and utilising additional land for land disposal of wastewater will not impose significantly on the Consent Holder’s management of the property.

13. All wastewater shall be discharged to ground by way of pressure compensating dripper lines(s) laid parallel to the contours of the site. The Consent Holder shall, at all times, ensure that the dripper lines used for the disposal of wastewater are located within a planted area and have no less than a 50 mm cover of soil, bark or an appropriate alternative. The pressure compensating drippers shall be spaced at intervals not exceeding 600 millimetres along the irrigation line and the maximum spacing between adjacent irrigation lines shall be 1 metre. The instantaneous flow rate for each dripper shall not exceed 2.3 litres per hour.
14. The trees which are present within the actual disposal area at the time the irrigation lines are being placed in the ground shall remain in place for the exercise of this consent except for the purposes of removal and replacement of trees which have reached maturity or require removal for some other reason. In that situation the Consent Holder will replace the removed trees with trees that are equally suitable, or trees that are of the same species, and will not remove and replace more than 20% of the trees in any one year. The remainder of the disposal area which does not contain trees at the time the irrigation lines are being placed in the ground shall be planted with vegetation which has high evapotranspiration rates. Where grasses are planted the grass may be cut and taken off-site provided suitable machinery is used which does not damage the irrigation lines. The wastewater disposal area shall be clearly labelled in at least two visible places with visible warning signs which read "Wastewater Disposal Area - Avoid Contact" or equivalent. The details of such signage shall be submitted to Council's Co-ordinator Compliance Monitoring, prior to the exercise of this consent.

Advice Note:

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

15. The disposal areas (including reserve areas) shall not be located on slopes averaging greater than 15 degrees over a 10 metres length and shall not be located within:
 - i) 20 metres of any surface water body; and
 - ii) 20 metres of any bore for domestic water supply; and
 - iii) 5 metres of any adjoining property or road; and
 - iv) 600 millimetres, measured vertically, separation from dripper line to seasonal water table.
16. Where appropriate subsurface cut-off trenches shall be constructed up slope of the disposal areas to divert, as far as is practicable, stormwater away from the disposal areas.
17. A suitable wastewater disposal reserve area equivalent to not less than 100% the size of the primary disposal area (2.5 hectares) shall be kept available for future use for wastewater disposal. This reserve area shall remain undeveloped and shall be located within the boundaries of the subdivision authorised by RM030632 (including any variation to this subdivision consent) and owned by the Consent Holder. For the purposes of this condition "undeveloped" means that no permanent buildings or structures shall be constructed on the areas set aside as reserve areas, however the reserve areas may be planted with trees and other vegetation.

Wastewater System Operation and Maintenance

18. A chartered professional engineer or suitably qualified consultant experienced in wastewater engineering shall prepare an "Operations and Management Plan" for the wastewater treatment and disposal system. This plan shall be prepared in accordance with the conditions of this resource consent and shall contain, but not be limited to, the following:
- i) an inspection programme to verify the correct functioning of the wastewater treatment and disposal systems including not less than monthly inspections of the wastewater treatment plant and disposal field; and
 - ii) a schedule for the daily, weekly, monthly and annual operational requirements including monitoring requirements of consent conditions; and
 - iii) a schedule of maintenance requirements for the pumps, all on-site pump stations, recirculation tanks, treated effluent holding tank, flow meters and stormwater control drains; and
 - iv) a schedule of maintenance requirements for the management of vegetation on the wastewater ground disposal area; and
 - v) a contingency plan specifying the actions to be taken in the event of failure of any component of the system and any non-compliance with the conditions of this resource consent; and
 - vi) details of how the ground disposal system will be managed; and
 - vii) emergency contact details (24 hour availability) for Service Provider and Consent Holder shall be provided;
 - viii) monitoring of the disposal field shall include visual ground inspections to identify above ground/across ground flows of effluent and methods to remedy such flows should any be identified.

