



Notice is given that an ordinary meeting of the Consent Commission – Commissioner will be held on:

Date: Wednesday 28 May and Thursday 29 May 2014
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Consent Commission – Commissioner

AGENDA

MEMBERSHIP Christine Foster (Chair), Graham Taylor

(Quorum 2 members)

Contact Telephone: 03 543 8455
Email: katie.greer@tasman.govt.nz
Website: www.tasman.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.

AGENDA

1 OPENING, WELCOME

2 REPORTS

- 2.1 Hearing Report for CBH Limited Applications RM130922 (Subdivision to create 20 additional allotments) and RM130923 (Land Use - To erect a dwelling on each of the proposed additional allotments) 7

Subdivision consent

The applicant CBH Ltd seeks to subdivide the land zoned Rural 3 which encompasses the balance area of RM030632 Appleby Hills subdivision contained within Computer Freehold Register (CFR) 554040 and adjust the boundary of CFR 554029 to ensure that the infrastructure of Dam 135 is contained within CFR 554029. Because CFR 554040 is subject to previous subdivision consents granted after 20 December 2003 (RM030632 and RM100632) it cannot meet the requirements of the Tasman Resource Management Plan (TRMP) Restricted Discretionary Rule 16.3.7.3 (b)() nor the Discretionary Rule 16.3.7.4 and therefore this application is being assessed as a **Non-Complying Activity**.

Restricted Discretionary Rule 16.3.7.3 (extract from TRMP)

(b) The subject land has not been the subject of a subdivision consent granted after 20 December 2003.

The subdivision application is accompanied by a suite of associated consents. The full list of consents applied for is listed below.

Subdivision Consent (Application RM130922)

To subdivide CFR 554040 (with an area of 24.2689 hectares) including changes to the location and density, and reducing the area of allotments in approved subdivisions RM030632 and RM100632 to create **20 additional allotments**. There will be a total of 54 allotments within the site area (CFR 544040), plus access allotments and additional open space areas to be commonly owned and access allotments.

This proposal will increase the total number of allotments accessing Ridgeview Road from 67 to 87 (these figures include 33 completed allotments).

Application RM130922 changes the density when compared with RM030632 and RM100632 as follows:

Within RM030632 (consent completed to stage 6) allotment sizes were between 1840m² to 4188m² (not counting the larger more rural allotments).

For this application RM130922, Lots 67, 70, 71, 42, 43, 44, and 72 are the same as RM100632 and range in area from 2540m² to 9200m². Thirty seven of the proposed allotments are less than 2000m² in area.

Within RM100632 (current consent not yet given effect to) allotment sizes were all above 2540m².

To alter the boundaries of CFR 544029 to include the dam embankment and dam infrastructure within the boundaries of CFR 544029.

Land Use Consent (Application RM130923)

To construct dwellings on each of the allotments. Because a building location area is not identified for each allotment and there is no rainwater collection the proposed activity cannot meet the requirements of the Tasman Resource Management Plan (TRMP) Restricted Discretionary Rule 17.7.3.2(d) nor the Discretionary Rule 17.7.3.3(b) therefore this application is being assessed as a **Non-Complying Activity**.

Discharge Stormwater Consent (Application RM130932)

To discharge increased volumes of stormwater to land from 20 additional allotments.

Land Disturbance Consent (Application RM130931)

To undertake land disturbance associated with providing 20 additional allotments.

Variation to Discharge of Wastewater Consent (Application RM050727V6)

To discharge increased volumes of wastewater to land from 20 additional allotments.

Variation to Dam and Water Permits (Applications NN990445V1 and NN990446V1)

To change the legal description for the dam.

The applications for discharge consents and land disturbance consent are addressed in Mike Mackiggan's accompanying report.

- 2.2 Hearing Reports for CBH Limited Applications RM130931 (Earthworks)
RM130932 (Stormwater) and RM050727V6 (Wastewater)

75

The application seeks the following:

The background to the overall changes sought by the applicant is comprehensively described in Pauline Webby's Hearing Report on resource consent RM130922. To briefly summarise:

Subdivision Consent (Application RM130922)

To subdivide CFR 554040 (with an area of 24.2689 hectares) including changes to the location and density, and reducing the area of allotments in approved subdivisions RM030632 and RM100632 to create **20 additional allotments**. There will be a total of 54 allotments within the site area, plus access allotments and additional open space areas to be commonly owned.

This proposal will increase the total number of allotments accessing Ridgeview Road from 67 to 87 (these figures include 33 completed allotments).

To alter the boundaries of CFR 544029 to include the dam embankment and dam infrastructure within the boundaries of CFR 544029.

Land Use Consent (Application RM130923)

To construct dwellings on each of the allotments.

Discharge Stormwater Consent (Application RM130932)

To discharge increased volumes of stormwater to land from 20 additional allotments.

Land Disturbance Consent (Application RM130931)

To undertake land disturbance associated with providing 20 additional allotments.

Variation to Discharge of Wastewater Consent (Application RM050727V6)

To discharge increased volumes of wastewater to land from 20 additional allotments.

Variation to Dam and Water Permits (Applications NN990445V1 and NN990446V1)

To change the legal description of the land occupied by the dam.

The land has a Rural 3 zoning in the Tasman Resource Management Plan (TRMP). These bundled proposals are deemed to be a **Non-Complying Activity**.

SUBMISSIONS:

A total of 38 submissions have been made on the bundled applications.

2 REPORTS

2.1 HEARING REPORT FOR CBH LIMITED APPLICATIONS RM130922 (SUBDIVISION TO CREATE 20 ADDITIONAL ALLOTMENTS) AND RM130923 (LAND USE - TO ERECT A DWELLING ON EACH OF THE PROPOSED ADDITIONAL ALLOTMENTS)

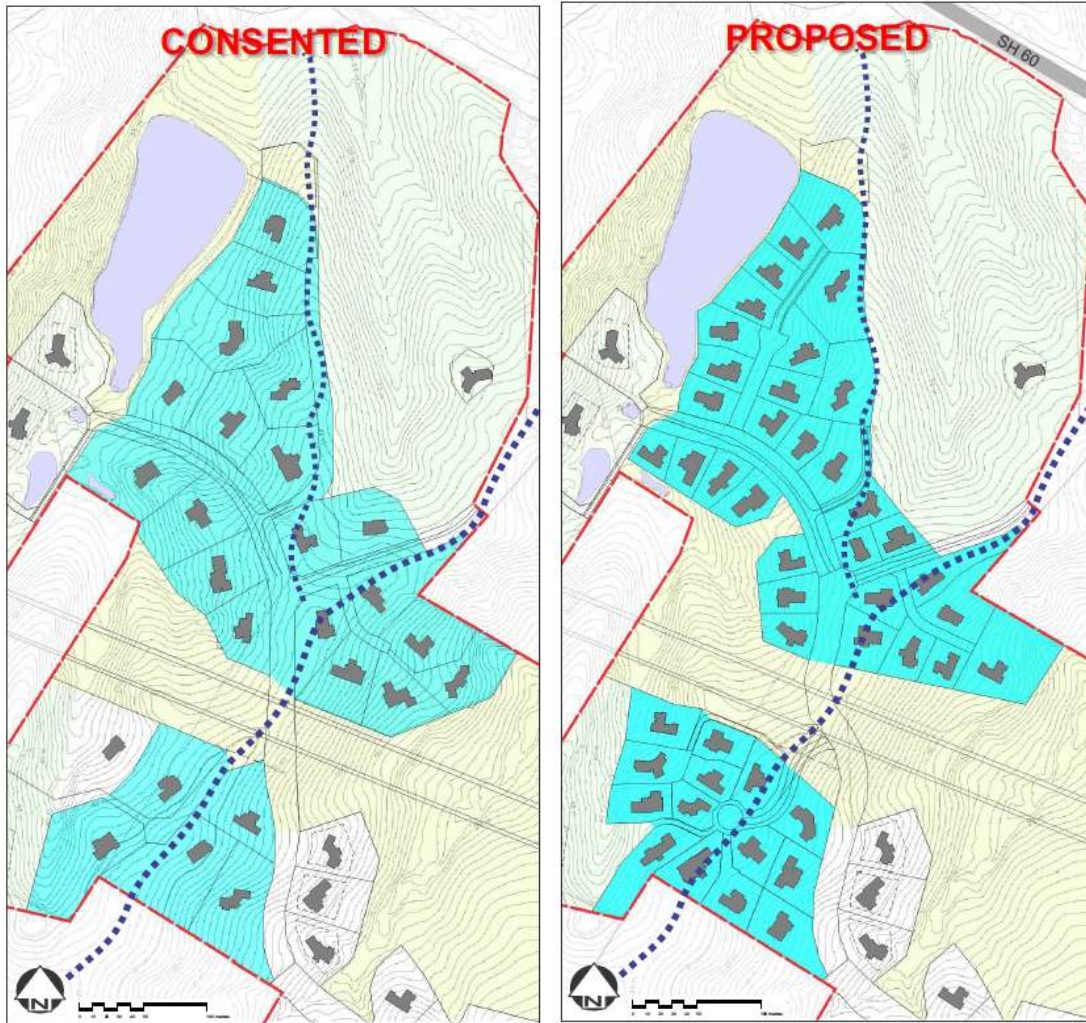
Decision Required

Report To:	Consent Commission – Commissioner
Meeting Date:	28 May 2014
Report Author:	Pauline Webby, Consent Planner
Report Number:	REP14-05-03
File Reference:	RM130922
Attachments:	<ol style="list-style-type: none"> 1. 37 Submitter Locations 2. 41 Landscape Report 3. 59 Traffic report 4. 63 Notification Decision 5. 69 Plan A 6. 71 Plan B 7. 73 Plan C

1 Summary of Proposal

- 1.1 The diagrams below represent the **consented** subdivision RM100632 and this **proposed** subdivision (RM130922) currently being assessed. The proposal shows an overall increase of twenty additional allotments within the same footprint. If anything there is a small decrease in the area of land utilised for allotments and an increase of the allotment boundary setbacks from Transmission lines. This application puts forward a new layout and density of allotment design for the remaining balance area of Appleby Hills Rural 3 development encompassed within CFR 544040. The density change is significant shift from the consented subdivisions of RM030632 and RM100632. RM100632 created new allotments but it retained a similar density of allotments within clusters that provided amenity and landscape values consistent with the original consent.

This proposal has demonstrated that servicing for water, wastewater and stormwater can be achieved. Mr Mackiggan's report provides an in depth commentary on these issues. The productive land being retained remains unchanged and is increased by a small margin.



The development plan that has already been given consent

The development plan that CBH Ltd have now submitted for consent

2 Site Description

- 2.1 The site comprises the existing Appleby Hills subdivision area approved within RM030632 and currently has 33 allotments developed and completed and a balance area within CFR's 544040 and 544029. Appleby Hills is accessed from the Coastal Highway SH 60, via Ridgewood Road which forms an intersection with SH60 and Research Orchard Road to the north-east.

Ridgeview Road runs south-west from the SH60 intersection past the private properties of adjoining landowners before reaching the Appleby Hills estate at which point the road heads west and rises up the rolling hill terrain to the completed stages of the original subdivision (RM030632) with an increasing number of those sections currently built upon and dwellings completed and occupied. The undeveloped balance of the Appleby Hills from Stages 7 to 13 of RM030632 or RM100632 which included additional lots down the dam spur is now subject to this new application and proposes an additional 20 allotments within the same footprint confirmed within RM100632. RM100632 has not been given effect to at the time of writing this report.

The overall description and context of this subdivision proposal and associated suite of consents contained within the Landmark Lile Limited application; Sections 1 (Introduction),

2.1 and 2.2 (Description of the Activity) are accepted as accurate and therefore are not repeated or reworded here.

3 Status of Application

Zoning: Rural 3
Areas: Land Disturbance 1, Wastewater Management Area, Coastal Tasman Area (Sub Unit 10 - Maisey Road)

Activity	Relevant permitted rule	Applicable rule	Status
RM130922 Subdivision Access formation NES	NA 16.2.2.1	16.3.7.4 16.2.2.6	Non-Complying Restricted Discretionary Discretionary
RM130923 First dwelling on each allotment	17.7.3.2(d) and 17.7.3.3(b)	S87 RMA	Discretionary
RM130931 Earthworks for additional access roads and building platforms	18.5.2.1 (p) and (q)	18.5.2.5	Restricted Discretionary
Activity	Relevant permitted rule	Applicable rule	Status
RM050727V6 Discharge wastewater	36.1.2.4	36.1.4.2	Restricted Discretionary
RM130932 Discharge of stormwater to land where it will enter water	36.4.2.1 (3)	36.4.2.3	Discretionary

Overall the proposal is to be assessed as a **Non-Complying Activity** as this is the most stringent criteria overall for the bundled suite of consents for this application.

4 Notifications and Submissions

4.1 Written Approvals

Prior to notification written approvals were received from:

- Transpower
- New Zealand Transport Authority

Pursuant to Section 104(3)(a)(ii) of the Act the decision-making panel must not have any regard to any effect on these parties

4.2 Notification

The application was limited notified and submissions closed on 28 March 2014
Notice was served on all landowners within the Appleby Hills subdivision, as well as those parties in Research Orchard Road who also connect into the communal wastewater system

for the development. Additionally, adjoining and downstream landowners were served notice. A copy of the Limited Notification is attached as Appendix 1.

4.3 Submissions

A total of 38 submissions were received.

- 3 Supporting submissions were received, of which 1 wishes to be heard.
(Submitter Number 16)
- 34 Opposing submissions were received, of which 15 wish to be heard.
(Submitter Numbers 1, 6, 7, 8, 9, 10, 11, 13, 19, 20, 22, 23, 26, 27, 29)
- 1 Neutral submission was received (Submitter Number 35 – Transpower NZ)

A total of 16 submitters wish to be heard at the hearing.

Supporting Submissions

The submissions in support reflected the following:

Submitter 16: wishes the development potential of 181 The Coastal Highway for a five lot subdivision to be recognised and calculated into the intersection design for Ridgeview Road/ the Coastal Highway

Submitter 32: conditional support dependent upon assurances and evidence that 253 The Coastal Highway will not be adversely affected by potentially increased stormwater run-off.

Concern expressed regarding increased traffic and general noise affecting submitters' "rural" lifestyle

Submitter 33: no concerns following discussions with developer.

Opposing Submissions

Potential adverse effects were raised through opposing submissions, which have been summarised and tabled below. This table indicates the issue topic, the number of submissions received that were concerned with that issue topic and the third column indicated the number given to those submissions that raised the topic.

Issues/Topics raised	Number of submissions raising issue	The submission number given to those submissions (bold numbers wish to be heard)
Re-subdivision of consent layout to create 20 additional lots.	24	1, 2, 5, 7, 8, 9, 10, 11, 12, 15, 17, 18, 19, 20, 21, 22, 24, 25, 27, 29, 30, 34, 37, 38
Increased density	17	3, 4, 6, 8, 9, 10, 12, 14, 15, 17, 18, 19, 23, 25, 28, 36, 37,
Out of keeping with Rural 3 concept	24	1, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 22, 23, 25, 26, 27, 28, 29, 36, 37,
Suburbanisation	23	1, 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 18, 20, 22, 23, 24, 25, 27, 28, 36, 37, 38
Reduced Size of Sections	2	1, 23,
Further Subdivision Referred to but not adequately Considered	10	7, 9, 10, 11, 12, 20, 22, 25, 29, 37,
Property Values	12	3, 4, 6, 8, 12, 13, 14, 18, 25, 27, 34, 36,
Loss of Rural Amenity and	23	1, 2, 3, 4, 8, 9, 10, 11, 12, 14, 15, 17, 18,

Issues/Topics raised	Number of submissions raising issue	The submission number given to those submissions (bold numbers wish to be heard)
Character		19, 20, 21, 22, 25, 26, 27, 36, 37,
Visual Impact	22	1, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 18, 22, 23, 25, 27, 29, 34, 36, 37,
Increased Traffic from Dwellings	24	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 21, 22, 25, 27, 29, 31, 36, 38
Construction Traffic – Noise and Dust	8	1, 7, 11, 13, 19, 22, 36, 38
Additional Earthworks	7	3, 4, 8, 14, 15, 18, 23,
Traffic Safety	11	7, 11, 13, 19, 22, 25, 27, 28, 31, 36, 38
Productive Land	2	20, 29,
Developer Compliance with Conditions	1	29,
Impermanence of Landscape screening	1	29,
Power Line Effects	1	35
Water Supply	13	2, 3, 4, 5, 7, 8, 11, 14, 15, 19, 25, 26, 29,
Wastewater	11	3, 4, 8, 11, 13, 14, 21, 23, 24, 25, 26,
Precedent	4	1, 19, 22, 26,
Stormwater	12	7, 8, 9, 10, 12, 13, 15, 22, 23, 24, 25, 29,
Dam Safety	8	9, 10, 12, 15, 18, 22, 24, 25,

These parties' properties are shown in Appendix 1.

4.4 Comments on Submissions

The issues summary and ordering of submission issues into similar groups in the table above does not imply any weighting of significance or suggestion that the number of times an issue has been raised means therefore that that issue is the most important in terms of any assessment of effects upon the environment.

This report will focus upon the issues and effects from the proposed addition of a further 20 allotments and subsequent construction of a dwelling on each allotment.

It is noted that the subdivision rule shifting the status to **non-complying** does in effect give a weighting to be applied to a subdivision consent application and assessment which revisits the first approved consent (RM030632) and subsequent consent (RM100632). The restricted discretionary rule does provide guidelines for a clustered subdivision in the Rural 3 zone and anticipates loss of productive and rural land for residential sections within the rural setting; however applying for consent where a subdivision consent has already been granted the TRMP provides a signal (the Non-Complying status) that a more precautionary approach to the assessment of effects is required and can encompass all matters.

It is my opinion that the TRMP non complying status encourages a “*do it right do it once expectation*” and this view is reflected in most of the submissions. Those who have bought into the subdivision have held an understanding of what they could expect in the locality – ie, the style and flavour of their community as it developed to completion. The proposed increase in allotments is a change that submitters perceived or assumed that Council's rules, policies and objectives would not support.

Reference is made in submissions to the restrictive consent notices or covenants that “*no further subdivision is permitted*”. To clarify: this condition of consent has been attached to allotments within the stages of subdivision that have been completed and title granted. It

does apply to the balance land and associated titles that have consent for further stages that have not yet been completed (ie the area within CFR544040).

Item 2.1

5 Statutory Considerations

Section 104

A decision on this application must be made under Section 104 of the Act. The matters for the Council to address are:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)
- Objectives and Policies of the TRMP
- Other matters

Section 104D

If status is NON-COMPLYING

Section 106

If activity is a SUBDIVISION

6 Sections 6, 7, and 8

The following matters are relevant to this application:

Matters of national importance

- There are no applicable matters of national importance to consider.

Other matters

- 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.

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

7 Key Issues

I consider the key issues relating to this application to be:

- Rural Character and Site Amenity- consistency with the Coastal Tasman Area Subdivision and Development Guide (CTASDG)
- Landscape effects - Coastal Tasman Area-Maisey Road Sub-unit 10
- Cumulative effects- erosion of Rural 3 amenity values /erosion of rural character

- Traffic: Internal and external, headlight glare and vehicle noise
- Efficient use of land
- NES Contaminated Soils-Pre 1970's Orchard Land

7.1 Key Issue 1 - Rural Character and Site Amenity - consistency with the Coastal Tasman Area Subdivision and Development Guide (CTADG)

The proposal seeks to increase the density of allotments in comparison to what is consented within subdivision consents RM100632 and RM030632 (“the consented environment”) by creating twenty additional allotments. The proposed additional allotments would be reconfigured into the same land area. This reduces the size of the allotments thereby increasing the density of the residential allotments.

The following TRMP policies and objectives are relevant to this application:

7.3 Rural Residential Development in Coastal Tasman Area

7.3.3 Issue

There is a desire in the community for residential development opportunities within a rural part of the District, used productively and having some existing rural residential development. Managing the pressure for and cumulative effects of residential development in the Coastal Tasman Area which is a rural area close to the coast, to the District's main urban centres, and to major transport routes, while protecting the productive values of the rural land resource, coastal and rural character, and amenity values.

- 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.*
- 7.3.3.4** *To define within the land made available for residential and rural residential development within the Coastal Tasman Area, areas in which different rules provide for different types and intensities of subdivision and development.*
- 7.3.3.7** *To enable residential and rural residential development to take place from December 2003 over at least a 20-year period in the Rural 3 Zone and the Waimea Inlet Rural Residential Zone that generally reflects a ratio of 25 percent developed area to 75 percent open space or unbuilt area across the total area of both zones.*
- 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.*

Part II Appendix 3: Coastal Tasman Area Subdivision and Development Design Guide (CTADG)

Section 3.10 articulates focus for building location areas and states:

- a) *Seek to retain dwelling privacy and outlooks to the rural and/or coastal landscape in the selection of building location areas.*
- (c) *Develop an uncluttered pattern of building location areas on the landscape.*

Specifically the following Maisey Road South (Landscape Unit 10) characteristics apply to this development.

4.1 *Maisey Road South (Landscape Unit 10)*

Maisey Road South is relatively discrete and visually contained compared with the adjacent landscape units to the north and west. This area is not particularly visible from the coastal highway. There are few significant landscape features other than the distinctive watercourse pattern and associated landforms which are generally only evident from within the area itself. Views into the Redwood Valley area and the Waimea Inlet are significant as are views from those areas back into the landscape unit.

Maintaining the landscape qualities of this unit will involve:

- (a) The maintenance of open space and productive buffers when viewed from the Coastal Highway.*
- (b) Focusing on cluster development within the internal landforms and gully system.*
- (c) Utilising riparian planting areas, ponds and wetland opportunities as buffer and open space areas.*
- (d) Consideration of the visual effects of development, when viewed from the Redwood Valley areas.*

The issues raised by this application to be considered in terms of rural and site amenity in my opinion are:

- (a) Does this application retain rural and site amenity values and characteristics anticipated by the Rural 3 Policies, Objectives and CTA guidelines; and what are the appropriate measures of rural character and is TRMP integrity maintained;
- (b) How much weight should the change in allotment density be given when compared with approved consents (RM030632 and RM100632); and
- (c) What were the existing residents' expectations of the amenity and character values they anticipated when buying into this development and what weighting should this be given when assessing this Rural 3 re-subdivision application.

This application is being assessed as Non-Complying; the more stringent status is applied when land already the subject of subdivision consent is subject to a new subdivision proposal as is the case here. The TRMP's Non-Complying status provides a signal, a warning if you like, that a more stringent consideration should be applied. The Quality Planning website provides the following guidance on a Non-Complying status.

*"When considering discretionary and non-complying activities, **all** adverse effects of the activity can be considered. Activities classified as discretionary or non-complying are recognised as being capable of generating a wide range of effects and therefore the assessment of effects is not narrowed or limited in any way."*

The TRMP Policy 7.3.3.16 provides direction for the move to the Non-Complying is subject to another subdivision application and states; ***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.*** (emphasis added).

This subdivision increases the open space areas retained for productive use slightly, but it directly reduces the land area surrounding the building location area available for landscaping within each allotment.

Therefore the non-complying status signals that a sharper and wider scrutiny is appropriate for this application.

Table1 below (next page) sets out the range of proposed allotment sizes as the allotment dimensions are hard to read on the scheme plan. The range of sizes for allotments is smaller the approved areas within RM100632 where the smallest area is 2540m².

Table 1

Proposed allotments for RM130922				
Lot nos	Area of lots m ²		Lot nos	Area of lots m ²
42	2580		78	2310
43	2540		79	4100
44	2610		80	1080
45	15.5 ha - amalgamated		81	1380
46	2540		82	1370
47	1890			
48	1710		84	1540
			85	1710
			86	Row F & G- amalgamated
51	1420		87	910m ² - amalgamated
52	1480		88	1.92ha- amalgamated
53	1530		89	ROW L & K- amalgamated
54	1480		90	2800
55	2540		91	2080- amalgamated
			91	1420
56	1.22		92	1540
57	1580		93	1305
58	1760		94	1260
59	1140		95	1235
60	7.1 ha - productive allotment		96	1010
61	1360		97	1400
62	1245		98	1390
63	2070		99	1330
			100	1560
65	1430		101	1650
66	Dam – amalgamated		102	1480
67	4095			
68	1700		104	3240
69	1000		105	1310
70	7015		106	1300
71	9200		107	2710
72	9110		109	R'sOW A, B, C- amalgamated
73	3950 – amalgamated			
74	1300			
75	1420			
76	1160			
77	1940			
1) Lots 45 66 86 87 88 89 and 109 are to be held in one title with Lot 2 DP438731 2) Lot 73 to transferred to CFR 84439 Lot 2 DP438731 3) Lot 91 to transferred to CFR 84438 4) Error on scheme plan - There are 2 Lot 91 5) Yields 54 building allotments				

The change in density is likely to see a difference in the amenity each allotment will offer when compared to the completed stages of RM030632. Both consented subdivisions RM030632 and RM100632 anticipated at least half of each allotment to form the landscaped outdoor area, as the building location areas was 1000m² while the smallest allotment for RM030632 was 1840m² (so slightly less than half) and for RM100632 it is 2540m². For this new application the building location area for many allotments are now to be determined by Rural 3 setbacks rather than an identified building location.

Mr Sisson in his “*Landscape Design Report*” dated 16 March 2004 for the original Rural 3 subdivision RM030632 spoke about the “*concept of defining a building location area which was seen as the best method of managing and containing the landscape effects of the buildings, hard surfacing and **urban** character....*” and the building location area was generally set at 1000m² with a generous area surrounding this. He went on to state:

“the intention of this is that on each lot, outside of the defined building location area there will be no buildings and little hard surfacing - so ensuring that those parts will have a verdant character, combining grass, trees, bush and production land, as seen fit by individual property owners- a natural or rural character rather a built or urban character.

This current proposal which revisits RM100632 and the original consent (RM030632) would have density and amenity characteristics that are likely to be incongruent with this statement.

The original Council committee decision (21 July 2005) recorded the following summary of effects on character and amenity on page 28 of RM030632:

12. *In terms of the effect of the proposed subdivision on the character and amenity of the surrounding area, the Committee noted the suite of conditions offered by the applicant which would assist in mitigating the visual effect of the development. These conditions were accepted and include controls on buildings such as height, location, colour, reflectivity and landscaping. Committee agreed with the advice from Mr Boffa Landscape Architectural Consultant for the Council, “**that the development had been designed so that its appearance will not be obtrusive or visually dominant and the landscape will not appear to be over-developed or cluttered with development and also meets the concept of clustering.**” (my emphasis)*

Section 3.10 of the CTADG - Building Location Areas states in (c) *Develop an uncluttered pattern of building location areas on the landscape.*

It is my opinion that the proposed layout is cluttered, more reflective of a residential context and does not meet the original design parameters for Appleby Hills nor what was consented with RM100632.

The submitters opposed have expressed a similar position; that this density is not the outcome they anticipated or desired when choosing to live in this locality. From their perspective they felt they had been sold certainty in the form that the completed subdivision would take.

In the following section of the TRMP quoted below there is support for an innovative use of land for residential living within a rural context.

7.2.20 – *“The Rural 3 Zone has been introduced to the Plan to meet the demand for **residential living in a rural context** in an area close to main urban centres, transport routes and the coast. Lying within the Coastal Tasman Area, development in the area is subject to specific policies, and is intended to absorb and thus reduce pressure for rural residential and residential subdivision in other rural parts of the District, particularly Rural 1 areas and other areas of high landscape and rural character values.”*

7.2.30 – “*The Rural 3 Zone applies to an area where there is a desire to live near the coast or with coastal views. The zoning is seen to be an opportunity for innovative residential development, while **retaining the overall rural amenity values and character of the area**, including natural character, and ongoing opportunities to utilise land of high productive value.*”

7.4.30 - “*...the character and landscapes of the Rural 3 Zone is expected to undergo a degree of transformation as a result of increased residential use and development, **but no net loss of values***”

(my emphasis in bold)

Research across some of the Tasman District’s implemented Rural 3 subdivisions shows a range of allotment sizes each offering its own unique Rural 3 flavour while being consistent with the guidelines of the CTADG. Driving through these partially developed subdivisions it is in my opinion hard to see a rural context from within the clusters and looking from the public road network into the clusters I perceive them as residential-style living within a wider rural landscape. I have assumed they were deemed to be consistent with the CTADG because they are consented subdivisions.

Referring back to my first three statements

- 1 I am of the opinion that the application has the potential to be treated as consistent with the Rural 3 CTADG in terms of efficient use of land and the existing infrastructure servicing the subdivision which is consistent with S.7(b) of the RMA *the efficient use and development of natural and physical resources* providing for those *innovative residential development* referred to in 7.2.30 and anticipated within Rural 3.

Except that it is inconsistent with Policy 7.3.3.16 which does not support re-subdivision as seen in this application; and I consider the potential for cumulative loss of rural character is a risk for the locality in terms of the existing consented environment and now what is additionally proposed within RM130922. The cumulative loss of rural character and amenity is discussed further in Section 7.5.

- 2 The Non-Complying status gives decision makers wider scope to scrutinise the impacts of the new proposal with a focus on the effects of increased allotment density on landscape and rural character over the consented environment.
- 3 34 submissions in opposition with 15 submitters identifying that they wish the panel to hear their concerns indicates that their expectations of the amenity and character values for this locality have been offended. These submissions have a focus on the loss of locality characteristics they consider that RM030632 and RM100632 have provided.

7.2 Key Issue 2 - Landscape effects - Coastal Tasman Area - Maisey Road Sub-unit 10

The following TRMP issues, objective and policies are relevant to this application:

9.2 **Rural Landscape Values**

9.2.1 **Issues**

9.2.1.1 *Opportunities for landscape design and enhancement of visual amenities.*

9.2.1.2 *The need for recognition of local as well as wider landscape character and values as a basis for evaluating the acceptability of proposals for subdivision and development.*

- 9.2.1.3 *Urbanisation of rural landscapes through reduced setback distances, urban fencing styles and planting in rural areas. The overall effect has been a loss of open character.*
- 9.2.2 **Objective**
Retention of the contribution rural landscapes make to the amenity values and rural character of the District, and protection of those values from inappropriate subdivision and development.
- 9.2.3 **Policies**
- 9.2.3.3 *To retain the rural characteristics of the landscape within rural areas.*
- 9.2.3.4 *To encourage landscape enhancement and mitigation of changes through landscape analysis, subdivision design, planting proposals, careful siting of structures and other methods, throughout rural areas.*
- 9.2.3.5 *To evaluate, and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas.*

Mr Carter's report which is attached as Appendix 2 puts forward an expert opinion that the additional twenty allotments and associated building opportunities will have a significant impact on landscape values both internally for existing residents and externally from proximate sites, Redwood Valley and SH60. Policy 9.2.1.2 emphasises the importance of local values - ie the Appleby Hills location for residents and those with a view into this higher density Rural 3 re-subdivision. All of the above policies could support a sensitively designed Rural 3 subdivision within the CTADG as evidenced by previously consented subdivisions within Rural 3.

However the landscape report provided to Council confirms a significant loss of landscape values and therefore I consider that the current application (a re-subdivision) does not maintain the landscape values expected within this locality. The additional effects, over and above the change in the landscape values for this site consented by previous consents RM030632 and RM100632, is a step too far for the Appleby Hills locality.

7.3 Key Issue 3 - Cumulative effects - erosion of Rural 3 amenity values / erosion of rural character

The following policy is relevant to this application:

Policy 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.*

Cumulative effect is defined in the RMA section 3 (d) as set out below:

Meaning of effect

*In this Act, unless the context otherwise requires, the term **effect** includes—*

- *(a) any positive or adverse effect; and*
- *(b) any temporary or permanent effect; and*
- *(c) any past, present, or future effect; and*
- **(d) any cumulative effect which arises over time or in combination with other effects**

regardless of the scale, intensity, duration, or frequency of the effect, and also includes—

- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

I consider that the cumulative effect of the additional twenty allotments proposed within this application on the Rural 3 environment can and must be considered.

The resource that is at risk from this development is the rural character and the amenity of the existing environment as approved within consent RM100632. The increase in density arising from the decrease in the area of allotments creates a change in the local rural character and amenity values and is considered to be a cumulative effect; that is an accumulation of minor effects which are considered to now have moved to along a continuum to become significant effects.

(Note: definitions of rural character and amenity are included in the Landscape report and not repeated here.)

Mr Carter's report articulated a loss of rural character and site amenity qualities that are valued within and around the land being subdivided. There is a decrease in internal (allotment) open space; this area is required to enable sufficient land area for twenty additional allotments to be created within the same overall residential curtilage area of RM100632.

RM100632 encroached into 2 hectares of open space land which was removed from Lot 60 creating an additional 6 allotments. This loss of open space was accepted by the Council committee (2011) as consistent with the values espoused within CTADG in terms of retaining open space, productive values and the mitigating effects on views from SH60. Therefore the design of RM100632 was accepted as being balanced overall and having a similar style and density as the original consent (RM030632).

The current application (RM130922) presents a very different style of allotment which is seen as meeting current market demand by the applicant.

I consider that overall this application does create an adverse cumulative effect; there is an erosion of internal allotment open space that reduces rural-character or flavour when compared to the consented environment for this Rural 3 locality. Mr Carter in his Landscape report confirms that the changes in allotment density has an adverse effect on landscape qualities which is he quantifies as "*significant*." The proposal has generated a high level of opposition from internal residents and nearby property owners.

7.4 Key Issue 4 Traffic: Internal and external, headlight glare and vehicle noise

The following policy is relevant to this application:

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.*

Of the submissions in opposition to this proposed subdivision 11 submitters have identified traffic safety concerns from an additional 20 allotments.

The lack of a turnaround for the local school bus is seen as a safety issue for school pupils in this locality. Mr. and Mrs. Busby comment that prior arrangements for road noise mitigation have never been completed as part of the original subdivision and that existing subdivision traffic from vehicles accelerating up the hill from the entrance from SH60 is more pronounced than traffic on the highway.

Ridgeview Road effectively will be a very long cul-de-sac with a single entry point onto SH60. The Urbis Report notes future subdivisions (15 and 5 allotments) which may connect and place additional users onto this road. These future subdivisions are not considered within this report as they are not proposed as part of this application.