Advice Note:

The Operations and Management Plan needs to include a schedule of maintenance which includes all on-site pump stations including those located on the 61 allotments of subdivision authorised by RM030632 as well as all those located on external allotments which are connected to the wastewater treatment and disposal system as provided for by Condition 3 of this consent.

19. A copy of the "Operations and Management plan" required by Condition 18 shall be submitted to the Council's Environment & Planning Manager for approval prior to the exercising of this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.

20. The Consent Holder shall enter into, and maintain in force, a written maintenance contract with an experienced wastewater treatment plant operator suitably trained in wastewater treatment plant operation by the system designer, approved by the Council's Environment & Planning Manager for the ongoing maintenance of all the on-site pump stations, and the treatment and disposal systems and control of the remote monitoring system as required by Condition 23. This contract shall require the operator to perform maintenance functions and duties specified in the Operations and Management Plan and required by Condition 18. A signed copy of this contract including full contact details for the Service Provider shall be forwarded to the Consent Authority, prior to the exercising of this consent. Any changes to this maintenance contract must be in accordance with the conditions of this consent and submitted in writing to Council's Co-ordinator Compliance Monitoring prior to them taking effect.

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

Advice Note:

For compliance purposes, a suitably qualified person would be either a person employed and trained by the manufacturer of the treatment and disposal system, or someone who can provide evidence of satisfactory experience in maintaining such wastewater treatment and disposal systems. The written maintenance contract needs to cover all on-site pump stations including those located on the 61 allotments of subdivision authorised by RM030632 as well as all those located on the external allotments which are connected to the wastewater treatment and disposal system as provided for by Condition 3 of this consent.

21. The collection and treatment tanks that form part of the wastewater treatment plant shall be inspected not less than once every three months and the on-site pump stations shall be inspected not less than once every six months. Where appropriate, all tanks, except those which are specifically used for storing sludge, shall be cleaned out once the combined depth of the sludge and scum in any tank occupies half of the tank's volume. Material collected from the desludging of tanks shall be removed from site for disposal at a facility authorised to receive such material.
22. The Consent Holder shall submit an "Asset Management Plan" for the wastewater collection, treatment and disposal system for approval by Council's Environment & Planning Manager prior to the exercise of this consent. This plan shall be prepared by a suitably experienced person and shall detail financial asset management requirements (including depreciation considerations) of the wastewater collection, reticulation, treatment and disposal systems for the duration of the consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Environment & Planning Manager prior to them taking effect.

Advice Note:

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

Contingency Measures

23. A telemetered 24 hour remote advance warning system shall be installed and operated that is capable of warning of any failure within the treatment or disposal systems (i.e., pump failure, mechanical blockage or UV disinfection system failure).

This warning system shall be configured to be remotely monitored by the wastewater treatment plant operator for all systems and to activate an audible and visual alarm system located adjacent to the treatment plant or other prominent place on the site for the central treatment plant. The details of the alarm and monitoring systems shall be included in the "Operations and Management Plan" required by Condition 18 and shall achieve as a minimum the following:

- i) notify operators of any alarm; and
- ii) monitor and record daily flow readings from all meters; and
- iii) store and transmit daily reports to the operator of the discharge volume meter reading and system status from each site; and
- iv) in the event of any alarm activating, the remote monitor and management system shall immediately notify the maintenance operator and shall continue notifying the operator until the condition has been remedied and cleared by the operator. An audible and visual alarm system shall be installed and operated on all on-site pump stations and, as a minimum, this alarm shall be activated by a high level switch. The alarms associated with the on-site pump stations are not required to be telemetered.

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

24. The Consent Holder shall ensure that the treatment plant is designed and maintained so that wastewater can be retained within the treatment system above the alarm level without overflow for a period of at least 12 hours, based on average dry weather flows and in accordance with the provisions in the "Operations and Management Plan". All pumps in the reticulation, treatment and disposal system that are essential for the continuous processing, treatment, and disposal of the wastewater shall include duty and standby units. The on-site pump stations do not require a duty-standby set up and a single pump is only required in each such station.

Advice Note:

The second last sentence of this condition requires that all pumps in the reticulation, treatment and disposal system that are essential for the continuous operation of the treatment require duplication by way of having a duty and standby pump set up. However, this condition acknowledges that some of the pumps in the system, for example the waste sludge pump, are not necessarily essential for the ongoing operation of the treatment plant and will not be required to have a duty-standby set up.

25. The Consent Holder shall ensure that each on-site pump station has a sealed emergency storage volume of at least 600 litres. For the purposes of this condition the “emergency storage” is defined as the normally empty volume that is available for temporary storage of wastewater during periods when there are power failures or unscheduled shutdowns of the pump station. The emergency storage volume may include the space within the pump station itself over and above the high level alarm and/or any separate external tank into which overflows from the pumping chamber may enter.

Advice Note for Conditions 24 and 25:

The site is relatively remote and the wastewater reticulation, treatment, and disposal system will be privately owned and as such the Council considers that emergency storage within the system should be designed conservatively. However, the applicant has advised that the water supply for the subdivision has been designed so that it will also be off during periods of power outages. This should result in less wastewater being generated during these periods and as such the Council has specified a 12 hour emergency storage volume at the treatment plant. The Consent Holder has designed the wastewater collection and treatment system on the basis that emergency storage will be provided both at the treatment plant and within the on-site pump stations that will be located on each allotment. A minimum of 600 litres of emergency storage will be provided within each on-site pump station and this equates to around 36 hours storage for each dwelling based on average dry-weather flows. In addition, the Consent Holder will provide a minimum of 45,000 litres (45 cubic metres) of emergency storage at the treatment plant when the plant is at full capacity. However, the plant is proposed to be developed in a staged manner and as such the emergency storage provided over time will progressively increase up to the minimum of 45,000 litres. During periods of power outage, the on-site pump stations will not operate so no wastewater will be pumped to the treatment plant during these periods. The Consent Holder has advised that during periods when there is a failure at the treatment plant but the on-site pump stations remain operational, the system operator will arrange for the on-site pump stations to be switched off. It is important that the Operations and Management Plan for the entire system outlines the procedures to be followed during these various scenarios.

26. Should power disruption result in the emergency storage capacity required to be provided at the treatment plant by Condition 24 and/or the emergency storage capacity required to be provided in the on-site pump stations by Condition 25 being utilised to 80% capacity, the Consent Holder shall ensure that the wastewater is removed from the storage tank at that time for the purpose of maintaining capacity. Wastewater shall be disposed of to a facility that is authorised to accept such wastes. The relevant details of how this will be achieved shall be incorporated in the “Operations and Management Plan” required to be prepared in accordance with Condition 18.

Monitoring

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

28. A sample of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 27. Samples shall be analysed for five day carbonaceous biochemical oxygen demand (cBOD5), total suspended solids, total faecal coliforms, total nitrogen, pH, temperature. The frequency of sampling shall be as follows:
- i) for the first four months following plant start up, samples shall be collected weekly when the plant is discharging to the disposal field for first two months and then two weekly for the two months following;
 - ii) for the following eight months samples shall be collected monthly;
 - iii) following the first 12 months samples shall be collected at least quarterly provided compliance with the contaminant limits specified in Condition 5. Should these limits not be met, the sampling frequency required in ii) above shall be continued until compliance with the contaminant limits of Condition 5 has been achieved over an eight month period.
29. Prior to the exercise of this consent the Consent Holder or their authorised agent shall collect at least one water samples from the Redwood Valley Stream as it runs below the proposed disposal site, as marked Site 1 on Figure 2 Annexure E Cawthron Report. An additional sampling site shall also be established immediately upstream of the disposal area. The locations shall be fixed by Global Positioning System (GPS) and submitted to the Council's Co-ordinator Compliance Monitoring prior to sampling. Thereafter the Consent Holder or their authorised agent shall collect samples from the same sites quarterly when wastewater is being discharged to the disposal field. Samples shall be collected at no closer interval of one month between sampling. These samples shall be analysed to determine the presence and concentration of the following determinants:
- Faecal coliforms
 - E coli
 - Total Kjeldahl Nitrogen
 - Total ammonia nitrogen (total ammonia)
 - Dissolved inorganic nitrogen
 - Nitrate/nitrogen
 - Nitrite/nitrogen
 - Total phosphorous
 - Dissolved reactive phosphorous
30. The discharge shall not cause contaminant levels at the downstream site identified by Condition 29 to exceed the following values:
- Dissolved Inorganic Nitrogen <math><0.444 \text{ g/m}^3</math>
 - Total Nitrogen <math><0.614 \text{ g/m}^3</math>
 - Dissolved reactive phosphorus <math><0.01 \text{ g.m}^3</math>
 - Total phosphorus <math><0.033 \text{ g/m}^3</math>