Noise is a subjective effect and may have a variety of impacts upon different residents depending on their sensitivity to noise.

Section 3.9.3 Page 20 of the Landmark Lile application notes the long time frame for completion of subdivision and states: *“the noise effects will therefore be gradual”*. Submissions have provided comments that this long time frame where ongoing construction noise would continue may not be a positive effect.

Council’s Development Engineer has provided a report on the design capacity of the road and in summary he finds that the roading design is to a standard that will provide safe and adequate access for the existing titles, the 34 approved allotments and the additional twenty proposed allotments.

The New Zealand Transit Authority who has control on SH60 has provided written approval for the application. Council’s Development engineer comments as follows: *“It is noted that NZTA have given support to the application which infers that the additional 20 lots will have less than minor effect on the State highway network.”*

7.5 Key Issue 5- Efficient use of land

The following TRMP policy is relevant to this application:

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

It is my opinion that the creation of an additional 20 allotments could be considered an efficient use of land and infrastructure; reducing the demand on productive land in the wider Rural 3 zone especially as the allotments are created within the residential cluster already removed from rural or productive use.

7.6 Key Issue 6- Pre 1970’s orchard land

The following TRMP policy is relevant to this application:

7.3.3.20 *To avoid potential effects of past land contamination on future residential and rural residential activities.*

Section 42 b (5) notes that a previous subdivision consent granted before the date of the National Environmental Standard (NES) is notified prevails over the standard. There is an area of the subdivision which has an identified area of pre 1970’s Orchard Land which would normally require potential soil contamination from the spray regime of the pre 1970’s era to be dealt with under the National Environmental Standard for Contaminated Soils. The application volunteers a subdivision condition that requires testing of the soil to determine suitability for residential use prior to Section 223 and mitigation if required prior to Section 224. This pathway has been accepted by Council’s Resource Scientist - Contaminants.

7.7 Other matters

For all other matters set out in the Landmark Lile application and report and as listed below:

I have no disagreement with the following sections as they retain the original requirements of RM030632 and RM100632 and brief comments are provided only where necessary.

- Section 3.1 Natural hazards- no issues identified.
- Section 3.3 Public access and recreation: walkways agreed under RM030632 and RM100632 are retained.
- Section 3.6 Ecological values
- Section 3.7 Land productivity: the allotment areas do not intrude into land that was identified for productive use in RM030632 or RM100632 with a slight increase in area retained for this purpose achieved.

8 Section 104D of the Resource Management 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.

Since receiving the Landscape report which assesses the adverse impact on the landscape, rural character and amenity values as significant I now consider that the effects overall on the environment are not consistent with the Coastal Tasman Area Subdivision and Development Guidelines and are more than minor when the conditions of consent are taken into account.

Therefore I am satisfied that this first gateway of Section 104D is not passed. For the same reasons this application is not consistent with key policies and objectives of the TRMP.

I consider that this application does not pass either gateway test for Section 104D.

9 Summary of Key Issues

I consider the following to be the key issues for this application:

Loss of site amenity and locality qualities for those living proximate, those with an outlook over Appleby Hills and existing residents.

Cumulative impact on rural character and site amenity qualities.

Significant detrimental landscape effects.

Localised traffic impacts in term of vehicle noise on living amenity.

10 Section 5 and Recommendation

As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, I consider that a grant of consent **would not** promote the sustainable management of natural and physical resources and, on balance, I strongly **RECOMMEND** that the application(s) be **DECLINED**.

Should the Commissioner panel decide the application be granted, draft conditions have been attached below:

RESOURCE CONSENT NUMBER: RM130922

Pursuant to Section 104D 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 CFR 544040 and 544029 creating 54 residential allotments, additional open space areas to be commonly owned and access allotments and includes proposed roading standards.

LOCATION DETAILS:

Address of property: Ridgeview Road, Appleby
 Legal description: Lot 2 DP422974 and Lot 4 DP321214 and Lot 1 DP438731
 And
 Lot 2, 45 DP438731 and Lot 66 DP400216
 Certificate of title: CFR 544040 and CFR 544029
 Valuation number: 1938078212
 Easting and Northing: 2517323E 5990417N

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 9 December 2013 and attached to this consent as Plans A and B. The subdivision and development shall also be carried out in accordance with Figure 10 “Proposed walkways, planting conditions and building height restriction” by David Sissons (dated 26 November 2013) and attached to this consent as Plan C.

Except, 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
- 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	Proposed allotments	Building sites
Stage 7	Lots 42-44, 45 and 46	4
Stage 8	Lots 47 and 48	2
Stage 9	Lots 87, 51-57, 59 and 61, R’sOW A & B	9
Stage10	Lots 58, 62-63 and 109(part) ROW C	3
Stage 11	Lots 65,68,74-75	4
Stage 12	Lots 69,76-81 & 86 (pt) R’sOW D, E and F	7

Stage 13	Lots 82, 84 85 90&89(part) R'sOW H and L	4
Stage 14	Lots 91-97, 66, (67 & 70-72 as one) 88, 89 (pt) R'sOW I & J	7
Stage 15	Lots 98-102, 104-107 (60&90as one)&R'sOW M & N	9
Stage 16	Lots 67, 70-73, 89 & ROW K	4
Stage 17	Lots 60,91& ROW G	1

Note: applicant to clarify the numbering of Lot 91.

(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 45, 66, 86, 87, 89 and 109 are to be held in one title with Lot 2 DP 438731.
 - 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: To be advised

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 2013, 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 Figure 10 "*Proposed walkways, planting conditions and building height restriction*" by David Sissons (dated 26 November 2013).

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 17, the rights-of-way shall have the following formation widths. Rights-of-way, B, C, E, F, G, J and N will be no less than 3 metres. Rights-of-A 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 2013. 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 2013) 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, 87, 88, 89, and 109 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 discharge consent.

Advice Note - Stormwater:

All stormwater management arising from the subdivision is controlled under RM130932.

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, 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 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, 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 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 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 Lot 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 and 60) within the subdivision.

Building Location Restrictions

31. The building location sites identified on Lots 42, 43, 44, 56, 67, 70, 71, 72 and 60) shall be shown on the land transfer title plan and the corners of the sites fixed by co-ordinates.
32. With the exception of building on Lots 42, 43, 44, 56, 67, 70, 71, 72 and 60 where specific building location areas have been identified, all other building location areas shall be defined as 5.0metres from all boundaries other than road boundaries whereby a 10 metres setback is required.
33. No building on any of the allotments shall be higher than 6.0 metres above natural ground level, except for Lots 54, 51, 65, 68, 77, 76, 84, 92, 102, 104, 105, 106, 107 where no buildings shall be higher than 5.0 metres above natural ground level and Lot 60 where the dwelling shall not be higher than 5.0 metres above natural ground level.
34. No buildings shall be erected on Lots 73 and 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 7. 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 *Proposed walkways, planting conditions and building height restriction*" by David Sissons (dated 26 November 2013)
 - (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 A, C, D-E, L and Lots 45, 53-55,87, 89 and 60 shall provide for:

- (a) morning sun egress to the Building Location Areas on Lots 85, 90, 104 and 107
- (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 69,76, 84,85, 90, 104 and 107 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 2013 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 2013, 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 metre notional building area (at the time subdivision consent is granted) for lots with an area exceeding 2500m²

or

the amount of the contribution shall be 5.62 per cent of the total market value of (at the time subdivision consent is granted) Lots with an area of 2500m² or less than 2500m².

A financial contribution is payable on 53 allotments.

- (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 7-17 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 12-15 an assessment of pesticide contamination be carried out on the building location areas for Lots 69, 76-78, 84, 85, 90, 91, 94 and 98 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.
- 51. Prior to Section 223 approval for stage 7, subdivision consent RM100632 shall be withdrawn.

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.

RESOURCE CONSENT NUMBER: RM130923

Pursuant to Section 104D 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 residential buildings on allotments created by RM130922.

LOCATION DETAILS:

Address of property:	Ridgeview Road, Appleby
Legal description:	Lot 2 DP422974 and Lot 4 DP321214 and Lot 1 DP438731 And Lot 2, 45 DP438731 and Lot 66 DP400216
Certificate of title:	CFR 544040 and CFR 544029
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 31 and 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. No building on any of the allotments shall be higher than 6.0 metres above natural ground level, except for Lots 54, 51, 65, 68, 77, 76, 84, 92, 102, 104, 105, 106 and 107 where no buildings shall be higher than 5.0 metres above natural ground level and Lot 60 where the dwelling shall not be higher than 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 ≤50%	A09 to A14 and reflectance value ≤25%
Group B	B19 to B29 and reflectance value ≤50%	B23 to B29 and reflectance value ≤25%
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	C39 to C40, reflectance value ≤25%, and hue range 06-16
Group D	D43 to D45, reflectance value ≤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.

Water Tanks

7. Any water tanks located within a lot shall be partially or fully buried or screened from view of other allotments and road or right of way. As a minimum where plantings are used to screen views of the tanks they shall be completed within two years of the issue of a Building Consent.

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 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 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.

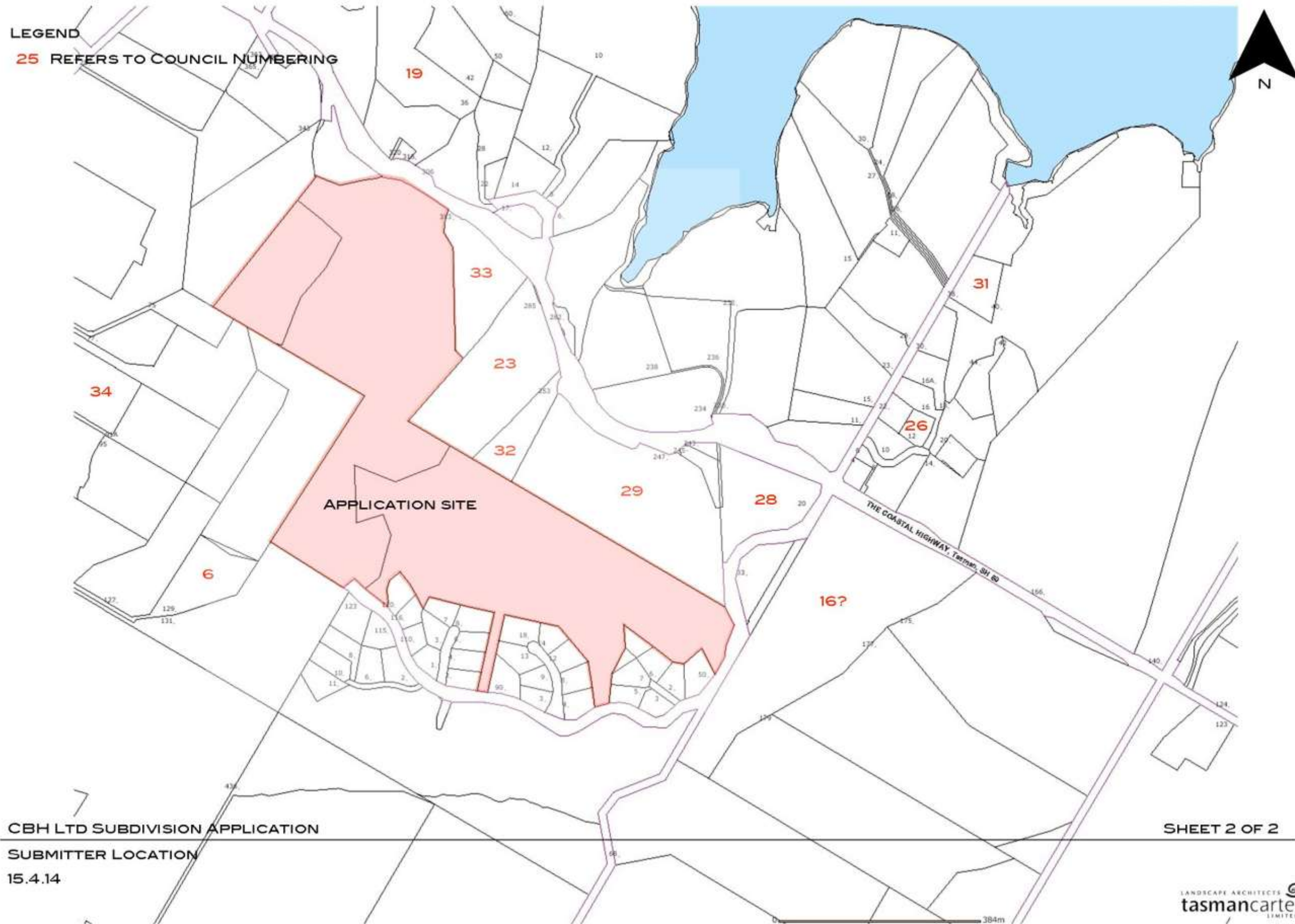
Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.



CBH LTD SUBDIVISION APPLICATION
 SUBMITTER LOCATION
 15.4.14

SHEET 1 OF 2

LANDSCAPE ARCHITECTS
 tasman carter
 LIMITED



Statement of Evidence of Thomas Firth Carter

30 April 2014

Qualifications and Experience

1. My full name is Thomas Firth Carter.
2. I am a Landscape Architect and Director of Tasman Carter Limited, a landscape planning and design practice based in Nelson.
3. I have an Honours Degree in Landscape Architecture from Lincoln University. I am a Registered Landscape Architect, a member of the New Zealand Institute of Landscape Architects and a member of the Resource Management Law Association. I have 14 years experience in landscape architecture practice.
4. I specialise in assessing the landscape and visual effects of development within coastal, urban, rural and natural environments throughout Marlborough, Nelson Lakes, Tasman District, West Coast, Kaikoura, and Canterbury. My work experience has included preparation of landscape assessments at project and district scales in relation to hydro electric development, subdivision, land use, aquaculture, viticulture industry, conservation and commercial tourism, electricity transmission, telecommunications, regional infrastructure projects, sports ground development, mixed use airport development, horticulture industry effects, open space planning and quarry development.
5. I have been directly involved in three subdivision applications within the Rural 3 Zone. In which I prepared the landscape analysis and documents required under the Appendix 3 to the Tasman Resource Management Plan: Coastal Tasman Area Subdivision and Development Design Guide (CTADG). The Tasman District Council has engaged me on a consultant basis to review the landscape components of four subdivision consent applications within the Rural 3 Zone. Review work for the Council is focussed on establishing the level of consistency between applications and the Design Guide provisions, and the degree of potential adverse landscape and visual effects.
6. I have appeared for both private clients and Councils as an expert witness at Council hearings, the Environment Court, Special Tribunals and the Land Court.

Code of Conduct

7. I have read the Environment Court's Code of Conduct for Expert Witnesses. I have complied with it when preparing this evidence. I confirm that the issues addressed in this brief of evidence are within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
8. A number of the submissions raise the issue of possible future development of adjacent property Pt Lot 5 DP8252, which is also within the TRMP Rural 3 zone. I am unsure whether in law the cumulative effects of what might occur on that property should be considered¹. I have not included them in my assessment and neither has Mr Sissons. I am happy to amend my assessment to include consideration of the effects of that development if that is the correct approach.

Caucusing Statement

9. During the pre application phase Mr. Sissons and I prepared a Joint Statement under the Environment Court's Practice Note on the Code of Conduct for Expert Witnesses. Mr. Sissons notes in his report to the AEE that "*Unfortunately the plan [supported by the two landscape architects] did not meet the applicant's objectives, so an other layout was requested*". That layout forms comprises the current application. On landscape and visual grounds Mr. Sissons supports it. In light of that admission and the lack of an assessment of the visual effects of intensification on the neighbouring properties, which over look Appleby Hills from the south and the west² I have taken the view that it is appropriate to assess the effects of the proposal based on the difference between the 2011 subdivision consent and the current application.

Background Information and Ambit of Evidence

10. There is a considerable history to the CBH Ltd site. Originally consent for 56 rural – residential allotments, eight rural titles and one title containing three allotments for open space purposes were granted in 21 July 2005. The AEE accompanying the original application contained a landscape report and assessment undertaken by Mr. Sissons pursuant to the Design Guide (CTADG).

¹ Environment Court Practice Note 5.3.2

² Joint statement Carter / Sissons 6.9.13.

11. Subdivision consent applications lodged in 2005 and 2011, were both granted. The current application would see roughly the same area consented for residential housing in 2011 but with 20 lots added in. Thus the proposal is for intensification of consented residential development with the consequence of greater housing density and less open space within clusters. The development, on a continuum from rural to suburban character will shift markedly towards the latter. Since consent was granted in 2005 there has been significant erosion of the rural open space, which was originally set-aside as part of Mr. Sissons analysis process under Chapter 2 of the CTADG.

12. The committee have the benefit of submissions received from the public during the limited notification process. The submissions indicate a level of concern around the effects of the proposal, many of which include landscape, visual and amenity issues and the values residents associate with those attributes.

13. To that extent Tasman Carter Ltd is engaged by the Tasman District Council to undertake an assessment of the effects of 20 additional dwellings proposed by CBH Ltd encompassing:
 - Potential landscape and visual effects;
 - Potential effects on amenity; and
 - Cumulative effects.

14. My evidence is set out under the following headings.

Qualifications and Experience	2
Code of Conduct	3
Caucusing Statement	3
Background Information and Ambit of Evidence	3
Proposed development	5
Coastal Tasman Area Subdivision and Development Design Guide	7
Amenity values of rural areas.....	9
Assessment of landscape and visual effects.....	11
Visual Baseline from View Points B, C & D	12
Visual Baseline from View Point A.....	14
Visual Baseline - View Points E & F within the Maisey Road/ Redwood Valley Area	15
Conclusion	17

Proposed development

15. The application for intensification seeks an increase from 34 to 54 Lots. The additional lots are to be located within the yet-to-be developed western area of the application site. In general terms, roughly the same area consented for residential housing in 2011 is utilised but with an additional 20 lots.
16. Proposed intensification will be distributed throughout the existing clusters. The road layout will change to the extent that more roading is indicated on Mr. Sissons' Figure 10. For instance to the dwellings beside the dam and access to Lots 21 – 24. When the views mapped from the surrounding area are analysed in conjunction with areas of proposed development, there is clear evidence that the intensification will occur in locations with the greatest potential for visual effects on the neighbouring properties, which over look Appleby Hills from the south and the west.
17. Within the elevated and more prominent landforms there will be a slight increase in the rural open space around the fringes of the northern residential cluster (closest to SH60). Belt tightening there seems to be at the expense of additional development located in the secluded valley, which unfolds in front of the McMeeking and Creed³ property.
18. Smaller section sizes involve rebalancing the ratio between the built space and open space on individual sites that has consequences for the character of development perceived from beyond the boundary of the individual lots and the residential clusters overall. There is potential for indirect effects to arise, such the increase in intensity of traffic from adding another 20 dwellings and the affects of this on rural amenity values; peace and tranquility of the area⁴. Direct effects include less spacious gardens and a pattern of development which rather than being dominated by the open space around the dwellings is perceived as being dominated by the buildings themselves⁵. Less space surrounding each house will result in limited

³ Submitter 6

⁴ Submitter 8

⁵ CTADG 3.1

opportunities to establish privacy⁶ buffering vegetation in place of urban fences and opportunities to establish substantial trees, which are proposed to be removed from the open space lots under the powerlines in favour of a pasture and riparian habitat management⁷. That would seem to exacerbate the implications of introducing smaller sites and the limitations of vegetation impinging upon neighbour's sunlight and safety. This may result in a low stature, suburban vegetation pattern amongst smaller lots and consequential loss of rural character.

19. There is refinement of the proposed conditions around amenity and habitat enhancement landscaping albeit at the expense of environmental factors referred to earlier. These provide a better fit with the gully features and associated riparian areas. An additional walkway linkage is provided through the open space, which aligns with the transmission corridor. Those aspects of the proposal are supported. Within that area the network of amenity trees is replaced with pasture to *emphasise the rural character – to make it look like productive rural pasture, rather than urban parkland*⁸. This land was set-aside in 2011 as part of both existing consents RM10032 and RM03632.

20. Buildings on Lots 54, 51, 65, 68, 77 and 76 are limited to 5 metres high above the existing ground level due to their ridgeline location. Lots 107, 106, 105, 102 and 104 are subject to height controls due to views from SH60 and views from the neighbouring sites south of them.

21. The controls on the use of reflective building material, now routine in New Zealand, are proposed.

22. In acknowledgment of the two relevant visual catchments and the definition of them by the landform features referred to in the following sections of my evidence, potential effects are assessed in terms of the following key aspects of the proposal. Numbers are approximate only:

Within the Immediate residential setting of Ridgeview Road and SH60 (View Point A):

⁶ CTADG 3.10

⁷ CTADG 3.12

⁸ Sissons report 2014 Pg.12

- The number of new houses visible will increase from 9 to 14 i.e. 5 additional houses (54% increase) and a significant reduction in average section sizes from 3,343m² to 1,877m².

Within the Maisey Road area:

- The number of new houses visible will increase from 21 to 37 i.e. 16 additional houses (79% increase) and a significant reduction in average section sizes from 4,661m² to 2,520m².

Coastal Tasman Area Subdivision and Development Design Guide

23. The purpose of the Design Guide is to: *...promote and encourage well-designed and innovative developments in the Rural 3 Zone, which will retain the overall rural and coastal values and on-going opportunities to utilise land of high productive value.* (Emphasis added) The purpose is to be achieved by following the process set out in Chapter 2 of the Guideline. *...subdivision outcomes are intended to be the product of in-depth site assessments of key matters like productive values, landscape character and amenity values and wastewater disposal constraints. By overlaying all of the assessment information, development constraints and opportunities can be determined."*

24. I include, for background information reference to location specific guidelines

"The location-specific guidelines have been prepared to accompany the map of landscape areas within the coastal Tasman area (see Planning Map 169). They are particularly important for understanding Council's expectations in terms of the landscape guidelines contained in Chapter 3 of this Design Guide."

"Based on landscape characteristics and values, a series of landscape units and sub-units has been determined. The capacity of each unit and sub-unit to absorb more development in landscape terms has been assessed. The location-specific guidelines provided in this section are based on this assessment."

"Consistency with the location-specific guidelines can ensure that the landscape values of the coastal Tasman area are not compromised by inappropriate subdivision and development."

25. The application site is located within Maisey Road South (Landscape Unit 10) which states that:

"Maisey Road South is relatively discrete and visually contained compared with the adjacent landscape units to the north and west. This area is not particularly visible from the coastal highway. There are few significant landscape features other than the distinctive watercourse pattern and associated landforms which are generally only evident from within the area itself. Views into the Redwood Valley area and the Waimea Inlet are significant as are views from those areas back into the landscape unit.

Maintaining the landscape qualities of this unit will involve:

- (a) The maintenance of open space and productive buffers when viewed from the Coastal Highway.*
- (b) Focusing on cluster development within the internal landforms and gully system.*
- (c) Utilising riparian planting areas, ponds and wetland opportunities as buffer and open space areas.*
- (d) Consideration of the visual effects of development, when viewed from the Redwood Valley areas."*

26. The current proposal to intensify the density of the residential clusters relies on the analysis undertaken by Mr. Sissons in 2005. The 2005 analysis, provided under Chapter 2 of the Design Guide also included consideration of land characteristics such as, soil moisture, aspect, slope angle and analysis of all three characteristics when combined. His analysis of the views from the surrounding area records visual sensitivity from the perspective of road users on SH60 and from the Redwood Valley area. Views from neighbouring houses are identified but not assessed for their sensitivity to change or for the value attached to them. Relying on the 2005 analysis to identify appropriate environmental outcome seems to overlook the fact of the transformation that has occurred since subdivision consent was granted almost a decade ago. In that time development of dwellings along Ridgeview Road, the owners or occupiers of which, through the submissions process have registered their concern regarding the visual effects of the current proposal are important reasons to update the analysis.

27. The landscape and amenity baseline for assessment purposes include the housing along Ridgeview Road, consented in 2005; which is now almost fully developed but still engaged in the ongoing process of the establishment of gardens and the vegetation framework, and; the consent granted in 2011 which provided intensification of the western clusters by adding six lots. It is that yet-to-be-developed part of the Appleby Hills Subdivision within which intensification of the density of residential lots is proposed.

Amenity values of rural areas

28. Amenity values are defined in the Act as: *those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.* The definition offered in the TRMP has the same meaning as Section 2 of the Act.

29. Amenity forms part of the Acts definition of environment, which *includes—*

- (a) ecosystems and their constituent parts, including people and communities; and*
- (b) all natural and physical resources; and*
- (c) amenity values; and*
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.*

30. Section 7 of the RMA requires those with functions and powers under the RMA to have particular regard to “the maintenance and enhancement of amenity values”.

It is important to describe what elements make up the amenity or character of certain areas and the threats to these from proposed activities⁹.

31. The following passage from a report prepared to assist with the implementation of the Act¹⁰ usefully describes the complex and multi faceted phenomenon of amenity.

⁹ Leggett, M. Defining Amenity Values. Planning Quarterly. September 1996.

¹⁰ Managing Rural Amenity Conflicts Chapter 2: Amenity Values (Pg. 15 & 16)

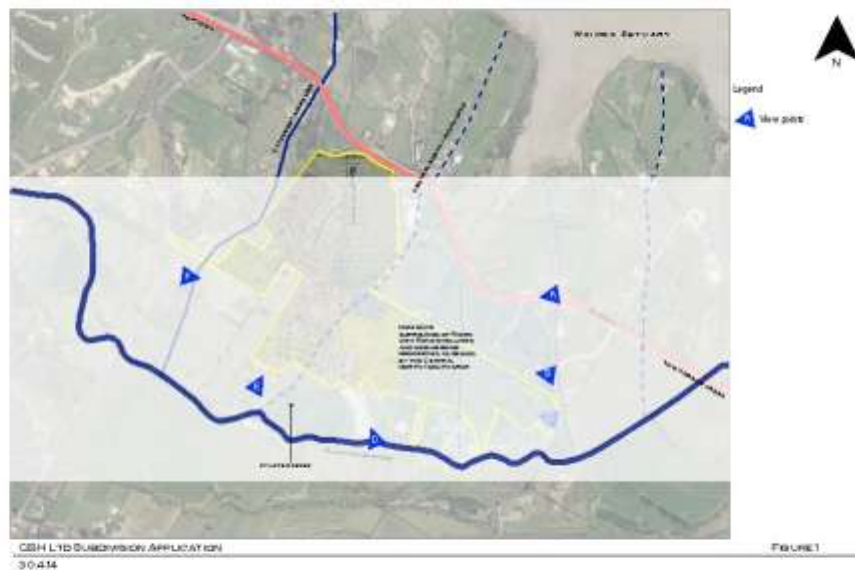
Amenity, as a resource management issue, is comprised of two components. First, amenity attributes – these are the tangible and measurable matters such as noise, odour, density of development, shading, etc that together define the amenity character of an area. The second component is perceptions and expectations that people hold about ... amenity. These derive from people's culture, values, and desires, and from people's differing tolerances in relation to amenity attributes and to changes to those attributes. It is the differences in people's perceptions and expectations that lie at the root of most amenity conflicts... and these vary significantly within rural communities and between different communities. The RMA's concern is with "amenity values" and this invariably means that successful management of ... conflicts requires management of people's expectations and perceptions.

32. The Chapter 5 of the TRMP (Site Amenity Effects) refers to the following amenity attributes: *Privacy in residential properties and for rural dwelling sites (TRMP 5.2.3.1) The open space value of rural areas (TRMP 5.3.3.2), Features that contribute to the identity and visual and aesthetic character of localities (TRMP 5.3.3.5), natural features on individual sites (TRMP 5.2.3.6).*
33. Many of these attributes are of relevance to the application site and will be affected by the proposed development.
34. A recent decision of the Environment Court held that *"as a general proposition it may be accepted that the protection of private views is not guaranteed by the District Plan..." However the availability of views from private spaces ... is clearly something which may contribute to the amenity values enjoyed by the owners and occupants of some buildings...."*¹¹ Thus it is appropriate to consider the proposal in terms of the potential effects on residents of the area, many of whom have lodged a submission.

¹¹ Intercontinental Hotel v Wellington Regional Council Para 282

Assessment of landscape and visual effects

35. The assessment of the visual effects of intensification on the neighbouring properties which follows is set out firstly from the perspective of views from the south (including Ridgeview Road) and secondly, from SH60 and finally views from the west (Maisey Road / Redwoods Valley). In each case representative viewpoints were identified. Note that Point D is extrapolated in the assessment to provide an overall assessment of the impacts on dwellings, private gardens and the road space from Bright Lane to Kapaku Lane. These are marked on Figure 1. They generally accord with the view points Mr. Sissons utilised for his photomontage representations, however with additional analysis of the views from the Maisey Road / Redwoods Valley area. The western clusters are located on and around the central north-south spur and its subsidiary fork¹². That landform extends northwards from the main dividing ridge, which separates Redwood Valley from the Waimea Inlet and upon which Ridgeview Road is located. The Central North South Spur extends at right angles to the main dividing ridge. As a consequence, the Spur forms a significant part of the view for some the houses along Ridgeview Road. For others the view is off to the side, more distant and of less significance.



¹² ibid Pg. 3

Visual Baseline from View Points B, C & D

36. The Central North / South Spur is within the foreground or mid ground of the view. The spur visually contains the residential setting and defines both the immediate visual boundary and the wider geographical context including views to distant Mt Arthur. The spur is an important expression of the highly legible, Moutere Hills landform within which the residential setting is firmly embedded. Refer Figure 1. This is particularly so from the area closest to the spur i.e. the west end of Ridgeview Road. The Central North / South Spur is a landform residents and visitors to the area *look at*, rather than out across as one might envisage for the undulating, pastoral landform within Lot 49. The east-facing slope of the internal ridgeline is visually significant for the occupants of already built stages of the Appleby Hills Subdivision¹³.
37. The importance of views from the houses located further east, for instance those on Toe Toe Lane are lessened by a combination of distance and the tendency for houses to be orientated north and receiving a partial view of the proposed area of intensification. This area is represented by view point C. The same cannot be said for view point B and the Busby house¹⁴. Although the viewing distance there is similar to the houses along Toe Toe Lane, that house is orientated west towards Mt Arthur. The North / South Spur is located in the foreground / mid ground view.
38. For the west orientated houses within Bright, Ribbonwood and Kapuka Lanes, the spur is within the foreground and is in full view of the houses. Arguably the spur provides the focus given that a good number of houses, and their gardens appear to have been designed to avail their owners of the views west, in some cases encompassing Mt Arthur.
39. Proposed development will increase the number of houses by 54%. The change in the ratio between open space and built features (residential density) will interrupt the present continuation of the pattern of section sizes perceived along Ridgeview Road. It will also create a noticeable change in the perception of the spur within the immediate setting and the wider landscape context; as no longer retaining the open

¹³ Submitter 4

¹⁴ Submitter 29

space value of rural areas¹⁵ and the context of open space that was maintained in the existing consented environment will be significantly eroded. An implication of smaller lots on the steeper east facing slopes (7 – 15°)¹⁶ is the increased potential for the dominance of significant earthworks over landform, to create building platforms, within smaller sections¹⁷.

40. People who will be affected by the proposed changes to the visual amenity of development on the spur are considered to be susceptible to such changes. The visual amenity affects residents at home where their attention and or interest is likely to be focussed on the landscape and on particular views which contribute to the landscape setting enjoyed by residents in the area.
41. The values attached to the existing visual amenity are described in the submissions received from residents located within areas represented by view points B, C & D. They identify that the views are valued for their rural outlook¹⁸, rural values¹⁹ and privacy²⁰. Based on the values associated with the Central North / South Spur I consider the landform qualifies as a prominent landscape feature in the context of the immediate site and can be considered to be a significant view²¹ for those people. For at least one of the neighbouring houses, special value²² is associated with the Mt Arthur view²³.
42. An increase of lots and the dwellings, which will ultimately be constructed on them of 54%, is considered to be a significant increase from consented development. When considered in terms of the geographical context of the site, the importance of the landform affected and the close proximity of many of the houses along Ridgeview Road the effects are considered to be more than minor.

¹⁵ TRMP Policy 5.3.3.2

¹⁶ Slissons analysis 2005

¹⁷ Submitter 23

¹⁸ Submitter 2

¹⁹ Submitter 3

²⁰ ibid

²¹ TRMP Policy 5.3.3.5(c)

²² TRMP Policy 5.3.3.5(c)

²³ Refer Submission 29.

43. The potential visual effects of proposed development from view Point C are not considered to be significant. The potential visual effects of proposed development from view Point B & D are considered to be significant.

Visual Baseline from View Point A

44. Mr. Sissons 2005 analysis identified for road users travelling towards Mapua, a section of SH60 approximately 350 metres long from which there are direct views to the Central North / South Spur which resulted in that area to be mapped as having high visibility. I agree with that conclusion. The view from the road is towards the southwest. Taken in isolation the view from SH60 due to traffic speeds and the duration of the view is rather brief and into the landscape unit setting of the CBH Ltd Subdivision. However it is appropriate to recognise the wider landscape character²⁴ and the sequence of Moutere Hill views from SH60, extending from O'Connor Creek at the start of the TRMP Rural 3 zone in the east, to the Stringer Valley in the west. Within that section of road there are sequential views of the Moutere Hills landscape for 3.5 kilometres. The Central North / South Spur is considered to be an important component of the wider experience of the rural landscape from the road within the foreground or mid ground view.

45. Mr. Sissons Figure 6 is of some assistance; it displays the character of the view of the consented situation with 12 houses on Lots 42, 43, 44, 46, 47 (obscured by 44), 48 & 52 - 57 visible or partially visible. While the consented pattern is generally consistent with the now developed pattern of subdivision along Ridgeview Road proposed intensification will interrupt the pattern of Ridgeview Road section sizes in an area that is highly visible from SH60 and within a section of road that is an important perceptual element, which is vulnerable to the cumulative effects²⁵ of urbanising rural landscapes and a loss of open character²⁶.

46. A change in the ratio between open space and built features and the increased density will create a noticeable change in the perception of the spur from the road,

²⁴ TRMP Policy 9.2.1.2

²⁵ TRMP Policy 9.2.3.5

²⁶ TRMP Policy 9.2.1.3.

within the immediate setting and the wider landscape context as no longer retaining the open space value of rural areas²⁷.

47. Travellers on the road are generally considered to fall into an intermediate category of moderate susceptibility to change.

48. The Location specific guidelines note that when compared to the landscape units further north and west (Stringer Valley) Maisey Road landscape unit, within which the application site is located are "...not particularly visible from the coastal highway (SH60)". If that guideline is considered in the context of the sequence of Moutere Hill views from SH60, extending from O'Connor Creek to the Stringer Valley and Mr. Sissons high visibility mapping the views from SH60 is considered to be of some importance. There are scenic values associated with this section of SH60 that contribute to the wider, valued experience of the District's rural landscapes. In fact that was a significant resource management issue identified in the 2011 consent (RM100632) as consequence of the visibility mapping undertaken by Mr. Sisson in 2005 and the identification of areas of the site which are have "high visibility from SH60". The Location specific guidelines note that maintaining the landscape qualities of the unit will involve "the maintenance of the open space and productive buffers when viewed from the coastal highway."

49. An increase of lots and the dwellings, which will ultimately be constructed on them of 54%, is considered to be a significant increase from consented development in terms of density and loss of open space qualities experienced along SH60.

50. The potential visual effects of proposed development from viewpoint A are considered to be more than minor.

Visual Baseline - View Points E & F within the Maisey Road/ Redwood Valley Area

51. The third main visual catchment lies to the west of the Central North / South Spur. The Central North / South Spur is within the foreground of the dwelling on which view point E is centred. View E is a vista directly down a subsidiary valley of the dam. Viewpoint F also encompasses a residence. The view from that area is panoramic

²⁷ TRMP Policy 5.3.3.2

with the proposed development area located within the mid ground but squarely within the view due to the parallel alignment between the catchment ridgeline and the main central spur.

52. The number of new houses visible will increase from 21 to 37 i.e. 16 additional houses (79% increase) and a significant reduction in average section sizes from 4,661m² to 2,520m². Intensification is concentrated on the slopes that visually frame the lake and that extend up to the Central North / South Spur and west facing slopes immediately in front of the McMeeking / Creed house²⁸. Proposed development will change the present ratio between open space and built features, the change in residential density will interrupt the continuation of the Ridgeview Road residential pattern of section sizes and one which arguably maintains the perception of a rural residential valley focussed on the natural lake feature and the gully leading to it. Rather than being subordinate to the lake, more intensive development along its margin will crowd it. The proposed 79% increase in the number of houses will change the hierarchy of landscape elements and will clutter the landscape unit that is perceived from the Redwood Valley area. That is considered to result in a change from the current aesthetic experience of cultured naturalness to urban development that will dominate the valley.
53. People who will be affected by the proposed changes to the visual amenity of development on the spur and the slopes above the dam are considered to susceptible to such changes. The visual amenity affects residents at home where their attention and or interest is likely to be focussed on the landscape and on particular views which contribute to the landscape setting enjoyed by residents in the area.
54. The values attached to the existing visual amenity described in two submissions received from occupiers located within View Area E and to some extent View F, include that the views are valued for the *outlook* and *visual appeal to the north*. One home has been designed to maximise rural values²⁹ and privacy³⁰. The CTADG notes that views from Redwoods Valley back to the Maisey Road south landscape unit are

²⁸ Submitter 6.

²⁹ Submitter 3

³⁰ Ibid

significant. Not surprisingly maintaining the landscape qualities of the Maisey Road South landscape unit will involve “*consideration of the visual effects of development, when viewed from the Redwood Valley areas*”. The aesthetic experience of a rural lifestyle³¹ is firmly rooted in the maintenance of the landscape qualities and the associated elements of outlook, privacy, views and peace and quiet. The contribution rural landscapes make to the amenity values and the protection of those values from inappropriate development is an important consideration³².

55. An increase of lots and the dwellings, which will ultimately be constructed on them of 79%, is considered to be a significant increase from consented development. When considered in terms of the geographical context of the site and the close proximity of the house represented by View E the extent of change is considered to be significant. Although the property View F relates to is further away, the view from there is a direct view of an area where most of the intensification will occur.
56. The potential visual effects of proposed development from view Point E & F are considered to be more than minor.

Conclusion

57. Overall the potential landscape and visual effects are considered to be more than minor. The volunteered conditions are not considered to mitigate the effects associated with the proposed magnitude of the increase in house which from the east side of the Central North / South Spur is proposed in crease by 54% and from the west side by 79%. The proposal is considered to result in a loss of rural character beyond the expected degree of transformation that will occur as a result of increased residential use and development but no net loss of values³³. The proposal is not considered to retain the overall rural values either from SH60 or the surrounding houses and public areas affected by the change³⁴. Rather than avoiding the visually prominent Central North / South Spur, intensification, seems to be

³¹ Submitter 6

³² TRMP Objective 9.2.2.

³³ TRMP 7.4.30

³⁴ CTADG 1.2

concentrated on top of it and on the side slopes which the surrounding properties look at³⁵.

58. It may be that some level of intensification is appropriate to be undertaken but the current proposal to add 20 houses has adverse landscape and visual effects, which are more than minor.

Tom Carter
Landscape architect

³⁵ CTADG 3.1

Memo

TO: Pauline Webby, Consent Planner
FROM: Dugald Ley, Development Engineer
DATE: 29 April 2014
FILE NO: RM130922
RE: **CBH Ltd Subdivision Ridgeview Rd**

Introduction

The above subdivision application is to create an additional 20 lots over and above that previously consented and has been covered in the planners report. The application includes a number of right of ways and the extension of Ridgeview road. Access is gained to the subdivision via a well formed intersection off the State Highway 60 opposite research Orchard Road.

The merits of this application on this Rural 3 zoned land are included in the Planning Officer's report.

I confirm that the future road extension and right of ways as proposed will have less than a minor effect on the adjacent roading infrastructure.

Road Environment

The following attributes relate to the existing Ridgeview road:

	Ridgeview Road	
Vehicles per day	206 (Aug 2013)	
Carriageway width	Varies 6.0m to 7.0m metres	
Road classification	Access Road	

The existing alignment of Ridgeview Road is curvilinear with a max speed environment of 45-50 km/hr. The surface has a 2 coat chip seal which has been the normal surfacing texture for new roads for a number of years.

There are two squeeze treatments within the carriageway (2 x 2.7 lanes) to constraint speeds of through vehicles. A 1.4m wide footpath is located on the northern side of the road.

Ridgeview road intersects with SH60 via fully complying intersection design and approved via NZTA. It has two dedicated left turn lanes that are offset from each other (allows for traffic exiting the side roads to enter the traffic stream without effecting the left turn hold bay/lane).

It is noted that NZTA have given support to the application which infers that the additional 20 lots will have less than minor effect on the State highway network.

Discussion

The roading layout proposed in this development is generally similar to that previously consented and the legal road to vest will terminate with a typical turning head complying with the Engineering standards.

The number of users permitted on a Right of way (ROW) via Council standards is six and this proposal as was previously consented to, will allow more than this. The present proposal will have 20 users on

the ROW however the construction standard of the ROW will be that which complies with the engineering standards and localised widening is also required where passing of vehicles warrants it.

Although Ridgeview road will be a cul-de-sac the previous consent requires that an access for the public (cycle and walking) is required to be constructed from the western end of Ridgeview rd to Maisey's road and this will still be required should this amended application be approved.

As mentioned above, the initial length of Ridgeview Road has a carriageway width of 6.0m (2 x 3.0m lanes) and widens at the central section to 7.0m (2 x 3.5m lanes) and then reduces back to 6.0m (2 x 3.0m) lanes at the western end.

Engineering Standards 2013

Council Engineering standards for a rural residential access road such as this require a 50 - 70 Km/hr speed environment with 6.0m (2 x 3.0m lane) carriageway. Grassed or gravel shoulders and a 1.4m footpath. The number of houses envisaged by this style of road can vary and traffic movements could go up to approx 500 vehicles per day (vpd).

On a recent site visit the comfort level of driving the road was a max of 45 km/hr.

In regard to traffic movements generated by a dwelling, Transit NZ policy manual stated for an urban residential dwelling could create approx 10 vpd (This is traffic such as the resident's vehicles, service vehicles, mail and rubbish services etc) . For properties further out from urban areas, traffic movements are less and a value of approx 6 vpd/dwelling is normally taken for traffic generation.

As mentioned in the planners report there are approx 33 completed lots existing at present but not all are built on. The traffic count in the table above would seem to confirm the approx 6 vpd, taking into account construction traffic for the development and house construction (which is temporary).

The design attributes for Ridgeview road taken into account the carriageway width shoulder construction and design speeds, place it, in my opinion, within the class of an access road which from Council standards, can accommodate traffic movements up to approx 500 vpd. By calculation this would result in approx a max of 83 dwellings as being expected on a road such as this.

The original numbers of dwelling approved via the previous consents had the total number being 67 (see planners report) dwellings and this present application is proposing 87 dwellings in total. Technically the standards are tripped by 4 dwellings or 5%.

Ridgeview Road/SH 60 intersection

The above intersection has been discussed within the Urbis report attached to the application dated April 2013. I have no reason to disagree with the findings of this report and confirm that the intersection is well designed and capable of handling the envisaged traffic flows.

Submissions

A number of submissions raise issue such as carriageway edge break, Sight visibility at the Ridgeview road/SH 60 intersection, intersection capacity, Traffic safety and noise, Open road speed limit of Ridgeview Road, increased traffic and future subdivisions on to the road from adjoining owners.

As mentioned above the Ridgeview Road has been specifically designed for a max 50km/hr speed environment even though there are no posted speed signs. Traffic will travel at the speeds they feel comfortable with and developers are encouraged to create road features to slow vehicle or drivers down. This has been done to some extent via the geometric nature of the road and the two squeeze treatments along it.

It is acknowledged that seal edge break has occurred but this has been repaired. Council are reluctant to widen these curves further as it only increases speeds of vehicles along the road.

Further signage maybe appropriate along the road to discourage speeding and obviously those who speed may well be the residents residing in the area and will be self policing.

Future subdivisions will be addressed when their application becomes before Council and can't be commented on at this time.

Recommendation

It is my view that the application to create some 87 lots (522 vpd) off Ridgeview rd is at the higher limits of Councils standards. Certainly as width goes, the 6.0m carriageway has capacity for increased traffic.

The practical speeds are only 45 to 50 km/h and these should not be allowed to increase.

A number of submitters have raised concerns of sight visibility on some of the curves and this can only be improved via lowering the road or maintaining a lower speed environment.

Appropriate signage could be installed in the area and the installation of threshold treatments in a number of locations on Ridgeview rd may well lower speeds of vehicles, however Council could, following request, undertake a speed review to install speed restriction signs on the road.

Should the committee decide to grant consent then the conditions in the resource consent and set out in the planners report are deemed appropriate and in addition, on request from residents, Council could undertake a speed review for the potential speed reduction signs for Ridgeview Road.

Dugald Ley
Development Engineer

Notification/Non-Notification Decision Report

Applicant(s): CBH Limited
Application Number(s): RM130922, RM130923, RM130932, RM130931 RM050727V6, NN990445V1 & NN990446V1
Description of Activity: Subdivision,
 Land Use (construction of dwellings),
 Variation of Existing Discharge of Wastewater to Land,
 Discharge of Stormwater,
 Earthworks in the LDA1.
 Change of Conditions re Dam Consent NN990445-6

QUESTION 1 Classification of Activity

What type of consent application is being made?

- Controlled
 Restricted Discretionary
 Discretionary
 Non-complying

List relevant rules and/or national environmental standards:

RM130922 & RM130923
 16.3.7.4 Further subdivision within Rural 3 – Non Complying
 16.2.2.6 Access formation not consistent with Sch16.3A- Restricted Discretionary
 First dwelling on allotments as does not meet standards of rules 17.7.3.21(d) and 17.7.3.3(b) (no rainwater collection) therefore is assessed under Rule 17.7.3.3 - Non complying activity.
RM130932
 38.4.2.3 Stormwater
RM130931
 18.5.2.5 Land Disturbance
RM050727V6 – Variation to existing wastewater discharge consent – s127 of RMA – Discretionary Activity
NN990445V1 & NN990446V1 – Variation to legal description for dam

Over all
QUESTION 2 Requirement or Restriction, or Request for Public Notification

Question 2(a)

Has the applicant requested public notification?

- No → Go to Question 2(b)
 Yes → Go to Step 6(a) (Recommendation to Publicly Notify)

Question 2(b)

Does a rule or a national environmental standard require public notification?

- No → Go to Question 2(c)
 Yes → Go to Step 6(a) (Recommendation to Publicly Notify)

Question 2(c)

Does a rule or a national environmental standard preclude notification?

- No → Go to Question 3
 Yes → Go to Question 4(b) (Are there special circumstances?)

QUESTION 3 Effects on the Environment

Will the activity have, or is it likely to have adverse effects on the environment that are more than minor?

- Notes:
- 1) Disregard effects on persons who are owners or occupiers of the land in or over which the activity will occur, or of any adjacent land, but consider whether there are other adverse effects on the environment.
 - 2) An adverse effect of the activity may be disregarded if a rule or national environmental standard permits an activity with that effect.
 - 3) In the case of a controlled or restricted discretionary activity, disregard any adverse effect that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion.
 - 4) Disregard trade competition and the effects of trade competition.
 - 5) Disregard any effect on a person who has given written approval to the application.

- Yes → State reasons in box below, and then go to Step 6(a) (Recommendation to Publicly Notify)
 No → State reasons in box below then go to Question 4(a)

Reasons why this assessment has been made are:

RM130922 et al, Section 95-95E Notification Decision Report Tasman District Council

Page 1 

<p>Background This property was subdivided in 2003 (RM030632) and again in 2010 (RM100632). The application is a new subdivision that seeks to increase the density of the existing Rural 3 residential development that has already been approved and partly completed. This application will increase the allotment numbers by twenty over those already approved. Allotment sizes will decrease and the density of allotments increases.</p> <p>Landscape This development is not widely visible from public areas. The Council's Landscape Consultant and the applicant's Landscape Advisor had come to a position that they could jointly support; however the application differs from that by including an additional three allotments that Council's Landscape Advisor did not support. Overall I consider that an additional three dwellings over and above the Landscape professionals agreed position are not likely to cause effects on the environment that are more than minor.</p> <p>Coastal Tasman Landscape Unit 10 Those residents who bought into the original Rural 3 concept and development plan for the Appleby Hills are likely to be exposed to greater numbers of vehicles, neighbours and housing and with this in mind their amenity is likely to be altered. However it is considered that overall the proposed increase in density of development is effective use of land for clustered Rural 3 living which remains consistent with the Coastal Tasman Guidelines for subdivision. The application includes an assessment of these guidelines and I consider that it is in general accordance.</p> <p>Servicing Servicing for power and telephone, water, wastewater and stormwater can be achieved for each allotment.</p> <p>Productive land The productive area identified within RM100632 is retained, so this application does not erode any retained productive potential. The proposal increases the density of allotments by making existing allotments smaller.</p> <p>Transmission lines The proposed dwellings and allotments remain consistent with the guidelines agreed by Transpower and conditions are volunteered in this consent. Transport has been consulted but written approval is not included in the application.</p> <p>Intersection with SH60 Intersection NZTA has provided written approval. The increased traffic is within the design capacity of the intersection.</p> <p>Stormwater The proposed increase in the number of allotments and therefore increased likely stormwater run-off from hard-surfaces will have a minor effect upon the receiving dam and gully. The applicants have provided an updated assessment of stormwater flows prepared by Tonkin and Taylor that concludes that some relatively minor works may be required on Dam 135 to increase safety freeboard and spillway efficiency.</p> <p>Wastewater The proposed increased number of allotments will result in increased flows of wastewater to the communal treatment plant that was constructed in 2007 and has been operating generally in a satisfactory manner since. The applicants have provided an updated assessment of wastewater flows prepared by Cameron Gibson and Wells Ltd which makes recommendations for upgrade modifications to the system which will allow it to increase to a maximum daily flow of 30 cubic metres per day. There is sufficient land available for effluent field discharge to land.</p> <p>Water supply Water is provided by a private supply with a notional allocation of 1000 litres per day per allotment.</p> <p>Land disturbance As a result of the proposed increased number of allotments the applicant requires to undertake additional earthworks for the construction of roads and building sites.</p> <p>Dam Issues identified in the original application and raised with the applicant have subsequently been addressed to the satisfaction of Council staff. This includes amending the title boundaries so the entire dam and dam spillway will be located in a single title as envisaged by the TRMP. The applicant has also amended the application to include an update of legal descriptions relating to existing damming consent NN990445-6.</p>
--

The resulting development related increase in stormwater flow rates that will pass through the dam has been assessed as minor and it is accepted will an upgrade of spillway capacity is appropriate and timely it can be deferred and form part of the Dam Safety Scheme implementation and be required when the dam consent expires in 2019.

Overall Conclusions

I am of the opinion that the application does not alter the existing Rural 3 cluster development substantively rather re-utilises space with smaller allotments. In my opinion this specific proposal will not cause wider environmental effects that are more than minor. There is a difference with the landscape consultants in that the applicant has included extra three allotments over and above the 17 considered acceptable by both landscape consultants. The rationale for notifying RM100632 (the preceding application) was that productive land in Lot 60 would be fragmented and the visibility of increased development from SH 6. This is not the case for the current application with Lot 60 retaining its form and productive values, and the spur development beside the dam staying within the same location albeit with more dwellings.

QUESTION 4 Overall Discretion or Special Circumstances

Question 4(a)

Are there other reasons why the application should be publicly notified?

Note: There is discretion to decide to publicly notify an application per Section 95A(1), unless Section 95A(3) applies.

- Yes → State reasons in box below, and then go to Step 6(a) (Recommendation to Publicly Notify)
- No → Go to Question 5

Question 4(b)

Are there special circumstances relating to the application that justify over-riding the preclusion of public notification in a rule or national environmental standard?

Note: "Special Circumstances" are generally those that are unusual, although they may also include objectives and policies of plans or provisions of national environmental standards that give clear indications of expected environmental outcomes relevant to the proposed activity. If what is proposed is specifically envisaged by the Plan, it cannot be described as being out of the ordinary. Also, the fact that some persons have concerns about a proposal does not of itself give rise to "special circumstances" but it may be a contributing factor.

- Yes → State reasons in box below, and then go to Step 6(a) (Recommendation to Publicly Notify)
- No → Go to Question 5

Other Reasons (4(a)) or Special Circumstances (4(b)) to publicly notify are:

QUESTION 5 Limited Notification

Does a rule or environmental standard preclude limited notification of the application?

- No → Go to Question 6(a) Yes → Go to Question 6(b)

QUESTION 6 Affected Persons

Question 6(a)

Will the adverse effects of the activity on any person be minor or more than minor (but not less than minor)?

- Notes:**
- 1) An adverse effect of the activity may be disregarded if a rule or national environmental standard permits an activity with that effect.
 - 2) In the case of a controlled or restricted discretionary activity, disregard any adverse effect that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion.
 - 3) Have regard to relevant statutory acknowledgements.
 - 4) If it is unreasonable in the circumstances to seek a person's written approval, that person is not an affected person (95E(3)(b)).
 - 5) For changes or cancellations of resource consent conditions, consider whether any person who made a submission on the original application may be affected by the change or cancellation (Section 127(4)).
 - 6) Consideration of adversely affected persons may result in a mix of "yes" and "no" assessments. When relevant, reasons should be stated as to why persons are not considered to be potentially adversely affected.
 - 7) The RMA regulations require service of notified applications on persons deemed affected per 95E.

- Yes → If considered relevant, state why any persons are not considered to be affected in the box below, then go to Question 6(b)
- No → State all relevant reasons why persons are not considered to be affected in the box below, then go to Question 6(b)

Reasons why persons are not considered to be affected by the activity:

Question 6(b)

Are there any persons who are affected order holders?

- Notes: 1) To be an affected order holder (a) the person must be the holder of a customary rights order, and (b) the proposed activity may have adverse effects on a recognised customary activity carried out under the order; and (c) the person has not given written approval to the activity (or has not withdrawn their approval).
 2) Limited notification must be given to any affected order holder even if a rule or national environmental standard precludes public or limited notification of the application.

Yes → Go to Question 6(c) No → If the answer in 6(a) is yes, go to Step 6(c), OR
 If the answer in 6(a) is no, go to Step 7, OR
 If the answer in 5 is yes, go to Step 7

Step 6(c)

Complete the table below, listing the persons who are considered to be affected by this activity (per Questions 6(a) and 6(b)), then go to Step 7.

Name of Affected Person	How are they Affected?
Appleby Hills Residents Association Inc	Increased number of allotments and therefore an increase in density, increased traffic within subdivision, visual landscape and amenity effects
J van Workum 181 coastal highway	As above
IJ & S Eden 33 Ridgeview Road,	As above
G & S Tregidga, 20 Ridgeview Road	As above
D & R Thompson 50 Ridgeview Road,	As above
J&S Gardner, 90 Ridgeview Road,	As above
P Mitchell & M Cranston 110 Ridgeview Road,	As above
J & J Mehrlens 115 Ridgeview Road,	As above
K & E Bottomly 116 Ridgeview Road,	As above
H And K Riddle 120 Ridgeview Road,	As above
B & F Thomas 123 Ridgeview Road,	As above
W&F Lloyd 2 Toetoe Lane	As above
H M Kavanagh 3 Toetoe Lane	As above
SPT properties Ltd 5 Toetoe Lane	As above
D & J Sampson 7 Toetoe Lane	As above
C & B Beeley 3 Bright lane	As above
M & G Win 4 Bright lane	As above
R & B Mac Donald 8 Bright lane	As above
B & F Kay 9 Bright lane	As above
Y Mitchell and H Keeley 12 Bright lane	As above
GL McNaughton 13 bright lane	As above
J & S Gardner 14 Bright lane	As above
P & J Halford 18 Bright lane	As above
P & E Whalley 1 Ribbonwood Lane	As above
G & K Harris 2 Ribbonwood Lane	As above
G & G Iovetock, 3 Ribbonwood Lane	As above
A & L Bradley, 4 Ribbonwood Lane	As above
M Allen and G Giles, 6 Ribbonwood Lane	As above
D MacDonald & S Hamilton, 7 Ribbonwood Lane	As above
D & S Muirhead, 8 Ribbonwood Lane	As above
R & J Hemmingway 2 Kapuka Lane	As above
R & M Tozawa 6 Kapuka Lane	As above
R & H Johansen, 8 Kapuka Lane	As above
A B Smith, 10 Kapuka Lane	As above
G Thompson 11 Kapuka Lane	As above
P&D Stevenson 313 Coastal highway	Increase numbers of allotments, visual and amenity effects of increased density
S & J Eden, 253 Coastal highway	As above
E Hodgkinson, 285 Coastal highway	As above

Add
** L & S Busby 247 The Coastal Highway* *As above.* *P 26/02/2014*

J & S Kennedy 25 Maisey Road	As above
N Berkett and J Keane 77 Maisey road	As above
K hearty, 129 Maisey road	As above
L & S Toms 91 Maisey Road	As above
W & N Sloane 91A Maisey road	As above
R & A Smith, 93 Maisey road	As above
C Barnett & L Richards	As above
Redwood Valley Enterprises Ltd 125 Maisey Road	As above
Transpower	Proximity of dwellings to transmission lines
ROR Property Holdings Limited, owner of 16, 18 and 20 Research Orchard Road	Connection into the communal wastewater system
I & C Brumwell, 4 Research Orchard Road	As above
K & S Prasad 10 Research Orchard Road	As above
S & A Macann 12 Research Orchard Road	As above
J Julian & C Stanley 14 Research Orchard Road	As above
Errant Section Ltd 18A Research Orchard Road	As above
S & J Fry 22 Research Orchard Road	As above
C & A Lydford 30 Research Orchard Road	As above
C Robinson 36 Research Orchard Road	As above
D & A Carroll 40 Research Orchard Road	As above
A & M Cliffe 42 Research Orchard Road	As above
D & E Porritt 44 Research Orchard Road	As above
Office of Treaty Settlements 343 The Coastal Highway	Re changes to dam spillway
L Freeman & L Duley 318 The Coastal Highway	Landowners downstream of dam
P & J Gilddon 36 Pukeko Lane	Landowners downstream of dam

Note: It is important that only those persons who will be adversely affected by the proposed activity to a minor or more than minor extent, and affected order holders are listed in this table. It should be noted that some applicants submit written approval from persons who will not be adversely affected by the activity. In addition to a completed approval form, the affected person should have also signed any relevant plan.

STEP 7 Recommendation

It is recommended that this application be:

- Processed on a limited notification basis because any adverse effects on the environment will be no more than minor and written approvals have not been obtained from all affected persons

Processing Officer (Sign): *Pauline Webby* Date: 26/02/14
 Name: Pauline Webby
 Position: Consent Planner - Subdivision

Processing Officer (Sign): *Mike Mackiggan* Date: 26/02/14
 Name: Mike Mackiggan
 Position: Consent Planner - Natural Resources

Processing Officer (Sign): *Neil Tyson* Date: 26/2/14
 Name: Neil Tyson
 Position: Consent Planner - Water

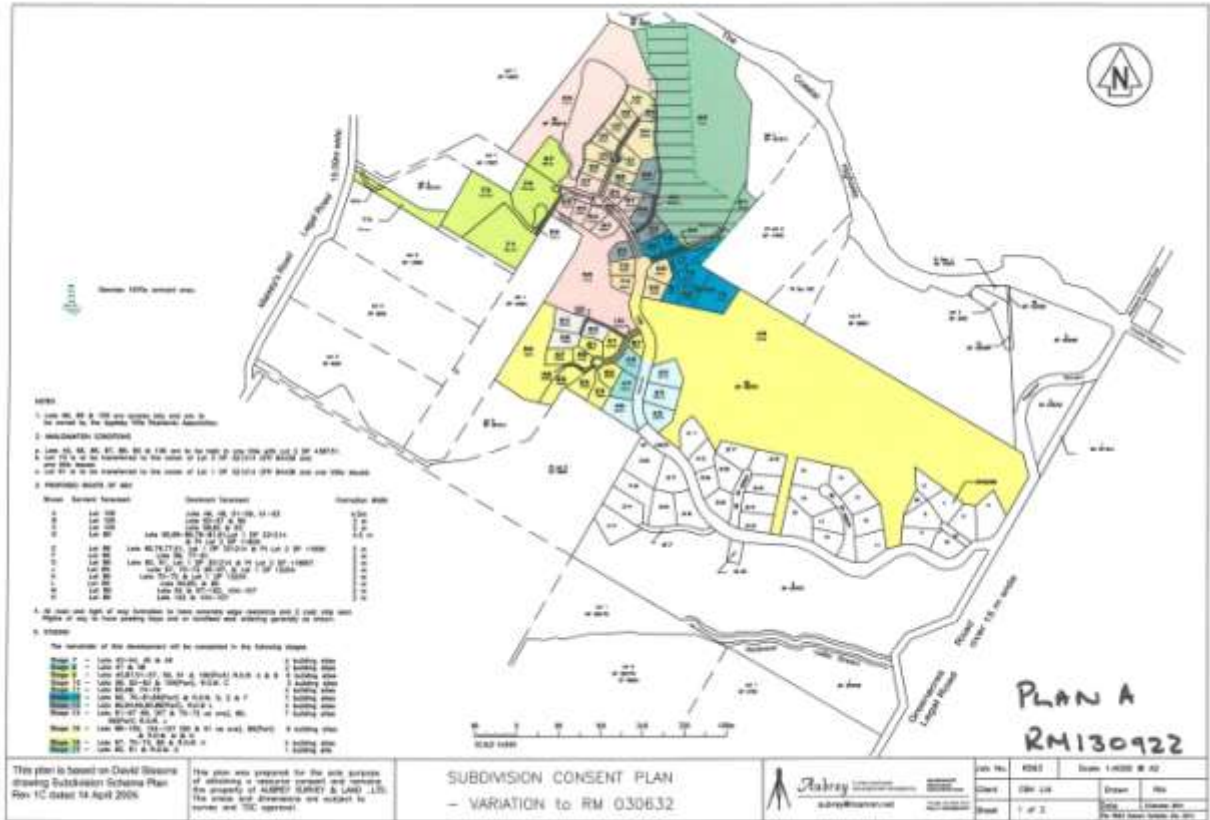
STEP 8 Section 95 Decision

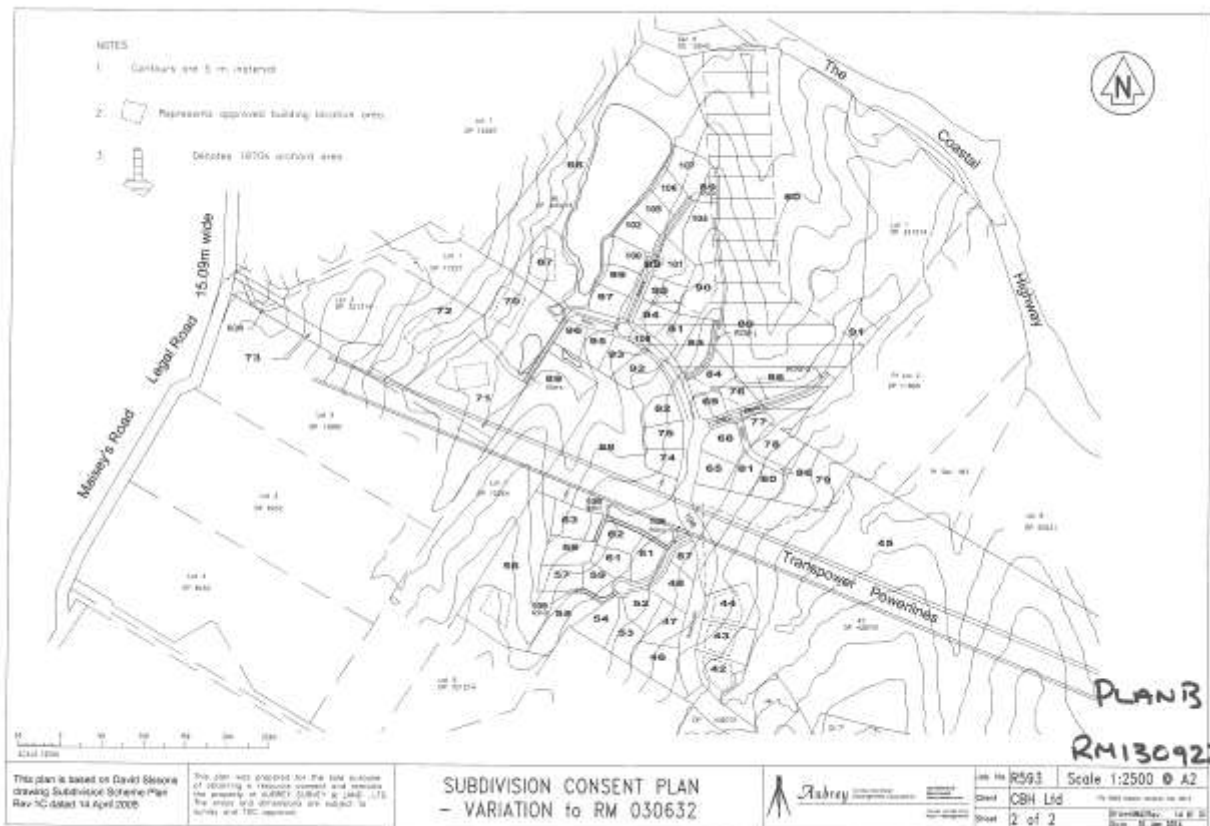
Recommendation accepted under delegated authority of the Tasman District Council by:

(Sign): *Phil Doole* Date: 26/02/2014
 Phil Doole
 Resource Consents Manager

Plan A Scheme Plan









Item 2.1

Attachment 7

**2.2 HEARING REPORTS FOR CBH LIMITED APPLICATIONS RM130931 (EARTHWORKS)
RM130932 (STORMWATER) AND RM050727V6 (WASTEWATER)**

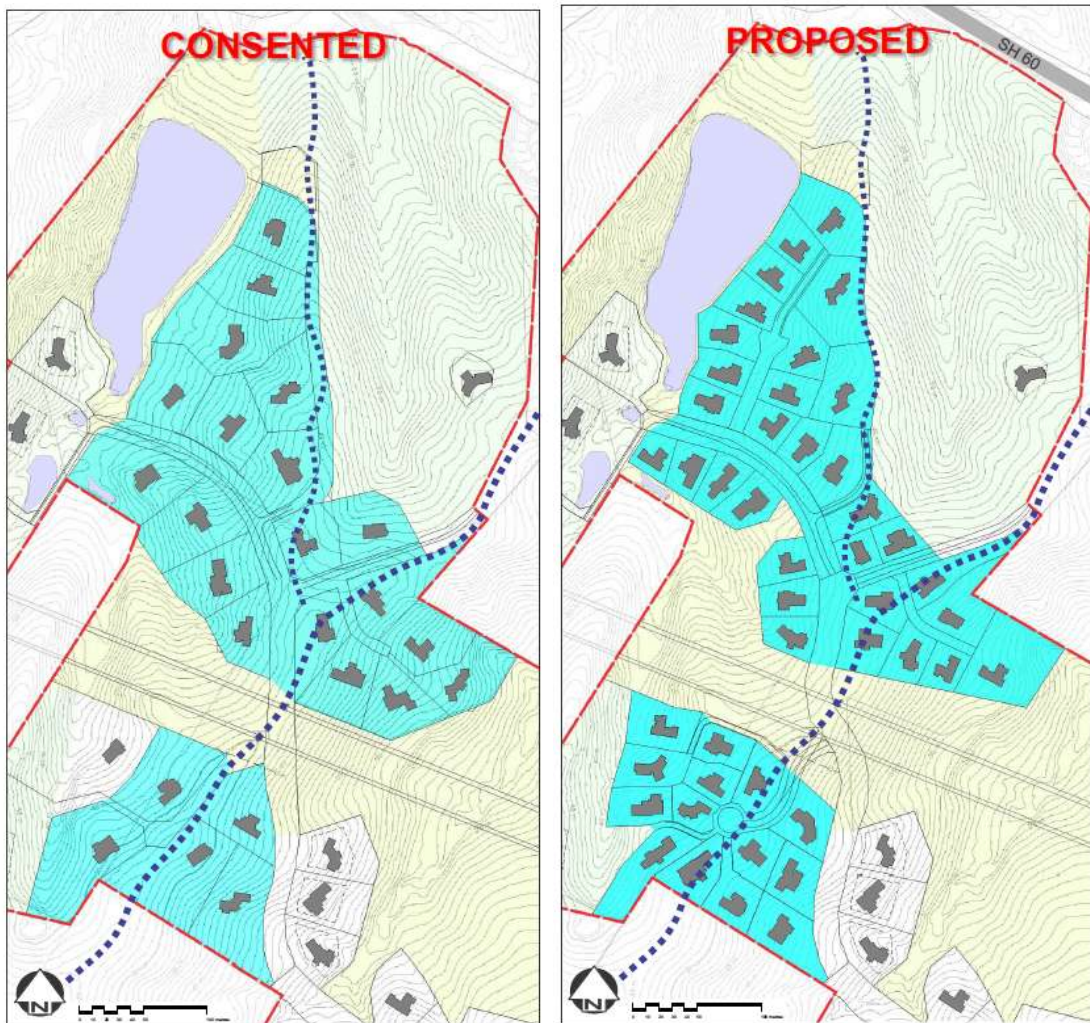
Decision Required

Report To: Consent Commission – Commissioner
Meeting Date: 28 May 2014
Report Author: Mike Mackiggan, Consent Planner
Report Number: REP14-05-04
File Reference: RM130391, RM130392, RM050727V6, NN990445V1, NN990466V1
Attachments: Nil

Item 2.2

1 Summary of Proposal

1.1 The plans below illustrate what is being proposed, compared to the consented subdivisions.



The development plan that has already been given consent

The development plan that CBH Ltd have now submitted for consent

2 Site Description

- 2.1 The site comprises the existing semi-developed Appleby Hills subdivision area accessed from the Coastal Highway SH 60, via Ridgewood Road which forms an intersection with SH60 and Research Orchard Road which runs to the north-east. The majority of the dwellings on Research Orchard Road are linked into the communal wastewater system that serves the Appleby Hills development.
- 2.2 Ridgeview Road runs south from the SH60 intersection and past the private properties of several adjoining landowners before reaching the Appleby Hills estate at which point the road heads west and rises up the rolling hill terrain of the existing subdivision which contains the existing stages of the original subdivision with an increasing number of those sections currently built upon and dwellings completed and occupied. The intended further stages of the subdivision continue to rise gently uphill to the north-west.
- 2.3 The soil conditions of the area are typical of Rural 3 developments with Moutere Clays (Category 5 soils) being present. The current development is served by a communal wastewater treatment plant that discharges to communal land which contains the effluent disposal fields serving the properties.
- 2.4 Stormwater from the development similarly discharges to both communal land and to a large dam (Dam No. 135) situated in the north-western corner of the CBH Limited property, and which has a spillway. The outflow from the dam flows into and through several downstream private properties and ultimately into the Waimea Estuary.

3 Status of Applications

Zoning: Rural 3
 Areas: Wastewater Management Area
 Land Disturbance Area 1

Activity	Relevant permitted rule	Applicable rule	Status
RM130931 Earthworks for additional access roads and building platforms	18.5.2.1 (p) and (q)	18.5.2.5	Restricted Discretionary
RM139932 Discharge of stormwater to land where it will enter water	36.4.2.1 (3)	36.4.2.3	Discretionary
RM050727V6 Discharge wastewater	36.1.2.4	36.1.4.2	Restricted Discretionary

Overall the proposals are **Non-Complying Activities** due to bundling with Subdivision RM130922.

4 Notifications and Submissions

4.1 Notification

The application was limited notified and submissions closed on 28 March 2014. Limited Notification documentation was issued to all landowners within the Appleby Hills subdivision, as well as those parties in research orchard road who also connect into the communal wastewater system for the development. Additionally adjoining and downstream landowners were served notice. A copy of the Limited Notification documentation is attached in Pauline Webby's Hearing Report on resource consent RM130922.

4.2 Submissions

A total of 38 submissions were received.

- 3 supporting submissions were received, of which one wishes to be heard. (Submitter Number 16)
- 34 opposing submissions were received, of which 15 wish to be heard. (Submitter Numbers 1, 6, 7, 8, 9, 10, 11, 13, 19, 20, 22, 23, 26, 27, 29)
- 1 neutral submission was received (submitter 35 - Transpower NZ)

A total of 16 submitters wish to be heard at the hearing.

Supporting Submissions

The submissions in support reflected the following:

- Submitter 16: Wishes the development potential of 181 The Coastal Highway for a five lot subdivision to be recognised and calculated into the intersection design for Ridgeview Road/ the Coastal Highway
- Submitter 32: Conditional support dependent upon assurances and evidence that 253 The Coastal Highway will not be adversely affected by potentially increased stormwater run-off.
Concern expressed regarding increased traffic and general noise affecting submitters' "rural" lifestyle
- Submitter 33: no concerns following discussions with developer.

Opposing Submissions

Potential adverse effects were raised through opposing submissions, which have been summarised and tabled below. This table indicates the issue topic, the number of submissions received that were concerned with that issue topic and the third column indicated the number given to those submissions that raised the topic.

Issues/Topics raised	Number of submissions raising issue	The submission number given to those submissions (bold numbers wish to be heard)
Re-subdivision of consent layout to create 20 additional lots.	24	1,2, 5, 7, 8, 9, 10, 11, 12, 15, 17, 18, 19, 20, 21, 22, 24, 25, 27, 29, 30, 34, 37, 38
Increased density	17	3, 4, 6, 8, 9, 10, 12, 14, 15, 17, 18, 19, 23, 25, 28, 36, 37,
Out of keeping with Rural 3 concept	24	1, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 22, 23, 25, 26, 27, 28, 29, 36, 37,
Suburbanisation	23	1, 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 18, 20, 22, 23, 24, 25, 27, 28, 36, 37, 38
Reduced Size of Sections	2	1, 23,
Further Subdivision Referred to but not adequately Considered	10	7, 9, 10, 11, 12, 20, 22, 25, 29, 37,
Property Values	12	3, 4, 6, 8, 12, 13, 14, 18, 25, 27, 34, 36,
Loss of Rural Amenity and Character	23	1, 2, 3, 4, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 25, 26, 27, 36, 37,
Visual Impact	22	1, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 18, 22, 23, 25, 27, 29, 34, 36, 37,
Increased Traffic from Dwellings	24	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 21, 22, 25, 27, 29, 31, 36, 38
Construction Traffic - Noise and Dust	8	1, 7, 11, 13, 19, 22, 36, 38
Additional Earthworks	7	3, 4, 8, 14, 15, 18, 23,
Traffic Safety	11	7, 11, 13, 19, 22, 25, 27, 28, 31, 36, 38
Productive Land	2	20, 29,
Developer Compliance with Conditions	1	29,
Impermanence of Landscape screening	1	29,
Power Line Effects	1	35
Water Supply	13	2, 3, 4, 5, 7, 8, 11, 14, 15, 19, 25, 26, 29,
Wastewater	11	3, 4, 8, 11, 13, 14, 21, 23, 24, 25, 26,
Precedent	4	1, 19, 22, 26,
Stormwater	12	7, 8, 9, 10, 12, 13, 15, 22, 23, 24, 25, 29,
Dam Safety	8	9, 10, 12, 15, 18, 22, 24, 25,

4.3 Comments on Submissions

The above issues summary and ordering of submission issues into similar groups does not imply any weighting of significance or suggestion that the number of times an issue has been raised means therefore that that issue is the most important in terms of any assessment of effects upon the environment.

This report will focus upon the issues and effects from the proposed addition of a further 20 allotments and the impacts that they may have in terms of additional earthworks and construction traffic, the increases in stormwater run-off , and the increased wastewater loadings and the implications of that.

5 Statutory Considerations

Section 104

A decision on this application must be made under Section 104 of the Act. The matters for the Council to address are:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)
- Objectives and Policies of the TRMP
- Other matters

Section 104D

If status is NON-COMPLYING

Section 105

If activity is a DISCHARGE OR COASTAL PERMIT

Section 107

If activity is a DISCHARGE PERMIT

6 Sections 6, 7, and 8

The following matters are relevant to this application:

Matters of national importance

None applicable

Other matters

- 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.

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical

resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Apart from the above matters listed in Section 7 of the Act, other relevant Part 2 considerations are:

Section 5 - Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

7 Key Issues

The key issues are considered to be:

- Earthworks Construction Traffic and Noise
- Wastewater system alterations
- Increased Stormwater Discharge to Land and Dam 135.

7.1 Key Issue 1 - Earthworks

This issue relates to increased and prolonged construction traffic effects during additional earthworks required to facilitate an additional 20 allotments.

7 submitters (Nos. 3, 4, 8, 14, 15, 18, 23) have commented upon the increased earthworks required to create 20 further allotments.

8 submitters (Nos 1, 7, 11, 13, 19, 22, 36, 38) commented upon the resulting increases in construction traffic, and the potential for increased and / or prolonged noise and dust effects.

The most relevant Objectives and Policies to the application for land disturbance are contained in Chapter 12. The following Objectives and Policies have been considered relevant for this proposal:

Objective 12.1.2

The avoidance, remedying, or mitigation of adverse effects of land disturbance, including:

- (a) *damage to soil;*
- (b) *acceleration of the loss of soil;*
- (c) *sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast;*

- (d) *damage to river beds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion or inundation;*
- (e) *adverse visual effects;*
- (f) *damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance;*
- (g) *adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.*

Policies:

- 12.1.3.1 *To promote land use practices that avoid, remedy, or mitigate the adverse effects of land disturbance on the environment.... .*
- 12.1.3.2 *To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of:*
 - (a) *natural erosion risk, and erosion risk upon disturbance;*
 - (b) *scale, type, and likelihood of land disturbance;*
 - (c) *sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris*
 - (d) *Coastal Risk Area.*

The earthworks proposed and required to facilitate an additional 20 allotments will result in additional construction traffic effects, and if not adequately controlled through appropriate conditions of consent, and these effects could be adverse through prolonged period of construction noise, vehicle movements and possible dust generation accordingly.

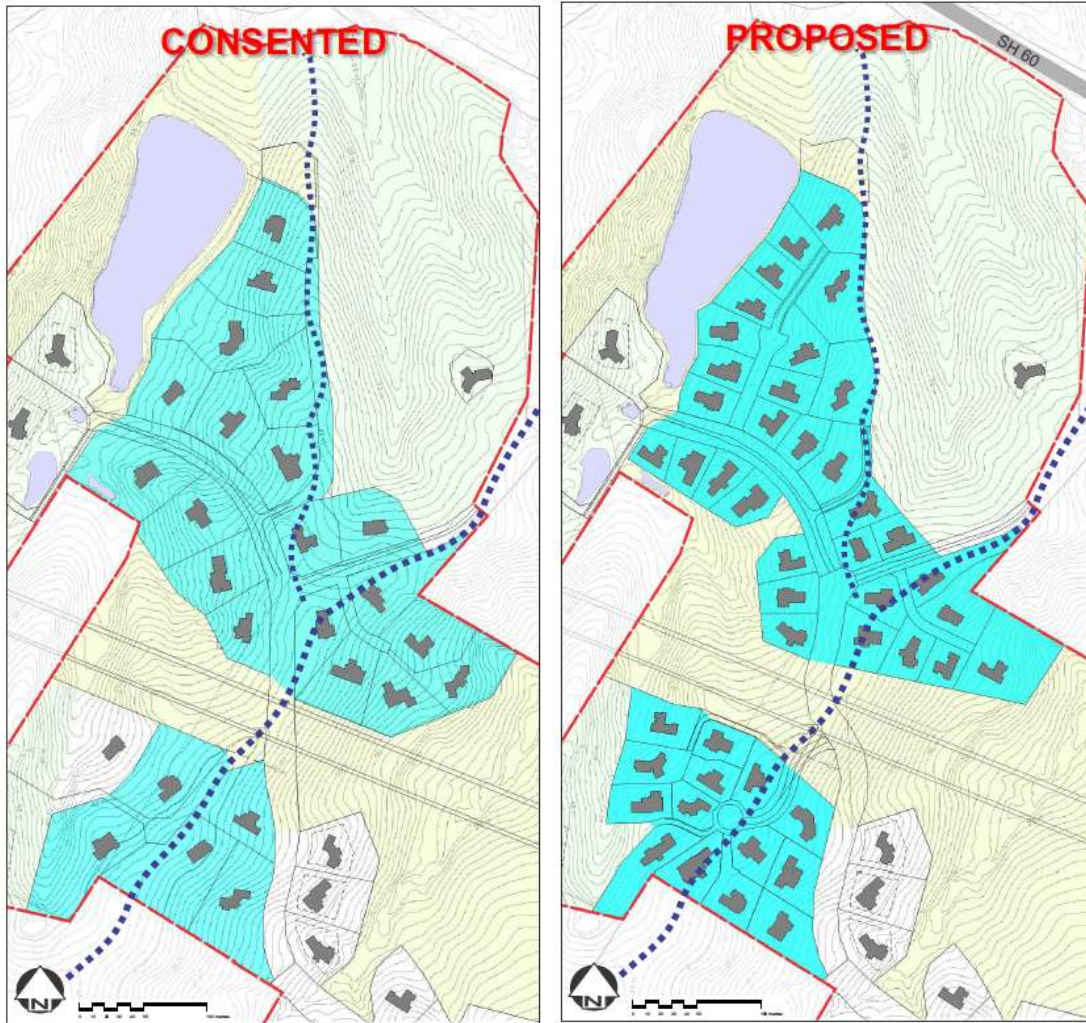
These effects must be seen in the context of an existing developing subdivision and therefore currently already existing. In other words there are no new effects being created by these proposed changes.

The Council ultimately has no direct control over how long it will take to completely develop and complete the dwellings approved under the existing subdivision layout, therefore the somewhat open-ended duration of construction noise, dust and traffic is an existing situation that Appleby Hills section / dwelling owners currently have to accept and anticipate.

Whether or not it is acceptable to further extend that period of construction disruption by the creation of an additional 20 allotments is for the Commissioners to determine.

It is my opinion that the development of residential allotments (irrespective of size) is an anticipated activity in the Rural 3 zone, and therefore consistent with the above Objective and Policies, and with the relevant Part 2 sections of the Act.

The additional construction earthworks required to extend access roads and rights of way over and above the earthwork consent amendments approved under RM100637 are considered minimal.



The development plan that has already been given consent

The development plan that CBH Ltd have now submitted for consent

The majority of the construction earthworks required to create the additional access legs and rights-of-way could fall within the definition of Permitted Activity Road formation and construction under Rule 18.5.2.1(q) of the Tasman Resource Management Plan (TRMP).

The applicant considers that in places the recontouring elements may exceed the Permitted Activity height restriction of 1m in Rule 18.5.2.1(p) and therefore have accepted that the small total of additional road construction earthworks may be Restricted Discretionary Activity under Rule 18.5.2.5. of the TRMP.

The applicant has volunteered to accept the same appropriate conditions as were required under RM100637.

Those conditions require that all construction earthworks and operations are carried out in accordance with the provisions of an approved Earthworks Management Plan required by consent Condition 28.

Earthworks Management Plan

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.

Construction noise will require to comply with the Permitted Activity Noise levels established for the Rural 3 zone in Rule 17.7.2.1(d). Other construction effects can be avoided, remedied or mitigated by appropriate conditions of consent.

Should the Commissioners determine that an additional 20 allotments with required minor ancillary road and right-of-way construction be acceptable then I agree with the applicant's assessment that the earthworks should be undertaken in accordance with the conditions of consent already in place under RM100637.

7.2 Key Issue 2 - Wastewater

Can the system accommodate the additional 20 dwelling equivalents?

The current wastewater consent (RM050727V5) enables the discharge of wastewater from up to 89 dwelling equivalents, with 67 of those coming from within the Appleby Hills subdivision.

The maximum daily discharge per dwelling equivalent per day is 1000 litres (the same as their permitted water take per dwelling equivalent).

The current wastewater consent permits a maximum discharge volume of 90,000 litres of tertiary treated wastewater per day, at a maximum application rate of 3.6mm per day via 2.5ha of pressure compensating dripper line effluent field. The same area of reserve field is already put aside.

Should both fields fail, and not be remediated, then the overall subject property is sufficiently large that additional land could be utilized for wastewater disposal.

The maximum daily discharge per dwelling equivalent per day is 1000 litres (the same as their permitted water take per dwelling equivalent).

The current application seeks to increase the total number of dwelling equivalents by 20, taking the total within Appleby Hills to 87 and the total number of overall household equivalents to 109 within the same overall maximum discharge to land volume parameters established to date.

Eleven submitters (Nos. 3, 4, 8, 11, 13, 14, 21, 23, 24, 25, 26) have commented upon the increased wastewater treatment required for 20 further allotments, with the resulting increases in effluent discharge to land, and possible increased maintenance requirements accordingly.

The most relevant Objectives and Policies to the application for the discharge of domestic wastewater are contained in Chapter 33. The following Objectives and Policies have been considered relevant for this proposal:

Objective 33.4.2

On-site disposal of domestic wastewater, which avoids, remedies or mitigates adverse effects on groundwater or surface water quality, habitats, human health and amenity values.

Policies 33.4.3

33.4.3.2 To ensure that the adverse effects, particularly the cumulative adverse effects, of on-site disposal of domestic wastewater on water quality and aquatic habitats, including coastal water, and on human health or amenity in the Wastewater Management Area are avoided, remedied or mitigated by:

- (a) *controlling the use of on-site systems in areas where there are significant limitations to sustainable on-site disposal of domestic wastewater including:

 - (i) *low or very low permeability clay soils;*
 - (ii) *rapidly draining coastal soils;*
 - (iii) *areas of high groundwater tables;*
 - (iv) *steeply sloping sites, especially on south-facing slopes;*
 - (v) *unstable terrain;*
 - (vi) *proximity to surface water bodies;*
 - (vii) *high density of existing and new on-site systems and the cumulative impact of such discharges in terrain that has significant limitations to on-site disposal;**
- (b) *requiring comprehensive site and soil assessments to identify any site limitations;*
- (c) *requiring a high level of performance for design, construction, installation, operation and maintenance for new on-site disposal systems;*
- (d) *ensuring adequate buffers between disposal fields, water bodies, and the coast, especially Waimea and Mapua Inlets;*
- (e) *reducing the risk to human health arising from pathogens in the wastewater entering into water;*
- (f) *ensuring the net nitrogen losses from land in the Wastewater Management Area to be subdivided do not result in adverse effects on aquatic habitats as a result of discharges of domestic wastewater;*
- (g) *ensuring stormwater management accounts for potential effects on on-site disposal fields;*
- (h) *ensuring that the potential adverse effects, especially cumulative effects of further residential development, are taken into account in considering any application to subdivide land in the Wastewater Management Area.*

33.4.3.3 To require regular programmed maintenance of on-site wastewater treatment and disposal systems to minimise risk of system failure and reduce risk of adverse environmental effects.

33.4.3.5 To ensure that legal, practical, financial and enforceable responsibility is established for the operation and maintenance of any on-site wastewater treatment and disposal system, especially where such systems service a cluster of dwellings, taking into account both day-to-day operation and maintenance of such systems as well as provision for depreciation and replacement of equipment and of systems.

33.4.3.6 To avoid, remedy or mitigate the adverse effects of discharges of domestic wastewater, including cumulative effects, particularly those in the Special Domestic Wastewater Disposal Areas.

The application documentation contains an “Appleby Hills Wastewater and Water Supply Review” report by Cameron Gibson and Wells (CGW Ref 13600-1a dated 20 May 2013) and an additional “Appleby Hills Residents Association Wastewater System” supplementary report prepared by Chris Edmonds dated October 2013.

Both documents describe the existing approved wastewater treatment plant, and detail some problems that have been encountered to date with the system, and the measures taken to remedy those.

The effects of the wastewater discharge to land have already been considered at the time of the original subdivision approval. I do not intend to repeat that assessment here, and would comment that the proposal remains consistent with the above Objectives and Policies, and Part 2 of the Act.

The current proposal to create an additional 20 allotments and the implications for the existing wastewater generated is assessed by the application documentation and the above wastewater reports.

I am satisfied that subject to the recommendations for amendments to the existing consent conditions that any adverse effects of the discharge of wastewater from an additional 20 dwelling equivalents can be avoided, remedied or mitigated by the consent conditions.

7.3 Key Issue 3 - Stormwater

Will the development result in adverse effects on the downstream environment, coastal marine area and adjacent land associated with stormwater run-off?

The proposed new subdivision layout and density is different from that currently consented layout RM030632 currently under construction and the consented layout under RM100638 which has not yet been given effect to.

The application includes a “Stormwater Assessment for Revised Layout of Appleby Hills Subdivision” report prepared by Tonkin and Taylor (Ref : 870866.002 dated 21 May 2013) which assesses the likely increased flows created by the additional allotments and makes recommendations to mitigate the effects upon both of the existing receiving environments accordingly.

The Tonkin and Taylor report concludes that the southern and western sub-catchments will continue to flow to the existing irrigation dam (Dam 135) and make several recommendations to improve the capacity of that structure.

The eastern sub-catchment flow will continue to flow to an existing 600mm diameter culvert and recommendations are also made to deal with the minimal (2%) increased flow.

An additional Tonkin and Taylor report “Flood Routing and Secondary Flowpaths Assessment for Revised Layout of Appleby Hills Subdivision” (T&T Ref: 870866.002 dated 25 November 2013) was also included within the application. This second report presents further details of the proposed Stormwater Management Plan for the revised layout.

This second Tonkin and Taylor report further addresses the attenuation capacity of Dam 135 and makes specific recommendations regarding the clearing of the spillway and outlet channel of any flow obstructions to ensure that flood flows can be passed over the spillway and down the channel, and identifies that further work such as spillway and or dam crest improvements may be required to ensure that the freeboard is adequate, particularly if the dam is categorized as “classified” when the proposed Building Act changes take effect.

Twelve submitters (Nos. 7, 8, 9, 10, 12, 13, 15, 22, 23, 24, 25, 29,) have commented upon the increased stormwater generation with the resulting increases in discharge to land, and possible effects upon the dam capacity and downstream accordingly.

Eight submitters (Nos 9, 10, 12, 15, 18, 22, 24, 25,) made specific comment upon whether or not the increased stormwater discharge would have any effects upon the safety of Dam 135.

The most relevant Objectives and Policies to the application for discharge of stormwater and from land disturbance activities are contained in Chapter 33. The following Objectives and Policies have been considered relevant for this proposal:

Objective 33.1.2.1

The discharge of contaminants in such a way that avoids, remedies or mitigates adverse effects while:

- (a) *maintaining existing water quality; and*
- (b) *enhancing water quality where existing quality is degraded for natural and human uses or values.*

Policies 33.1.3

33.1.3.2 *To avoid, remedy or mitigate the adverse effects of discharges of contaminants so that both individually and cumulatively with the effects of other contaminant discharges, they enable the relevant water quality classification standards to be complied with.*

33.1.3.5 *To ensure that existing water quality is not degraded after reasonable mixing as a result of any discharge of contaminants into water and to take into account the following criteria when determining what constitutes reasonable mixing:*

- (a) *The depth, width and flow characteristics of the receiving water body, including the nature and extent of mixing which may occur and the assimilative capacity of the water.*
- (b) *The extent of the mixing zone and the likely adverse effects on aquatic life or ecosystems within the mixing zone.*
- (c) *The characteristics of the discharge, including the presence of toxic constituents.*

Objective 33.3.2

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

33.3.3 Policies

- 33.3.3.2 *To advocate works to restore and protect stream or coastal habitats and improve and protect water quality affected by stormwater and drainage water discharges.*
- 33.3.3.3 *To manage the adverse effects of stormwater flow, including primary and secondary flowpaths, and the potential for flooding and inundation.*
- 33.3.3.4 *To avoid, remedy or mitigate the potential for flooding, erosion and sedimentation arising from stormwater run-off.*
- 33.3.3.5 *To avoid, remedy or mitigate the adverse effects of stormwater on water quality and the potential for contamination.*
- 33.3.3.7 *To require owners of all or part of any stormwater drainage network to avoid, remedy or mitigate any adverse effects of stormwater discharges.*
- 33.3.3.8 *To encourage an integrated whole-catchment approach to the management and discharge of stormwater.*
- 33.3.3.9 *To require the use of low impact design in the management of stormwater discharges in any new development, where practicable.*
- 33.3.3.10 *To encourage the restoration and rehabilitation of stormwater drainage networks where natural drainage networks have been significantly modified.*
- 33.3.3.11 *To take into account the long-term management of stormwater drainage in consideration of land development, including subdivision and land-use changes.*

The effects of the stormwater discharges to land have already been considered at the time of the original subdivision approval. I do not intend to repeat those assessments here, and would comment that the proposal remains consistent with the above Objectives and Policies, and Part 2 of the Act. The current proposal to create an additional 20 allotments and the implications for the existing stormwater generated is adequately assessed by the application documentation and the above Tonkin and Taylor stormwater reports.

Dam 135

Council's Consent Planner - Water, Neil Tyson has provided a Memo regarding Dam Number 135 and detailing his recent consultation with the applicants; and also the issue of the water take (renewed under RM130144). Mr Tyson's memo is attached as Appendix 1.

Mr Tyson has considered the submissions that relate to the issue of dam safety (Nos 9, 10, 12, 15, 18, 22, 24, 25). I accept Mr Tyson's advice as outlined in that memo.

I am satisfied that subject to the recommendations for amendments to the existing consent conditions, and consequent alterations to Dam 135 and the eastern catchment and culvert that any adverse effects of the discharge of stormwater from an additional 20 dwelling equivalents can be avoided, remedied or mitigated by the consent conditions.

8 Section 104D of the Resource Management 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, I consider that the effects will be less than minor when the conditions of consent are taken into account. Therefore I am 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 those relevant ones outlined above.

9 Section 5 and Recommendation

As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, **and should the Hearing Commissioners determine that the overall subdivision proposals sought in RM130922 be considered favourably**, then I consider that a grant of associated consents RM130931, RM130932 and RM050727V6 would promote the sustainable management of natural and physical resources and, on balance, I RECOMMEND that these application(s) can be GRANTED, subject to conditions and the granting of application RM130922.

Should the applications be granted the following conditions should be imposed:**RM130931 - EARTHWORKS****ACTIVITY AUTHORISED BY THIS CONSENT:**

To construct building platforms and accessways for lots authorised by subdivision consent RM130922, 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, Lot 2 DP 427937 and Lot 1 DP 438731
Certificate of title:	CT 510443 CT 510435 and CT 544040
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 16 December 2013 in support of the application for resource consent RM130931, 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 RM130922.

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.

RM050727V6 - WASTEWATER

FULL SET OF AMENDED CONDITIONS - RM050727V6

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.

Pursuant to Section 104 and 104B of the Resource Management Act 1991, consent is **GRANTED** to CBH Limited to discharge domestic wastewater subject to the following conditions:

Site and Discharge Details

- 1 Physical Address: Greenacres Road, Redwood Valley
- Legal Description: Lot 2 DP 6766 and Lot 1 DP15473 (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 **109** 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 tradewaste shall be included.

Advice Note:

This condition allows the 20 additional dwellings from the subdivision authorised by Consent RM130922 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.

8.1 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 RM050727V6 to vary this consent dated 16 December 2013, 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;
- 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;
- iv) the capacity of any upgrade to the existing wastewater treatment plant or new treatment plant modules shall be sized based on the lowest anticipated throughput with maximum membrane clogging and deterioration (i.e. at the point immediately prior to membrane replacement); and
- v) Consideration be given to improved and increased flow balancing on the treatment plant to eliminate inflow day to day cycling, and to attenuate high wet weather flow peaks.

8.2 The Consent Holder shall ensure that a suitable flow meter shall be installed on the input of the wastewater treatment plant, and that inflow shall be recorded on a daily basis.

- 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:

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 33 completed allotments of subdivision authorised by RM030632, and the 56 to be developed under RM130922 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.

- 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 33 completed allotments of subdivision authorised by RM030632, and the 56 to be developed under RM130922 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 (ie, 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 1. 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.

- 25 2. Prior to individual dwelling on-site pump stations being put into service, the installation of the pump stations and waste pipes from the dwelling (while exposed) shall be commissioned under the supervision of the Residents Association, giving particular consideration to the water tightness of the pump station, all connections, and the waste pipe and gully traps; and to the stormwater surface flows being clear of the pump station and gully traps in the event of surface flooding.

- 25.3 The manufacture and specification of all pump stations to be approved by the Residents Association.

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 every two months (a total of at least six samples a year) 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 two water samples from the Redwood Valley Stream as it runs below the proposed disposal site, as marked Site 1 and 2 on Figure 2 Annexure E Cawthorn 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 | <0.444 g/m ³ |
| • Total Nitrogen | <0.614 g/m ³ |
| • Dissolved reactive phosphorus | <0.01 g.m ³ |
| • Total phosphorus | <0.033 g/m ³ |

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

RM050727V6 APPENDIX 2

APPLICABLE DETECTION LIMITS

Parameter	Detection Limits ¹	Units
pH	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.

RM130932 - STORMWATER

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 Reports prepared by Tonkin & Taylor Ltd (ref: 870866.002), dated 21 May 2013 and 25 November 2013 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 RM130931.

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.

Appendix 1 - Memo from Neil Tyson 15 April 2014

Memo: Re CBH Limited Subdivision Appln RM130922
15 April 2014

Att Mike and Pauline

The following are my comments for subdivision RM130922 particularly relating to the dam (Council number 135).

- Dam 135 is a large dam under the Building Act and has Dam Inventory number TAS019.
- Tonkin & Taylor (T&T) in their engineering report identify the pending implementation of the national Dam Safety Scheme. I can confirm implementation of this Scheme has been deferred (again) and is now set down for mid 2015.
- The Council's Dam's database records that in 2002 the owner of Dam 135 was required to have the spillway cleared. I have been unable to confirm if this was done and if the spillway is currently in a satisfactory state of repair and maintenance. However, I note that additional action is identified and confirmed by T&T in their report 870866.002 (21 May 2013).
- As a result of this subdivision application RM130922 it was identified that the current regional consents (damming and taking for irrigation) NN990445-6 no longer accurately authorise the taking of water as legal descriptions and property valuations have changed without corresponding changes to the consent conditions. The applicant has subsequently lodged applications to make these changes ie both NN990445V1 and NN990446V1. The changes are considered to be administrative in nature and can be processed as part of this subdivision application or can be processed separately.

Note: It was suggested to the applicant they also apply for a Landuse Riverbed consent as this consent is required for any alterations to the dam, dam spillway etc and it is required (see Chapter 28 TRMP) when the dam consent expires in 2019. The applicant has chosen not to apply.

- It was also identified that the property (title) boundaries do not reflect the Council's approach of containing all of a dam its spillway, reservoir etc in a single title and under a single owner. From the Council's GIS it appeared that the spillway at least was dissected by a boundary potentially frustrating the maintenance and safety of the dam. In discussion with the applicant, this issue has been satisfactorily addressed and I understand a change to the boundary is volunteered such that all the dam would be contained in a single title.

I have read the submissions to the subdivision application RM130922 relating to increased stormwater runoff as a result of the development, effects on the dam and on downstream landowners. The main submission issues are:

- 1) that landowners below the dam are assured the dam is safe and will not be compromised by the additional runoff, no increase in downstream flooding etc; and
 - 2) two or three submitters thought the dam would be "...significantly impacted by the additional runoff" with one submitter referring to "...massive complications for the dam" and one submitter referred to the need for "...significant upgrading of the dam".
- My reading of the T&T reports is that the development related increase in stormwater flow rates that will pass through the dam has been assessed, at least for runoff events up to 1:50 year event. T&T assess the increase in stormwater post development as 8% and acknowledge mitigation measures against the effects of this increase if deemed necessary.
 - T&T refer to various mitigation measures including ongoing maintenance of the spillway. Importantly, T&T identify there is very little freeboard to the dam crest even in the 1:50 year event. T&T advise that increasing dam freeboard may be required for dam safety reasons and this is reinforced by the Council Engineer Eric Verstappen in his email (12 February) as follows:

While the dam appears to be a substantial structure, the spillway capacity has been assessed only for a flow event having a 2% annual exceedence probability. In such an event, freeboard to the minimum crest level is very small indeed. No design details are given and sensitivity analysis has been undertaken in this check, so I have no idea whether the assessment is conservative or whether there is very real potential for the dam crest to be overtopped in a 2% AEP event. In a larger event, overtopping potential becomes even more real, particularly if the spillway is not well maintained.

While the consequences of a crest overflow may not be that great, either to the dam or to the catchment below (wetland and further impoundment behind the road embankment), it is not good practice for water to spill over the crest - that is the function of the spillway! The dam appears to have been designed with something more like 0.85m height difference between spillway and crest, not 0.5m or so. The crest survey indicates quite a dip in the crest level. In my opinion, the apparent intent of the original dam design should be implemented and a 0.85m freeboard reinstated or provided. In any event, I consider the minimum freeboard currently available to be too low, given the lack of a sensitivity analysis. In my view, it is also good practice to provide a uniform crest elevation and reasonable freeboard for a dam of this size, which is currently not existing or available.

- The applicant was subsequently advised that independent of this subdivision RM130922, Council will be seeking an upgrade of the dam spillway/freeboard as soon as possible and at the latest when the damming consent expires in 2019.
- Also important is the original design concept and reason for the existing (CBH) dams constructed as part of the subdivision, which was to avoid increased stormwater outflows as a result of development. This same approach is reasonable for Dam 135 and, as a minimum, the applicant should mitigate these effects as identified in the T&T reports.

Water Supply

Re the CBH water supply, this is from a privately owned water supply (and deep bore) for which CBH have existing water permits. I can advise that the applicant has undertaken bore pumping discharge tests and confirmed to the Council's satisfaction, that their supply bore(s) can sustainably yield the consented rates and volumes. This was done prior to the granting of the original consents. If there are supply issues these are likely to be internal reticulation issues and unrelated to the Council.

Neil Tyson
Consent Planner, Water
 15 April 2014