Advice Note:

These values are consistent with nutrient water quality guidelines (ANZECC 2000) for the protection of river ecosystem health.

31. All sampling referred to in this consent shall be carried out by a suitably qualified person approved by the Council's Co-ordinator Compliance Monitoring, using standard sampling methodologies and equipment and shall be transported to the laboratory under chain of custody. The detection limits specified in Appendix 2 (Applicable Detection Limits) shall apply. The samples shall be analysed using standard methodology by an IANZ accredited laboratory. The analytical results shall be forwarded to the Council's Co-ordinator Compliance Monitoring within 10 working days of the results being received from the laboratory.

Reporting

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

- actual monitoring results for monitoring undertaken in accordance with Conditions 28, 29 and 30 above, for the past quarter and compliance with discharge limits specified in Condition 5 and Condition 6;
- an interpretation of monitoring results and an outline of any trends in changes in discharge volume, wastewater discharge quality and quality of the receiving waters. It shall also identify any actual and potential effects on the receiving environment identified since the previous report to the Council;
- a summary of any difficulties that have arisen with the plant operation and/or public complaints received and any remedial actions taken as a result during the previous period.

General Conditions

39. The wastewater treatment system shall be located, and the surrounding area maintained, so that vehicular access for maintenance is readily available at all times.
40. The Council may, in the period 31 May to 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - i) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - ii) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - iii) reviewing the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - iv) reviewing the frequency of sampling, flow monitoring and/or number of determinants analysed if the results indicate that this is required and/or appropriate.
41. Pursuant to Sections 35 and 36 of the Resource Management Act, 1991, the Permit Holder shall meet the reasonable costs associated with the monitoring and administration of this permit. Costs can be minimised by consistently complying with the conditions of this consent and thereby reducing the frequency of Council visits. This will include auditing of the Consent Holder's monitoring programme and monitoring results presented to Council.
42. The Consent Holder shall administer the responsibilities and obligations of all persons who own lots connected to the wastewater treatment and disposal system, to comply with the conditions of this consent. The Consent Holder shall ultimately hold responsibility for ensuring that the owners of properties within the development:

- i) are connected and discharge to the reticulation and central treatment system whenever the respective dwellings first become occupied; and
- ii) are aware of and comply with the rules associated with the connection, including restrictions on the discharge of toxic substances.

Lapsing of Consent (Section 125) and Duration of Consent (Section 123)

43. The consent will lapse 10 years after the commencement of the consent and is granted for a period of twenty years.

ADVICE NOTES

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

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

Issued this 19th day of October 2011

A handwritten signature in black ink, appearing to read 'S G Bryant', written in a cursive style.

Councillor Stuart Bryant
Chair of Hearings Committee

APPENDIX 2

APPLICABLE DETECTION LIMITS

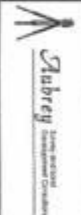
Parameter	Detection Limits	Units
pH	¹ NA ²	-
Dissolved Oxygen	NA	g/m ³
Temperature	NA	°C
Conductivity	NA	mS/m
Carbonaceous biochemical oxygen demand	2	g/m ³
Total Suspended Solids	3	g/m ³
Escherichia coli (E coli)	10	MPN or cfu/100 mL
Total faecal coliforms	10	MPN or cfu/100 mL
Total Kjeldahl Nitrogen	0.02	gN/m ³
Total ammoniacal-N	0.1	gN/m ³
Nitrate-nitrogen	0.01	gN/m ³
Nitrite-nitrogen	0.01	gN/m ³
Total Phosphorus	0.01	gP/m ³
Dissolved Reactive Phosphorus	0.01	gP/m ³

Notes:

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

Rev 4 Westwester Disposal Area Added

**SUBDIVISION CONSENT PLAN
- VARIATION TO RM 030632**

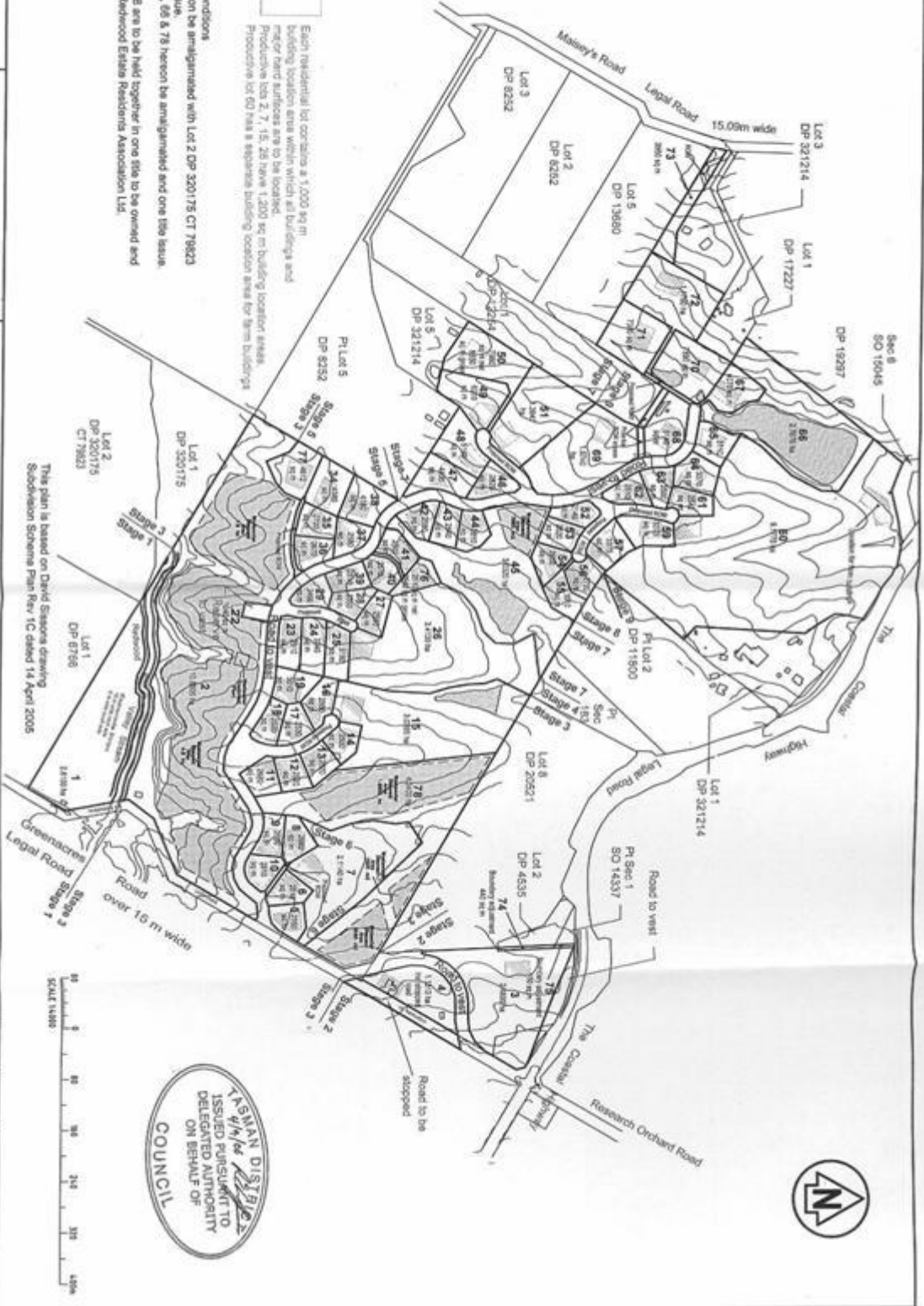


Job No. **R593** Scale **1:4000** **A2**
 Client **CBH Ltd**
 Sheet **1 of 1**
 Date **15 August 2009**

- Amalgamation Conditions**
1. That Lot 1 hereon be amalgamated with Lot 2 DP 320175 CT 79823 and one title issue.
 2. That Lots 2, 45, 66 & 78 hereon be amalgamated and one title issue.
- Lots 2, 45, 66 & 78 are to be held together in one title to be owned and managed by the Redwood Estates Residents Association Ltd.

KEY

Each residential lot contains a 1,000 sq m building location area within which all buildings and major hard surfaces are to be located.
 Production lots 2, 7, 15, 26 have 1,200 sq m building location areas.
 Production lot 60 has a separate building location area for farm buildings.



This plan is based on David Sissons drawing
 Subdivision Scheme Plan Rev 1C dated 14 April 2005





RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM100638

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

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

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge stormwater to land where it may enter water.

LOCATION DETAILS:

Address of property: Ridgeview Road, Appleby
Legal description: Lot 1 DP 427937, Lot 2 DP 422794, Lot 4 DP 321214,
Lot 66 DP 400216 and Lot 2 DP 427937
Certificate of title: CT 510443 and CT 510435
Valuation number: 1938078212
Easting and Northing: 2517323E 5990417N

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 details contained in the Report prepared by Tonkin & Taylor Ltd (ref: 870866.001), dated 16 September 2011 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. Stormwater from all hard surfaces shall be collected, conveyed and discharged in a manner that does not cause any adverse effects. The discharge point(s) shall be protected from erosion and shall be designed to the Tasman District Council Engineering Standards & Policies 2008 (or later version).

3. Engineering specification plans shall be provided to the Council's 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 Conditions 1 and 2.
4. Notwithstanding Condition 1 the stormwater disposal systems shall be designed in general accordance with Tasman District Council's Engineering Standards 2008 (or later version). If the Consent Holder chooses to install a system that does not comply with Tasman District Council's Engineering Standards 2008, written approval from Council for that design must first be obtained.
5. The Consent Holder shall submit for approval to the Council's Co-ordinator Compliance Monitoring a Stormwater Management Plan (SMP) a minimum of one week before any land excavation or construction works begin. The SMP shall, as a minimum, include:
 - a) Design plans for the components of the stormwater system.
 - b) A construction-phase sediment management plan which identifies how sediment shall be controlled. This plan should include structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures.
 - c) A maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management and erosion protection.

Advice Note:

The construction phase sediment management plan must be integrated into the Earthworks Management Plan as required under consent RM100637.

6. The stormwater system shall be managed in accordance with the SMP.
7. 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.
8. All exposed ground shall be revegetated as soon as practical and shall be within 6 months of completion of the works so that erosion/ 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.
9. The discharge of stormwater shall not cause in the receiving water any of the following:
 - (a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - (b) any emission of objectionable odour;
 - (c) the rendering of freshwater unsuitable for bathing;
 - (d) the rendering of freshwater unsuitable for consumption by farm animals; and

- (e) any adverse effect on aquatic life.

Maintenance

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

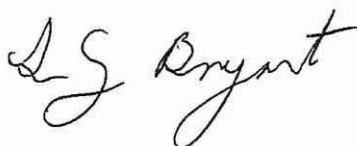
Review of Consent Conditions

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

Expiry

13. This resource consent shall expire on 19 September 2046.

Issued this 19th day of October 2011



Councillor Stuart Bryant
Chair of Hearings Committee

Date Confirmed:

Chair: