
MINUTES
of the
ENVIRONMENT AND PLANNING SUBCOMMITTEE MEETING
held
Monday, 25 August 2014
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Councillors S Bryant (Chair), M Higgins and P Canton

In Attendance: Phil Doole (Resource Consents Manager) H Simpson (Committee Secretary)

1 OPENING, WELCOME

2 REPORTS

2.1 Bay View Estate Ltd

RESOURCE CONSENT DECISION
Decision of a Tasman District Council Hearing Subcommittee
Hearing held in the Council Chambers, Richmond on Monday, 25 August 2014
Site visit undertaken on Friday, 22 August 2013
Hearing closed on Monday 25 August 2013

A Hearing Subcommittee was convened to hear and determine applications lodged by **Bay View Estate Ltd** ("the Applicant"), for resource consent to subdivide a property at 120/131 Seaton Valley Road into nine allotments, with associated land use, discharge and water consents. The applications, made in accordance with the Resource Management Act 1991 ("the Act"), were lodged with the Council and referenced as RM120664, RM120445, RM120666-673, RM140164, RM120762-120770, RM140560, RM120201V1, RM120202V1 and RM120203V1.

HEARING PANEL: Cr Stuart Bryant (Chairperson)
Cr Michael Higgins
Cr Peter Canton

APPLICANT: Mr Nigel McFadden (Counsel)
Mr Tony Alley (Resource Management Planner)
Mr Mark Rounce (Wastewater Engineer)
Mr Rory Langbridge (Landscape Architect)

- SUBMITTERS:** Mr Simon Lavery and Mrs Deborah Lavery
Ms Leslie Lord and Mr Peter Harding
- REPORTING OFFICERS:** Mr Mark Morris (Consent Planner, Subdivisions)
Mr Michael Croxford (Consent Planner, Natural Resources)
Mr Neil Tyson (Consents Planner, Water Resources)
- IN ATTENDANCE:** Mr Phil Doole (Resource Consents Manager)
- assisting the Committee
Ms Hannah Simpson (Committee Secretary)

1. SUMMARY

The Subcommittee has **GRANTED** resource consents, subject to conditions, for the proposed subdivision and associated land use, wastewater and stormwater discharges, and dam modifications; and variations to existing water permits, as described below.

2. THE PROPOSED ACTIVITIES

The applicant proposes to subdivide a property in the Mapua Rural Residential Zone into nine allotments. Lots 1-3 will be on the northern side of Seaton Valley Road, and have individual access points on to Seaton Valley Road. Lots 4-9 will be on the southern side of the road, to be accessed via a central right-of-way which largely follows the existing access to the current dwelling on proposed Lot 7.

As the property has previously been in orchard in the 1970s, and earlier, there is potential for soil contamination from pesticide residues. A site investigation report has been provided by the applicant assessing any likely contamination.

All of the proposed allotments require wastewater and stormwater discharge consents.

An existing dam on proposed Lot 9 is proposed to be lowered, and used as a stormwater detention facility.

3. DESCRIPTION OF THE SITE

The existing property has an area of 13.712 hectares and contains an existing dwelling on proposed Lot 7 and two small cottages on proposed Lot 3.

There is an old orchard shed complex on proposed Lot 4 beside Seaton Valley Road. These sheds are proposed to be removed by the applicant.

Lots 1-3 contain a mixture of pear orchard and pasture. The remaining orchard is irrigated from an irrigation pond on proposed Lot 1. Seaton Valley stream runs along the northern boundary of the property.

Lots 4-9 were formerly entirely covered in orchard, but this has been removed and now most of the area is used for pasture, except for some amenity trees around the existing dwelling.

The property is generally gently sloping with steeper slopes at its higher southern end. It is largely surrounded by existing rural residential properties, with lot sizes between 1 and 4 hectares, except for the Senior block to the east which is 48 hectares in area.

4. STATUS OF APPLICATIONS IN TASMAN RESOURCE MANAGEMENT PLAN

Zoning: Rural Residential (Mapua)

Areas: Land Disturbance Area 1; Wastewater Management Area.

Activity	Permitted Activity rule	Applicable rule	Status
RM120664 Subdivision in Rural Residential (Mapua) zone	Nil	16.3.8.4	Restricted Discretionary
Subdivision adjoining water course with allotment less than 4ha in area.	Nil	16.4.2.1	Restricted Discretionary
RM120665 Land use: To disturb soil on a piece of land subject to the Resource Management (National Environmental Standard for Assessing and Managing Contaminant in Soil to Protect Human Health) Regulations 2011.	NES Regulation 8	NES Regulation 10	Restricted Discretionary
RM120666-672 & RM140164 Discharge wastewater to land on proposed Lots 1-8 (less than 2 ha in size)	Nil	36.1.4.2	Restricted Discretionary
RM120673 Discharge wastewater to land on proposed Lot 9 (over 2 ha in size) Continued....	Nil	36.1.3.2	Controlled
RM120762-120770 Discharge stormwater to land on proposed Lots 1-9	36.4.2.1	36.4.2.3	Restricted Discretionary
RM140560 Alteration of dam structure Dam 173	Nil	28.2.2.4	Discretionary
RM120201V1-120203V1 Consequential variations to existing water permits and dam consent		RMA Section 127	Discretionary

Overall the proposed activities when bundled are deemed to be a **Discretionary** activity.

The officer's reports prepared by Mr Morris and Mr Croxford treated the bundled applications as having restricted discretionary activity status, because they did not include the proposed changes to the dam structure in their listings of the consents required. Mr McFadden, in his opening submissions for the applicant, also referred to the overall status of the proposal as being restricted discretionary, because he also treated the proposed dam modifications as being a separate matter.

We consider that proposed alteration to Dam 173 for the purpose of providing a detention function is an integral component of the proposed subdivision and should be bundled with the other matters in an integrated manner. Although this aspect was not explicitly listed in the limited notice, Mr Tyson's report (attached to Mr Croxford's) addressed the proposed modifications to the dam; as did Mr Alley's evidence for the applicant. Further, the landowners who could be adversely affected are submitters on the application who were able to address the potential effects or consequences of that matter at the hearing. Therefore we cannot see that any party will be disadvantaged by us bundling these relevant matters together.

We acknowledge that there may be concerns that the evidence presented to us was tailored to address the proposal overall as a restricted discretionary activity, rather than as an open

discretionary activity. In that regard we consider that the matters listed for consideration in the restricted discretionary rules are very broad and therefore it is unlikely that anything of relevance to the proposal (in terms of potential adverse effects) has been missed.

The consequential changes that are required to the two existing water permits held by Bay View Estates Ltd relating to the subject land, and to the consent for Dam 173, were also covered in Mr Tyson's report. Those matters are perhaps not integral to the subdivision proposal, but as Mr Tyson's recommendation was not contested by any party we have included them in our overall decision.

5. NOTIFICATION AND SUBMISSIONS

The applications were limited notified on 11 April 2014 to adjacent landowners. Three supporting submissions, and six opposing submissions, were received by Council. Five of these nine parties indicated that they wanted to be heard. In the event, two parties attended the hearing, two sent in apologies, and the other party did not attend the hearing.

6. PROCEDURAL MATTERS

During the hearing, submitters Mr & Mrs Lavery presented information including photographs to describe or illustrate how they consider the proposal will affect them as neighbours. This was challenged by Mr McFadden, during the applicant's right-of-reply, who effectively said that the Laverys had not presented any verified evidence and their submission should not be given any weight compared with the expert evidence presented by the applicant.

Our position regarding what comprises evidence is that individual submitters are able to present information and make observations regarding that information. What they cannot do, unless appropriately qualified, is present expert opinions. We have treated the Laverys' submissions on that basis. Their observations form part of the evidence, alongside the expert evidence we received from the applicant and reporting officers, and we have weighed them accordingly as described below. We understand this to be essentially the same approach as taken by the Environment Court when it considers evidence presented by non-expert submitters.

7. EVALUATION AND FINDINGS ON THE PRINCIPAL ISSUES

We now identify the principal issues that were in contention and our findings in relation to those issues. Based on the application documents, the contents of the officers' reports and evidence circulated prior to the hearing, all of the submissions (written and verbal), and our own observations during our site visit, we consider the principal issues of contention to be:

- a) The number of proposal allotments in the subdivision
- b) The Building Location Areas on proposed Lots 8 and 9
- c) The proposed modifications to the size and function of Dam 173.
- d) Wastewater disposal
- e) Traffic effects

We now address each of the principle issues in turn. For each we discuss firstly the evidence and submissions, and then state our findings on each of the issues.

a) The number of proposed allotments

As stated by Mr Morris in his report, this proposal to create nine allotments from the 13.7ha property is 50% more than what would be achieved "as of right" in the Mapua Rural Residential Zone via a Controlled Activity subdivision. The proposed higher density of rural

residential style allotments raises potential issues relating to rural character and amenity values, and other possible landscape based effects.

In presenting the case for the applicant, Mr McFadden referred to objectives and policies in the Tasman Resource Management Plan providing for rural living opportunities. He emphasised the Reasons for the Rules for Rural Residential Zones (16.3.20) which states: *“In the Mapua Rural Residential Zone, development to greater densities than provided for on the basis of the subdivision controlled activity lot size is envisaged, subject to detailed design consideration.”*

Taken together, the application material and subsequent evidence from Messrs Alley, Langbridge and Rounce, demonstrate that there has been detailed design consideration for the proposed development, including an assessment against the Coastal Tasman Area Subdivision and Development Design Guide.

Mr Langbridge, who is a landscape architect with 15 years experience working in the Tasman area, provided a report and evidence that assesses the subject site within its context of Seaton Valley and the rural residential developments that have occurred on the surrounding lands. Referring to the TRMP zoning, he noted that the 2 hectare size limit on allotments did not have any expressed “critical underlying logic” as to why it was chosen, and in his opinion what is proposed in the application is consistent with the developing character values of the Seaton Valley locality.

Mr Langbridge made recommendations as to (a) Building Location Areas for each of the proposed allotments, (b) a landscape plan for structure and other planting to integrate the houses with the landscape, (c) restrictions on the height of buildings on proposed Lots 5 to 9, (d) integrated placement of water tanks and (e) adoption of similar colour and reflectance value controls for building roofs and cladding. He stated that through the use of these controls and landscape plan requirements, the rural qualities of the area and view corridors can be respecting having regard to the sites zoning. He also provided some other specific comments in response to concerns raised by submitters.

Both Mr Langbridge, and Mr Morris (in his officers report), point out what could be done on the subject land as permitted activities within a rural residential zone, particularly tree planting that would result in blocking of neighbours’ view shafts across the property. They also noted that the subject land could be subdivided as a controlled activity with little ability to influence the form of such development if it complies with the TRMP land use controls such as building height.

Several submitters raised the number of allotments, or the reduced size of allotments as being issues of concern for them. As we have noted, some submitters could not attend the hearing but we had regard to their written submissions, and those were summarised in Mr Morris’s report. Their concern is that the more allotments that are approved, the more impact there will be on the peaceful rural environment.

Having walked over the property and observed the location of neighbouring properties, our general conclusion is that the proposed development, with the controls and landscaping mitigation recommended by Mr Langbridge imposed, will not cause significant adverse effects on the surrounding rural-residential environment. Change from the existing pastoral land use is expected by the rural residential zoning, which has been in place over the subject land since the year 2002. We have to acknowledge that a Controlled Activity subdivision could well result in the same impacts as perceived by the adjacent neighbours, or perhaps greater impacts if houses were to be built to the maximum height of 7.5m above ground level in the rural residential zone.

b) The Building Location Areas on Proposed Lots 8 and 9

Submitters Towler and Lavery expressed their specific concerns regarding the Building Location Areas (BLAs) on proposed Lots 8 and 9, because houses erected on those BLAs are likely to block or detract from the views out to the sea that they currently enjoy from their houses on adjoining properties.

The Laverys presented photographs indicating the extent to which their view to the sea will be blocked by a future house on Lot 8. As we noted above, Mr McFadden challenged the accuracy of this information, but we accept it as being reasonably indicative of what could result from the recommended building controls for Lot 8.

While acknowledging the impact on the Laverys view that is likely to result from development of Lot 8, our understanding is that it could occur for a range of permitted activities, or result from a controlled activity subdivision as we have recognised in general terms above. We think it would be most likely that BLAs on proposed Lots 8 and 9 would feature in any alternative subdivision proposal, along with associated amenity plantings.

We have considered whether more restrictive controls, such as a lower maximum height for buildings, or moving the BLA, could be justified. Our conclusion is that the proposed controls, including screening of water tanks, are reasonable in the circumstances as they should mitigate the impacts on the Laverys' view, bearing in mind that the TRMP provisions do not guarantee protection of views.

We make a similar finding with regard to the BLA on proposed Lot 9.

c) Proposed Modifications to Dam 173

The intention is to reduce the height of Dam 173 from 6 metres, down to less than 3 metres; and for the reduced structure to be utilised as a detention basin to mitigate the increased stormwater run-off from the proposed allotments as a whole. In other words, the dam on proposed Lot 9 will provide mitigation for all nine allotments. It is envisaged that the detention function will not be needed when Council completes programmed works to increase the flow capacity of Seaton Valley stream. In his report, Mr Tyson provided a summary of the hydrology of the small catchment area, pre and post dam construction, noting that the flows below the dam will return closer to the pre-dam natural flow condition after it is modified, except that flood flows will be reduced due to the proposed detention function.

Submitters Lord and Harling raised several concerns regarding the proposed modifications to the dam. They stated that they are experiencing increased water-logging of their property downstream, which appears to be caused by pipes on the Applicant's land concentrating water drainage flows at a junction box directly above the property boundary. They are also concerned that the reduced holding capacity of a lowered dam will result in more frequent overflow of water.

It is our understanding of the proposed modifications to the dam that they will provide a dedicated detention basin behind the dam that will have sufficient volume to mitigate increased run-off for nine allotments, only two of which are part of the dam catchment - therefore the actual flood flows should be much less than the natural flows that would be expected if there is no dam. That brings us to the fact that if it was not for the need to provide mitigation, then the dam could be removed and the downstream neighbours would have to receive the natural overland flows. In that regard, if the submitters consider that piped flows from the neighbouring land are currently causing adverse effects on them then they should seek solutions of that issue outside of this consent process. But having said that, we are mindful that the run-off from development on Lots 8 and 9 will need to be controlled (as is the run-off into this catchment from the neighbouring residential allotments),

even when the drainage improvement works are completed lower down in Seaton Valley Stream. Proposed conditions on the stormwater discharge consent will provide that control.

Submitters J & N Towler opposed the lowering of the dam because of impacts that will have its amenity and wildlife using it. We received no further specific evidence on those matters. Our finding is that the dam was not built to serve those purposes and there is no justification to impose the cost of retaining it on a landowner for neighbours benefit.

d) Wastewater management

Mr Rounce, who is a waste water engineer, provided an amended on-site wastewater disposal assessment for the proposed subdivision. In his statement of evidence he also provided a response to several matters raised by submitters Lord and Harling, particularly regarding the hydraulic loadings that are to be typically expected in the effluent disposal fields for the proposed allotments, and the avoidance of surface-water flow paths. With regard to the latter, clarification was sought during the hearing as to why, for consistency, no set back had been provided for the gully floor and pond area on the west side of proposed Lot 8 and below the Dam 173, whereas a setback had been provided on the east side of Lot 8. An amended plan was presented to us at the end of the hearing showing setbacks in those two areas. We accept that plan as indicative, but are of the view that further consideration needs to be given to that matter when the disposal fields are being designed.

e) Traffic Effects

Submitters B & E Lynch raised the issue of increased traffic on Seaton Valley Road and what they see as being serious safety issues on that road particularly for pedestrians. They advised us by email that they will be taking up those issues through a speed limit review process. We acknowledge their concerns, but in the absence of any evidence to the contrary we accept the opinion of Mr Ley, Council's Development Engineer, who stated in his report (attached to Mr Morris's) that Seaton Valley Road has the capacity to accommodate the increase in traffic that will be generated by the additional users resulting from the proposed subdivision.

f) Other matters

We note that a range of other relevant matters were covered in the application, staff reports and expert evidence, which were not at issue and we have accepted the assessments put forward in the staff reports accordingly.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, we have had regard to the matters outlined in Section 104 of the Act.

In particular, we have had regard to the relevant provisions of the Tasman Resource Management Plan (TRMP), and particularly those provisions including objectives and policies that were referred to in the officer's reports and other evidence presented to us.

8.2 Part 2 Matters

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

9. DECISION

Pursuant to Sections 104 and 104B of the Act, we **GRANT** all of the consents applied for, subject to conditions, for the proposed subdivision and associated land use, wastewater and stormwater discharges, and dam modifications (as attached); and variations to existing water permits (also attached).

10. REASONS FOR THE DECISION

Effects on the Environment

Having regard to the foregoing appraisal of the key issues that have been raised through the evidence and submissions, and taking account of the conditions of consent we have imposed, we conclude that any effects on the environment, particularly with regard to rural character and amenity and potential risks associated with stormwater drainage will be minor.

Objectives and Policies of the TRMP

We have specifically considered the relevant provisions within Chapter 7.3 (Rural Residential Development in the Coastal Tasman Area), 7.4 (Rural Character and Amenity Values) and Chapter 9.2 (Rural landscape Values) of the TRMP, as itemised in the staff reports and expert evidence. Due to the minor adverse effects on the rural character and amenity of the Seaton Valley environment, compared to the activities that can be carried out “as of right” in the rural-residential zone, we consider that the proposal is generally consistent with the objectives or policies in those Chapters.

Purpose and Principles of the Act

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

11. COMMENTARY ON CONDITIONS OF CONSENT

The reporting officers put forward draft sets of conditions for the consents applied for in their reports. We have generally adopted those proposed conditions for all of the consents and variations, with some minor editing, except for the following matters:

RM120664 Subdivision:

- adding an advice note after Condition 3 confirming that Council will be responsible for locating the water supply pipeline for which an easement is required (as requested by the applicant).
- amending clause (b) in Condition 23 to apply only to allotments 5-9, rather than all of the proposed allotments, in line with Mr Langbridge’s recommendation.
- Amending General Advice Note 2 regarding Development Contributions (as requested by the applicant), although we note that any case to offset the stormwater contribution must be made in accordance with the Local Government Act procedures and this amendment to the Advice Note should not be read as supporting such a case if one is made.
- Adding a lapse date of five years for both Stages of the subdivision for the avoidance of doubt.

RM120666 - RM120673 & RM140164 Discharge of domestic wastewater to land

- amending Condition 2 to require assessment of setback requirements where relevant when detailed design of effluent disposal areas is being done.

RM120762 - RM120770 Discharge of stormwater to land

- amending Conditions 3 and 4 to clarify the controls to be put on stormwater run-off from hard surfaces.

We have also aligned the lapsing periods and expiry dates for the other consents where relevant, so that they fit with the eight year period for implementing the subdivision consent.

Issued this 12th day of September 2014.



Cr Stuart Bryant
Chair of Hearings Panel

CONFIRMED



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM120664

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

Bay View Estate Ltd
(Hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

Subdivision consent to subdivide Lots 1-3 DP 302279 of 13.7120 hectares to create the following:

- Lots 1-9;
- New private way (ROW) to serve Lots 4-9.

LOCATION DETAILS:

Address of property: 120/131 Seaton Valley Road
 Legal description: Lots 1-3 DP 302279
 Titles: CFR 8936/8937/8938
 Valuation number: 1938059700

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

CONDITIONS OF CONSENT

General

1. The subdivision and development shall be carried out in accordance with the revised application plan by Davis Ogilvie titled “Proposed Subdivision of Lots 1-3 DP 302279”; Job No. 25993 dated 16 October 2013 and attached to this consent as Plan A.

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 1	Lots 1-3	3
Stage 2	Lots 4-9 and private way (right-of-way)	6

Stage 2 may be done before Stage 1 if required.

Easements

3. (a) Easements shall be created over any services located outside the boundaries of the allotments that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.

- (b) The following additional easements in gross shall also be created:
- i) Easement for the Council water supply line that is currently laid through Lots 9 and 7.
 - ii) Drainage easement over Lot 2 for the secondary flow path for the outlet from the culvert under Seaton Valley Road, draining the proposed right-of-way. The easement shall extend to the northern end of the proposed building site area on Lot 2.

Advice Notes:

Council takes responsibility for locating the water supply pipeline so that it can be fixed by survey for easement purposes.

Refer Condition 20 for access strip easement(s).

Rights-of-Way and Access

4. The proposed right-of-way shall have a minimum 10 metre legal width, a minimum sealed width of 4.5 metres (except for the section past the Lot 7 entrance which shall be 3.5 metres wide), metalled shoulders of 500 millimetres width and grassed swales for drainage, and a maximum grade of 1-in-6.

The right-of-way shall provide for storm water drainage into an approved culvert under Seaton Valley Road, which will need to be at least 450mm diameter with the final stormwater design to be confirmed at the engineering plan stage.

A sealed 3.5 metre wide access from the right-of-way extending 5 metres into each allotment, with appropriate culverts, shall be provided for Lots 4-9.

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.

5. Lots 1-3 shall have crossing places formed from the edge of the seal along Seaton Valley Road to 5 metres inside the lot boundary in accordance with the Tasman Engineering Standards & Policies 2013, and in accordance with the following:
- i) Access to Lot 1 shall be located at the tangent point (outside the curve) of Seaton Valley Road.
 - ii) Access to Lot 2 shall be on the eastern side of that lot.
 - iii) The access crossing to Lot 3 shall be formed at the existing crossing point.

Vehicle crossing permits will be required to be obtained from Council's Engineering Department with all conditions of the permits to be complied with prior to the signing of the Section 224 (c) certificate.

Engineering Plans

6. Prior to undertaking any engineering works, including earthworks, engineering plans are to be prepared 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.

Environmental Management Plan for Construction and Earthworks Effects

7. Prior to the commencement of any earthworks, an Environmental Management Plan specifying control and mitigation of construction earthworks effects, shall be provided to the Council's Engineering Manager for approval by Council's Engineering Manager.

Commencement of Works and Inspection

8. The Council's Engineering Manager shall be contacted at least five working days prior to the commencement of any engineering works. In addition, five working days' notice shall be given to the Council's Engineering Manager when soil density testing, pressure testing, beam testing or any other major testing is undertaken.
9. No engineering works shall commence until the engineering plans required by Condition 6 and environmental management plan required under Condition 7 have been approved and signed by the Council's Engineering Manager.
10. 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.
11. At the completion of works, the Developer's Professional Advisor (DPA), being a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's Engineering Manager with written certification that the works have been constructed to the standards required by the engineering plans required by Condition 6 of this resource consent.

Road to Vest

12. A corner splay/cut 10m by 10m (approx 27m²) shall vest as road on the north eastern point of Lot 4 to allow greater visibility at that corner. The vesting shall be completed as part of Stage 2.

Power and Telephone

13. Each allotment 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.

Building Site Stability

14. The Consent Holder shall provide a report from a chartered professional engineer confirming that each building site area 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 for residential development shall be in accordance with NZS 4404:2010 Schedule 2A.
 - ii) Where fill material has been placed on any part of the building site area, a certificate shall be provided by suitably qualified Chartered Professional Engineer, certifying that filling has been placed and compacted in accordance with NZS 4431:1989.

Orchard Shed Buildings on Lot 4

15. The existing shed buildings on Lot 4 shall be removed from the site prior to the signing of the Section 224 (c) certificate for Stage 2 (i.e. Lots 4-9). The access crossing from the shed complex onto Seaton Valley Road shall be removed and replaced by a grassed water table draining into the stormwater Culvert for the right-of-way required under condition 4 of this consent.

Advice Note:

A building consent will be required for the demolition of the buildings.

Dam 173 Alteration Works on Lot 9

16. The dam alteration works on Lot 9 shall be fully completed in accordance with the requirements of consent RM140560. These works shall be completed prior to the signing of the Sec 224 (c) certificate for Stage 2 (i.e. Lots 4-9).

Pesticide Residues

17. The mitigation measures required under RM120665 shall be fully completed prior to the Section 224 approval of the respective stage that the works are being carried out in.

Stream bed to vest as River Bed

- 18 Those parts of the Seaton Valley Stream that are within the site shall vest as river bed pursuant to section 237A of the Resource Management Act.

Esplanade Reserve to Vest

- 19 An esplanade reserve of 5 metres width shall be taken along the banks of the Seaton valley Stream that runs through the property. The reserve shall vest in accordance with section 231 of the Resource Management Act.

Access Strip

- 20 A 5 metre wide access strip easement shall be created along those parts of the northern boundary of Lots 1-3 that do not adjoin the Seaton Valley Stream. The access strip shall be in accordance with section 237B of the Resource Management Act.

Advice Note

The creation of access strip easements is dependent on agreement with the registered proprietor of the land per section 237B of the Act, and it is understood that the landowner has agreed.

Financial Contributions

21. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
- (a) a financial contribution is payable on six allotments. A credit has been given for the existing three titles that currently make up the property.
 - (b) the amount of the contribution shall be 5.62 per cent of the total market value of a 2,500 square metre notional building area (at the time subdivision consent is granted) within the allotment.

- (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.

- 22. The building location areas identified on each of Lots 1-9, as shown on the plan prepared by Rory Langbridge Landscape Architects titled *Landscape & Open Space Plan* dated 27 January 2014 as shown on Plan B (attached to this consent) shall be shown on the land transfer title plan and the corners of the sites fixed by co-ordinates.

Consent Notices

- 23. The following consent notices shall be registered on the certificates of title for lots within the relevant stage, pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
 - (a) The construction of all buildings shall be within the Building Areas shown on the title plan DP.....
 - (b) Dwellings on Lots 5-9 shall not exceed a height of 5.5 metres above natural ground level. Where a dwelling site is excavated below natural ground level the height of the dwelling shall not exceed 6.5m in height above the building platform established or 5.5 metres above natural ground level whichever is the lower.
 - (c) A landscape plan, prepared by a suitably qualified landscaping professional, shall be lodged for the approval of the Council's Coordinator Compliance Monitoring, prior to the issuing of the building consent for a dwelling.
 - i) The landscape plan shall show how visual effects of the proposed dwelling (and other associated buildings such as water tanks) will be mitigated by plantings and/or other landscaping measures.
 - ii) The landscape plan shall be in accordance with the Rory Langbridge Landscape Report, provided with subdivision consent RM120664.
 - iii) The amenity landscaping set out in the landscaping plan shall be fully completed within two years of the issuing of the building consent for the dwelling. Written confirmation shall be provided to the Tasman District Council Coordinator Compliance Monitoring from a suitably qualified landscaping professional, advising that the landscaping has been fully completed in accordance with the landscape plan.
 - iv) The landowner shall pay a cash bond of \$1,000 plus a non-refundable bond administration fee of \$140 to Council, prior to uplifting the building consent for the dwelling.

- v) The bond period shall be for two years from the issue of the building consent for the dwelling and shall be paid back to the landowner, subject to confirmation that the landscaping has been fully completed, as set out in (iii).
- (d) All non-residential buildings shall not exceed 4 metres in height above natural ground level.
- (e) The exterior of all new buildings on Lots 1 - 9 shall be finished in colours that are recessive and blend in with the immediate environment. Buildings shall be finished in colours that meet the following standards:

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

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

- (f) Exterior surfaces of all buildings shall be non-reflective.
- (g) Any recommendations or recommended conditions resulting from the engineering certification required under Condition 14 of resource consent RM120664.
- (h) The owner shall comply with all conditions of the lot's respective wastewater discharge permit:

Lot 1	RM120666 (Discharges from new dwelling only)
Lot 2	RM120677
Lot 3	RM120668
Lot 4	RM120669
Lot 5	RM120670
Lot 6	RM120671
Lot 7	RM140164 (Discharges from new dwelling only)
Lot 8	RM120672
Lot 9	RM120673

Each discharge permit authorising the discharge of wastewater to each of the lots should be transferred to the new owners when the ownership of each lot changes. Discharge permits do not "attach to the land" and as such should be transferred to the new owner as there are ongoing consent requirements that need to be met.

- (i) The owner shall comply with all conditions of the lot's respective stormwater discharge permit:

Lot 1	RM120762
Lot 2	RM120763
Lot 3	RM120764
Lot 4	RM120765
Lot 5	RM120766

Lot 6	RM120767
Lot 7	RM120768
Lot 8	RM120769
Lot 9	RM120770

Each discharge permit authorising the discharge of stormwater to each of the lots should be transferred to the new owners when the ownership of each lot changes. Discharge permits do not “attach to the land” and as such should be transferred to the new owner as there are ongoing consent requirements that need to be met.

- (j) The owner of Lot 9 shall be responsible for the maintenance of the dam (Dam 173) and spillway that has been altered under consent RM140560. The owner of Lot 9 shall be responsible for maintaining the dam and its functioning as a stormwater detention structure in accordance with RM120770.

Advice Note:

This consent notice (j) may be cancelled once the upgrading of the Seaton Valley Stream stormwater system has been fully completed by Council.

- (k) All access to Lots 4 and 5 shall be solely via the right-of-way approved under RM120664.
- (l) If a new dwelling is erect on Lot 7 the existing dwelling shall either be removed or converted for use as garage.

Advice Note:

The existing consent notice on CT8937, which requires the removal of one of the cottages if a new dwelling is built, will need to be extinguished in regard to proposed Lot 2, but retained for proposed Lot 1.

Lapsing

24. Pursuant to Section 125 of the Act, this consent shall lapse five years after the date of the consent unless either both stages of the consent are given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.


General Advice Notes

1. The Consent Holder should meet the requirements of the Council with respect to all Building Bylaws, Regulations and Acts.
2. 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. 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. Development Contributions will be payable on 6 allotments.
3. All consent notices shall be prepared by a solicitor and the cost met by the Consent Holder.
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 Consent Holder should then consult with Heritage New Zealand Pouhere Taonga Central Regional Office (PO Box 19173, Wellington, phone (04) 801 5088, fax (04) 802 5180), and should not recommence works in the area of the discovery until the relevant 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) which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 needs an application for an authority to damage, destroy or modify the site.

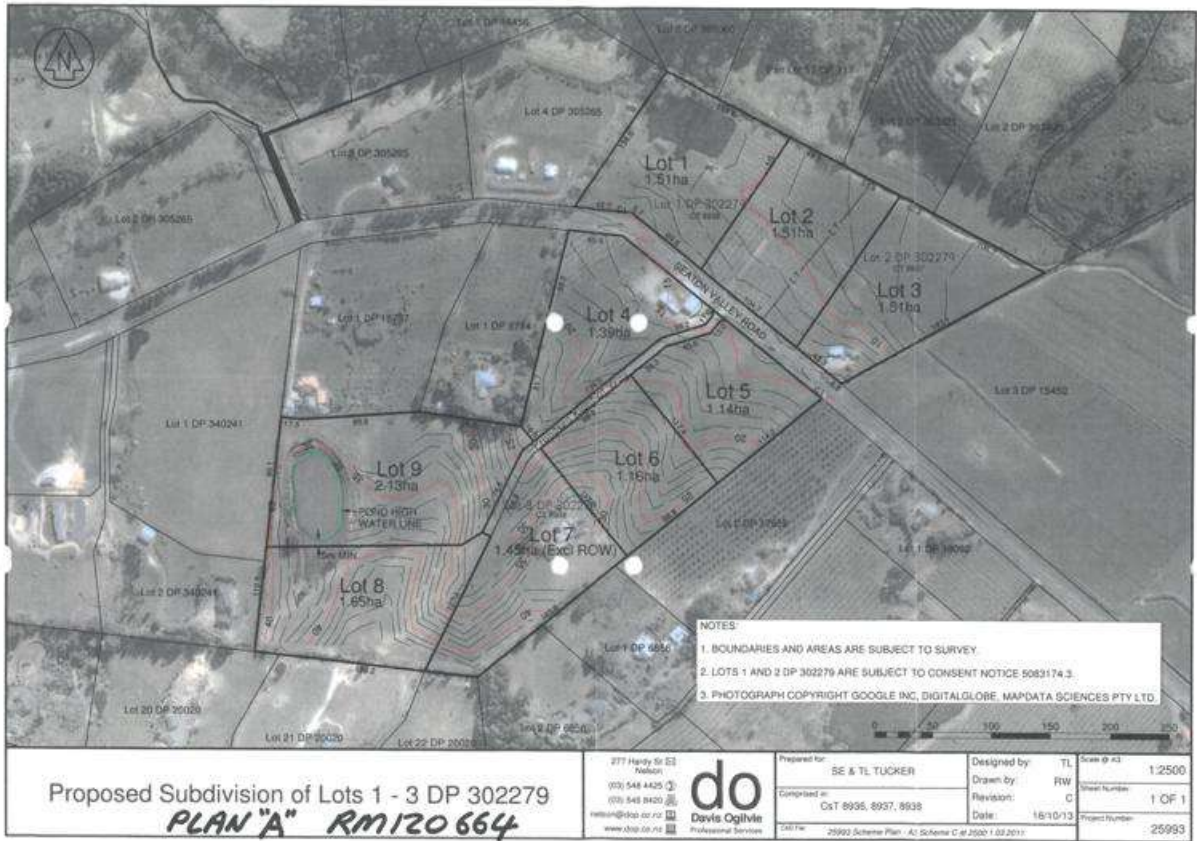
5. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall include the current owners and occupiers of the subject land who may be exercising the consent. 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.
6. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 12th day of September 2014.

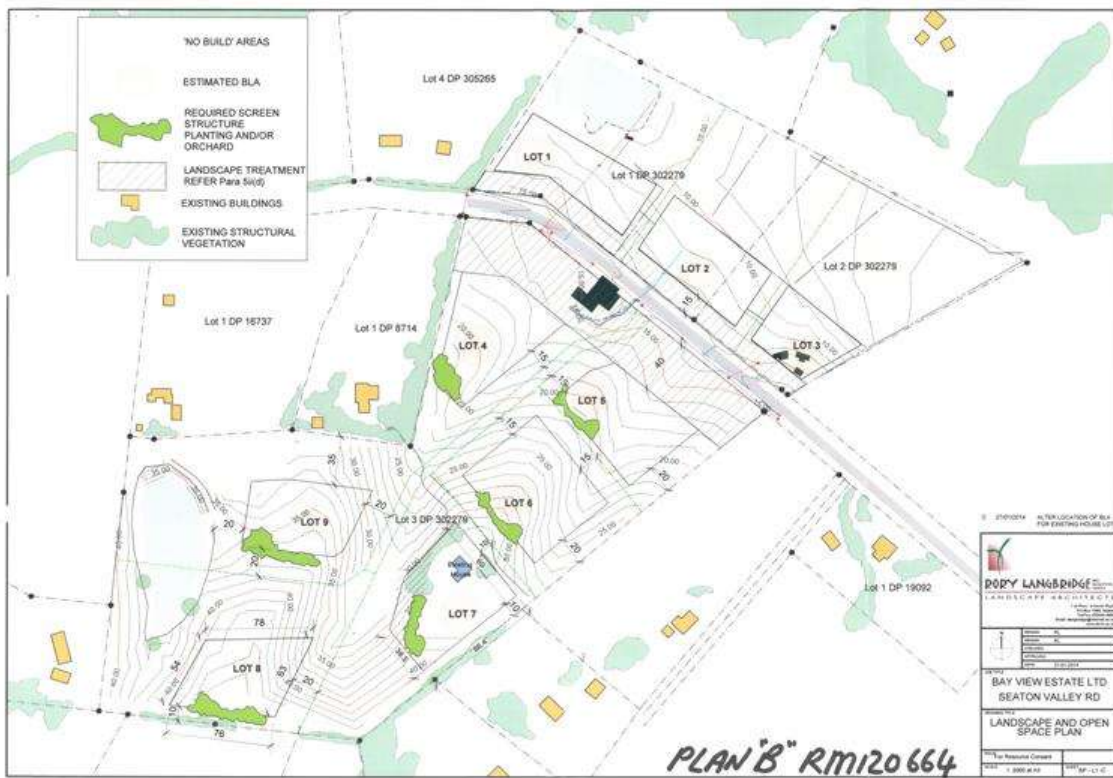


Cr Stuart Bryant
Chair of Hearings Panel

Attachment 1: Plan A



Attachment 2: Plan B





RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM120665

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") has granted resource consent to:

Bay View Estate Limited
(Hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

Land Use consent to disturb soil on a piece of land subject to the Resource Management (National Environmental Standard for Assessing and Managing Contaminant in Soil to Protect Human Health) Regulations 2011.

LOCATION DETAILS:

Address of property: 120/131 Seaton Valley Road
Legal description: Lots 1-3 DP 302279
Titles: CFR 8936/8937/8938
Valuation number: 1938059700

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

CONDITIONS OF CONSENT

General

- 1 The Consent Holder shall ensure that all works are carried out in general accordance with the application RM120665 submitted to Council dated 4 September 2012 and further information dated 13 June 2013, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.
2. Pursuant to Section 128 of the Resource Management Act the Council may, within the month of August each year and within the duration of the on-site works, review any or all of the conditions of consent for all or any of the following purposes:
 - (a) dealing with any adverse effect on the environment which may arise from the exercise of the consents 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; or
 - (b) requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment resulting from the activity; or
 - (c) to comply with National Environmental Standards made under Section 43 of the Resource Management Act 1991.

Lapsing and Expiry

3. Pursuant to Section 125 of the Act, this consent shall lapse eight years after the date of the consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
4. Once the consent has been given effect to, all earthworks works shall be completed within 12 months.

Advice Note:

This consent is given effect to once the works commence.

Supervision and Notification

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.
6. The works shall be overseen by a suitably qualified and experienced Environmental Engineer/Scientist (referred subsequently as 'the Engineer') who specialises in contaminated land remediation.
7. The Consent Holder or appointed representative shall contact Council's Co-ordinator Compliance Monitoring at each of the following stages:
 - (a) at least 24 hours prior to commencement of works on-site;
 - (b) upon placement of all sediment control measures;
 - (c) at least 24 hours prior to decommissioning of the sediment control measures.
8. As part of the written notice required in Condition 7, the Consent Holder shall inform the Council's Co-ordinator Compliance Monitoring of the name and contact details of the following persons:
 - (a) the Consent Holder representative(s) required under Condition 5;
 - (b) the Engineer required under Condition 6.

Should any person(s) change during the term of this resource consent, the Consent Holder shall provide the Co-ordinator Compliance Monitoring written notice of the new person's name and contact details with 1 working day.

9. Copies of this resource consent, the Earthworks Management Plan and the Remediation Action Plan shall be provided to all contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.

Monitoring and Reporting

10. All testing and reporting required under this consent shall be performed by a suitably qualified and experienced person, such as the engineer, in general accordance with the Ministry for the Environment Contaminated Land Management Guidelines No. 1: Reporting on contaminated sites in New Zealand (2003) & No. 5: Site investigation and analysis of soils (2004).
11. A Validation Report and a copy of the as-built required in Condition 13 shall be provided to Council's Co-ordinator Compliance Monitoring within one month of completion of works on-site.

Site Management

12. Work shall be undertaken in accordance with the Remediation Action Plan submitted in the application. Amendments to these Plans can be made if approved by the Co-ordinator Compliance Monitoring and if consistent with the conditions of this consent.

Disposal of Excavated Material

13. All contaminated material shall be disposed of on-site in accordance with the Remediation Action Plan.
14. Detailed as-built plans shall be provided to the Council within three months of completion of the works. The plans as a minimum will show where material has been disposed of and how it is capped.

Emissions

15. No visible dust shall be present at or beyond the site boundary during the earthworks.
16. If stockpiled material is dusty in the opinion of Council's Compliance Officer, the Consent Holder shall cover the stockpile with an impermeable material or other form of dust suppression (e.g. light misting of water) to minimise the potential release of dust.
17. There shall be no odour discharged that is considered to be objectionable or offensive in the opinion of Council's Compliance Officer at or beyond the site boundary.
18. If stockpiled material is odorous in the opinion of Council's Compliance Officer, the Consent Holder shall cover the stockpile with an impermeable material or other form of odour suppression (e.g. application of odour suppressant compounds) to limit the potential release of odours/vapours.
19. The Consent Holder shall ensure that during the earthworks surface water (i.e. stormwater) shall be diverted away from excavations and soil stockpiles.

General Advice Notes

1. The Consent Holder shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. All necessary signage and safety measures should be implemented during the works.
3. Access by the Council's officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Council draws the attention of the Consent Holder to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 that require you in the event of discovering an archaeological find (e.g shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and Heritage New Zealand Pouhere Taonga should be notified within 24 hours. Works may recommence with the written approval of the Council's Coordinator Compliance Monitoring, and Heritage New Zealand Pouhere Taonga.
5. These resource consents only authorise the activities described above. Any matters or activities not referred to in these consents or covered by the conditions must either:

1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
2. be allowed by the Resource Management Act; or
3. be authorised by a separate resource consent

Issued this 12th day of September 2014.



Cr Stuart Bryant
Chair of Hearings Panel

CONFIRMED



RESOURCE CONSENT

RESOURCE CONSENT NUMBERS: RM120666 - RM120673 & RM140164

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") has granted resource consent to:

Bay View Estate Ltd
(Hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

Discharge of domestic wastewater to land on Lots 1-9 of subdivision consent RM120664

Lot 1	RM120666 (Discharges from new dwelling only)
Lot 2	RM120677
Lot 3	RM120668
Lot 4	RM120669
Lot 5	RM120670
Lot 6	RM120671
Lot 7	RM140164 (Discharges from new dwelling only)
Lot 8	RM120672
Lot 9	RM120673

LOCATION DETAILS:

Address of property:	120/131 Seaton Valley Road
Legal description:	Lots 1-3 DP 302279
Titles:	CFR 8936/8937/8938
Valuation number:	1938059700

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

CONDITIONS OF CONSENT

General

1. The design, construction and operation of the domestic wastewater treatment and land application system shall be in general accordance with the information received in support of the application, the revised report prepared by Mark Rounce of Rounce Project Solutions Ltd dated 5 August 2014 and amended plan RC-L2-D dated 25 August 2014 showing amended setbacks for effluent disposal areas on Lots 8 and 9 (attached as Plan A), unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.
2. The consent holder for each allotment shall provide a full design of the wastewater system to Council when applying for building consent. This shall define the maximum design loading daily discharge rate (MDL). The maximum rate of discharge shall not exceed 2000 litres per day (on each of the new lots). Where relevant the location and design of effluent disposal areas shall ensure adequate setbacks from surface-water flowpaths and/or water bodies.

Treatment and Land Application System

3. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day). The land application area shall be no less than half the MDL in square metres in area and incorporate at least half the MDL in lineal metres of pressure-compensating drip irrigation line. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Adjacent lateral drip irrigation lines shall be laid no more than 1 metre apart.
4. The treated wastewater entering the land application area, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:
 - (a) the 5 day biochemical oxygen demand (BOD5) in any single sample shall not exceed 30 grams per cubic metre; and
 - (b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.
5. The wastewater treatment system shall be fitted with an audible and visual alarm.
6. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
7. The construction and installation of the wastewater treatment plant and land application system shall be carried out under the supervision of a person who is suitably qualified and experienced.

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

- (a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
 - (b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
8. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 11.
9. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
10. A suitable reserve land application area equivalent to the primary land application area shall be kept available for future use of wastewater disposal. This reserve area shall be at least 5 metres from the property boundary and remain undeveloped. It shall be located within the areas marked "reserve area" on the plan referred to in Condition 1 of this consent. For the purpose of this condition, "undeveloped" means that no buildings or structures shall be

constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation.

11. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area.

Maintenance and Monitoring

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

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

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

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

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

14. Notwithstanding Condition 13, the wastewater treatment and land application system shall be inspected and serviced at least every 12 months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:
 - (a) the date the inspection was undertaken and the name of the service provider;
 - (b) a list of all components of the treatment and land application systems that were inspected and the state of those components;
 - (c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
 - (d) a description of the appearance of the filter/s and tanks;
 - (e) the location and source of any odour detected from the system; and
 - (f) a description of the appearance of the land application area (ponding, vegetation growth, etc).

Review of Consent Conditions

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

Lapse or Expiry

16. Pursuant to Section 125 of the Act this consent shall lapse 10 years after the date this consent is granted unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
17. This resource consent expires 15 years after the date it is first given effect to. For the purposes of this consent, “when given effect to” is defined as being the date when a building consent which includes the detailed wastewater disposal system is granted.

General Advice Notes

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
2. Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and will attract a monitoring fee for which the Consent Holder will be invoiced annually. Should the monitoring costs exceed the annual charge, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.
3. All reporting required by this consent should be made in the first instance to the Council's Coordinator Compliance Monitoring.
4. It is strongly recommended that household water reduction fixtures be included in the house design in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
5. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
6. This consent is not subject to Section 134 of the Act and therefore does not “attach to the land”. Therefore, when the ownership of the property that this consent pertains to changes,

the consent should also be transferred to the new owners as there are ongoing consent requirements that must be met.

- 7 Council draws the attention of the Consent Holder to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 that require you in the event of discovering an archaeological find (e.g shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and Heritage New Zealand Pouhere Taonga should be notified within 24 hours. Works may recommence with the written approval of the Council's Coordinator Compliance Monitoring, and Heritage New Zealand Pouhere Taonga.
8. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
9. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 12th day of September 2014.



Cr Stuart Bryant
Chair of Hearings Panel

**RM120666-120673 & RM140164
Attachment: Plan A**





RESOURCE CONSENT

RESOURCE CONSENT NUMBERS: RM120762 - RM120770

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") has granted resource consent to:

Bay View Estate Ltd
(Hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

Discharge of stormwater to land on Lots 1-9 of subdivision consent RM120664.

Lot 1	RM120762
Lot 2	RM120763
Lot 3	RM120764
Lot 4	RM120765
Lot 5	RM120766
Lot 6	RM120767
Lot 7	RM120768
Lot 8	RM120769
Lot 9	RM120770

LOCATION DETAILS:

Address of property: 120/131 Seaton Valley Road
Legal description: Lots 1-3 DP 302279
Titles: CFR 8936/8937/8938
Valuation number: 1938059700

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

CONDITIONS OF CONSENT

General

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application submitted to Council dated 4 September 2012, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.
2. The Consent Holder shall show at the time of applying for building consent that the details of the proposed stormwater design for each lot meets Conditions 1 to 9 of this consent.

Advice Note:

Low impact design for stormwater management on each of these properties is encouraged. The soils found in this area have poor drainage, meaning soakage methods of disposal are unlikely to be effective and are therefore not recommended.

3. The stormwater from the hard surfaces (including tank overflows) shall either be discharged as sheet flow over the property or piped and discharged in a manner that does not cause any adverse effect.
4. The discharges or diversions shall not cause or contribute to erosion of land, including gullies and the bed of any stream or drain, nor shall they contribute to any increase in flooding flows or to damage caused by flooding.
5. Stormwater from cut-off drains shall be disposed of in such a way as to not affect slope stability or the integrity of the earthworks and shall not cause erosion.
6. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.
7. The quality of treated stormwater discharge authorised by this consent shall not exceed the following quality standards:
 - (a) Total petroleum hydrocarbons 15 milligrams per litre
 - (b) Total suspended solids 100 milligrams per litre
8. All aspects of the stormwater systems shall be checked on a regular basis as required, but not less than once every year.
9. The Consent Holder shall ensure the consent is transferred to the new property owner. The transferor remains responsible for compliance with the terms and conditions of the consent until written notice of the transfer is given to the Council.

Review of Consent Conditions

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

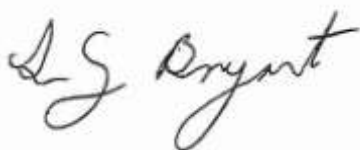
Lapse and Expiry

11. Pursuant to Section 125 of the Act this consent shall lapse 10 years after the date this consent is granted unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
12. This resource consent expires on 31 August 2049.

General Advice Notes

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by these consents should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. This consent is not subject to Section 134 of the Act and therefore does not "attach to the land". Therefore, when the ownership of the property that this consent pertains to changes, the consent should also be transferred to the new owners as there are ongoing consent requirements that must be met.
6. Council draws the attention of the Consent Holder to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 that require you in the event of discovering an archaeological find (e.g shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and Heritage New Zealand Pouhere Taonga should be notified within 24 hours. Works may recommence with the written approval of the Council's Coordinator Compliance Monitoring, and Heritage New Zealand Pouhere Taonga.
7. This resource consent only authorise the activity described above. Any matters or activities not referred to in these consents or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.

Issued this 12th day of September 2014.



Cr Stuart Bryant
Chair of Hearings Panel



RESOURCE CONSENT

Resource consent number: RM140560

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") has granted resource consent to:

Bay View Estates Limited

(hereinafter referred to as "the Consent Holder")

Activity authorised by this consent: Alteration of a Dam Structure.

Location details:

Address of property: 131 Seaton Valley Road, Mapua
Valuation number: 1938059700
Legal Description: Proposed Lot 9 from the subdivision of Lot 3 DP 302279

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

CONDITIONS

Altered Dam Details

1. River Being Dammed: Unnamed Tributary, Seaton Valley Stream
Plan Zone, Catchment: Moutere Surface Water Zone, Moutere
Catchment Area (ha): 4.3
New Dam Height (m): 3
New Storage Volume(m³): 4,999
Council Dam Number: 173
Location co-ordinates: Easting: 1606011 Northing: 5434336 NZTM

Other Conditions

2. The Consent Holder or their agent shall alter the dam in accordance with the Hodder Consulting Limited drawings 1305 Sheets 1-5, and the specification (April 2013) and Davis Ogilvie drawing 25993 Sheet 1 Design Plan as supplied with the application except where inconsistent with these conditions, in which case these consent conditions prevail.
- 2.1 Prior to dam alteration commencing, all practical and reasonable efforts shall be undertaken to locate the original 50mm dam discharge pipe and if located the pipe shall be protected from further damage during the alteration work.

Advice Notes:

Location of the original dam discharge pipe would potentially provide a practical de-watering mechanism but it may be important to protect this pipe from further damage during the alteration works.

Building consent is not required for the dam alterations owing to the dam not having dimensions of a large dam.

3. The dam alterations shall be supervised by a Chartered Professional Engineer practising in geotechnical engineering and experienced in the construction of dams with all inspections specified in the Engineering Inspection Schedule undertaken. Furthermore, prior to the work authorised by this consent commencing the Consent Holder shall forward to Council a letter from the Chartered Professional Engineer confirming engagement to supervise the dam alteration.
 4. For the avoidance of doubt, the dam spillway shall be constructed in natural ground and not pass over the embankment crest.
 5. A Construction, Erosion and Sediment Management Plan (CESMP) relating to the dam alteration works shall be developed and approved by the Council's Co-ordinator Compliance Monitoring or his agent prior to commencement of works and a copy of the CESMP shall be provided to all construction contractors prior to construction earthworks commencing.
 - 5.1 As far as is practicable, the CESMP shall ensure that earthworks are not to be carried out during periods of wet weather and, in addition, the CESMP shall address dewatering of the dam including the recovery and relocation of eels present in the dam.
 - 5.2 All cut and fill batters and faces exposed during works shall be sufficiently stabilised using appropriate erosion control techniques as soon as is practicable after construction is complete, so as to minimise sedimentation and run-off erosion effects from the exposed earthworks. Site rehabilitation and re-vegetation should be completed as soon as practicable on completion of the earth-working components and no later than 12 months from the date of the disturbance.
- Advice Note:**
The Consent Holder is referred to Auckland Regional Council's TP 90 publication for relevant guidelines.
- 5.3 Surplus excavated material shall be disposed of on-site and topsoil separately stockpiled as directed by the supervising Engineer. Any surplus material must be placed so that no soil material or vegetation may enter water.
 6. The Consent Holder shall contact and advise the Council's Co-ordinator Compliance Monitoring or his agent by e-mail or written notice as follows:
 - (a) at least 24 hours prior to construction commencing on the dam embankment; and
 - (b) at completion of the altered dam embankment, earthworks and spillway.
 7. The entire dam embankment and all appurtenant structures shall following subdivision be located within a single certificate of title ensuring clear liability and ownership of the structure.

Maintenance

8. The Consent Holder or their agent shall regularly inspect the dam and any associated structure and shall maintain the dam, spillway etc in a good state of repair including that it be kept free of debris.

Rock Protection Required

9. In order to ensure that there are no adverse effects of the dam on the downstream property, the spillway discharge and all rock protection (or similar) shall be placed under the direction of the Chartered Professional Engineer referred to in Condition 3 and shall be setback a minimum of five metres from the boundary to allow for maintenance by the Consent Holder.

Dam Certification

10. At the completion of the dam alterations, both the supervising Chartered Professional Engineer and the contractor undertaking the dam alterations shall provide to the Council written certification that the work has been completed in accordance with the approved engineering plans, specifications and site instructions and that the inspections specified in the Engineering Inspection Schedule were undertaken.

Vegetation

11. The Consent Holder shall not plant, or allow to grow, any trees or shrubs on the dam embankment or within 3 metres of the dam toe and shall ensure that the dam embankment and any unplanted land is grassed down as soon as practicable after dam completion and no later than 6 months following completion of the works.

Notice to Contractors

12. Prior to undertaking any on-site works authorised by this consent the Consent Holder shall provide a copy of this consent and any other relevant consents to the contractor undertaking the works and the Chartered Professional Engineer overseeing the construction.

Insurance Cover

13. The Consent Holder shall provide evidence of a minimum \$1million public liability insurance cover to Council before commencing work and shall maintain this cover throughout the alterations of the dam and produce evidence of cover on request.

Lapsing and Expiry

14. This consent shall lapse five years after the date that the consent commences unless the consent is either:
 - a) given effect to; or
 - b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Advice Note:

For the avoidance of doubt, this consent commences when any appeals have been settled and the Consent Holder is legally authorised to go ahead with the work. The date that the consent is given effect to is when substantive work first begins on site.

15. All works authorised by this consent shall be completed within 12 months; and this consent shall expire 12 months after the consent is given effect to.

Advice Note:

When the alteration works on Dam 173 authorised by this consent are completed, consent RM120203V1 can be surrendered because the dam dimensions will then comply with the permitted activity standards.

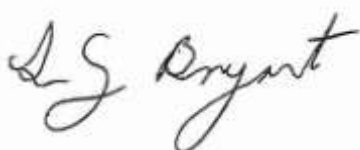
Review of Conditions

16. The Council may within three months following the anniversary of the granting of the consent 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 unexpected adverse effect on the environment that may arise from the exercise of the consent; and/or
 - (b) to require the adoption of the best practical option to remedy or reduce any unexpected adverse effects on the environment; and/or
 - (c) to comply with requirements of an operative regional plan.

GENERAL ADVICE NOTES

1. Access by the Council or its officers or agents to the land subject to this consent is reserved pursuant to Section 332 of the Act.
2. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent.
3. Nothing in this consent authorises the trespass of any part of a dam, including any associated structure or any ponded water, onto any land without the consent of the landowner.
4. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.

Issued this 12th day of September 2014.



Cr Stuart Bryant
Chair of Hearings Panel



RESOURCE CONSENT

Resource consent number: RM120201V1

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) has granted a change of conditions of resource consent to:

Bay View Estate Limited

(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: To Take Surface Water to Storage (in Winter Only).

Location details:

Address of property: 120 Seaton Valley Road, Mapua
Valuation number: 1938059700 (or its replacement number)

Pursuant to Section 108 of the Act, this consent is subject to the following conditions and an expiry date of **31 May 2028**:

CONDITIONS

Site, Take and Use Details

- Legal Description of Land: Proposed Lots 1-3 of the subdivision RM120664 of Lots 1-2 DP 302279
Category of Water Source: Surface
Source: Seaton Valley Stream
Plan Zone, Catchment: Moutere Surface Water Zone, Moutere
Purpose and Use: Storage
Maximum rates of take authorised: 4.90 litres per second
17.6 cubic metres per hour
143.00 cubic metres per day
1,000.00 cubic metres per week
5,000.00 cubic metres per annum
Location at or about point of take: Easting: 1606318 Northing: 5434654 NZTM

Intake Screen

- The water intake when installed in the stream shall at all times be screened sufficiently to prevent the entrapment and entrainment of fish. As a minimum, the intake screen shall be constructed such that the velocity at the outer screen surface is less than 0.3 metres per second and the screen mesh size shall be no greater than 5 millimetres.

Monitoring Conditions

3. This consent shall only be exercised during the winter months May to October inclusive and only for the purposes of filling the Consent Holder's reservoir and only in accordance with the rates and volumes stated in Condition 1.
4. This consent shall not be exercised to the extent that more than 30% of the instantaneous stream flow is taken and the taking of water shall at no time cause the visible surface flow at the point of take to cease.
5. If notified of water rationing by the Council, the Consent Holder shall cease the exercising of this consent and the taking of water shall be suspended until further notice.

Monitoring Charges

6. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent.

Water Metering

7. The Consent Holder or their agent shall if requested by the Council and at their own expense, install and thereafter operate and maintain a water meter that complies with the Water Meter Specifications as stated in Chapter 2 of the Tasman Resource Management Plan.

Advice Note:

The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 do not apply to this consent as the rates of taking are less than 5 litres per second.
[sentence deleted]

Review of Conditions

8. Council may for the duration of this consent and within the 3 month period following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of:
 - (a) dealing with any unexpected adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage;
 - (b) to reduce the quantities and rates of water authorised to be taken if the consent is not fully exercised;
 - (c) when relevant national environmental standards or regulations have been made under Section 43 of the Resource Management Act 1991;
 - (d) requiring the adoption of the best practical option to remove or reduce any adverse effects on the environment;
 - (e) to comply with the requirements of a relevant operative rule in the Tasman Resource Management Plan including, but not limited to, the maximum rates of taking of water and water metering requirements.

Records to be Kept

9. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. If it is necessary to install

additional measuring devices to enable satisfactory records to be kept, the Consent Holder shall, at his or her own expense, install, operate and maintain suitable devices.

10. This consent may be cancelled upon not less than 3 months' notice in writing by the Council if it remains unexercised without good reason for any continuous period exceeding 5 years.

ADVICE NOTES

1. This resource consent only authorises the activity described above and, for the avoidance of doubt, this consent does not authorise any physical works in the river bed or any damming of water or any refuelling of machinery. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
2. The Consent Holder is advised that TRMP Rule 28.1.6.1(d)(vii) permits bed disturbance for or associated with the excavation of less than 5 cubic metres of gravel for improving access to an authorised taking of water, provided the excavated material is placed upstream of the excavation and is not removed from the bed.
3. Section 126 of the Resource Management Act 1991 states that the consent may be cancelled upon not less than 3 months' notice in writing if the consent remains unexercised without good reason for any continuous period exceeding 5 years.
4. Access by the Council or its officers or agents to the land subject to this resource consent is reserved pursuant to Section 332 of the Resource Management Act.



RESOURCE CONSENT

Resource consent number: RM120202V1

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) has granted a change of conditions of resource consent to:

Bay View Estate Limited

(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: To Take from Storage for Irrigation.

Location details:

Address of property: 120 Seaton Valley Road, Mapua
 Valuation number: 1938059700 (or its replacement number)

Pursuant to Section 108 of the Act, this consent is subject to the following conditions and an expiry date of **31 May 2028**:

CONDITIONS

Site, Take and Use Details

- | | | |
|----|-------------------------------------|--|
| 1. | Legal Description of Land: | <u>Proposed Lots 1-3 of the subdivision RM120664 of Lots 1-3 DP 302279</u> |
| | Category of Water Source: | Storage |
| | Source: | Pond |
| | Plan Zone, Catchment: | Moutere Surface Water Zone, Moutere |
| | Purpose and Use: | Irrigation |
| | Area Irrigated (ha): | 1.20 |
| | Maximum rates of take authorised: | 4.90 litres per second
17.6 cubic metres per hour
<u>43.00</u> cubic metres per day
<u>300.00</u> cubic metres per week |
| | Location at or about point of take: | Easting: <u>1606329</u> Northing: <u>5434596 NZTM</u> |

Intake Screen

2. The intake when installed in the water body shall at all times be screened sufficient to prevent the entrapment and entrainment of fish. As a minimum, the intake screen(s) shall be constructed such that the velocity at the outer screen surface is less than 0.3 metres per second and the screen mesh size shall be no greater than 5 millimetres.

Irrigation Application

3. All irrigation shall meet the following standards:
 - (a) the maximum application rate shall not exceed 190 cubic metres (19 millimetres) per hectare

per week for any irrigated soil type;

- (b) an irrigation rotation shall not exceed 38 millimetres or such lesser amount determined by the soil type;
- (c) the irrigation of any land shall not exceed the amount able to be retained by the soil profile and any drainage through the soil profile shall be avoided;
- (d) the irrigation shall not result in surface flow or run-off from the irrigated land;
- (e) irrigation shall be restricted to the land identified in Condition 1 and shall not trespass onto land not owned or under the control of the Consent Holder including any public road.

Farm Irrigation Management Plan (FIMP)

- 4. Council reserves the right to require from the Consent Holder a Farm Irrigation Management Plan (FIMP) documenting the operation of their irrigation scheme including regarding soil moisture monitoring, leak detection programmes and scheme maintenance.

Monitoring Conditions

- 5. If eels are present in the pond, this consent shall not be exercised to the extent that the taking of water causes dam storage to be emptied and sufficient water shall be retained for the survival of the resident eels.

Monitoring Charges

- 6. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent.

Review of Conditions

- 7. Council may for the duration of this consent and within the 3 month period following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of:
 - (a) dealing with any unexpected adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage;
 - (b) to reduce the quantities and rates of water authorised to be taken and area irrigated if the consent is not fully exercised;
 - (c) when relevant national environmental standards or regulations have been made under Section 43 of the Resource Management Act 1991;
 - (d) requiring the adoption of the best practical option to remove or reduce any adverse effects on the environment;
 - (e) to comply with the requirements of a relevant operative rule in the Tasman Resource Management Plan including, but not limited to, the maximum or minimum levels or flows or rates of use of water, irrigation application rates, water metering requirements, or minimum standards of water quality.

Records to be Kept

8. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. If it is necessary to install additional measuring devices to enable satisfactory records to be kept, the Consent Holder shall, at his or her own expense, install, operate and maintain suitable devices.
- 9 This consent may be cancelled upon not less than three months' notice in writing by the Council if it remains unexercised without good reason for any continuous period exceeding 5 years.

ADVICE NOTES

1. This resource consent only authorises the activity described above and, for the avoidance of doubt, this consent does not authorise any physical works in the river bed or any damming of water or any refuelling of machinery. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.
2. Access by the Council or its officers or agents to the land subject to this resource consent is reserved pursuant to Section 332 of the Resource Management Act.



RESOURCE CONSENT

Resource consent number: RM120203V1

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) has granted a change of conditions of resource consent to:

Bay View Estate Limited

(Hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: Use of the Riverbed relating to a Dam Structure.

Location details:

Address of property: 131 Seaton Valley Road, Mapua
Valuation number: 1938059700 (or its replacement number)
Legal Description: Proposed Lot 9 in subdivision consent RM120664 for Lot 3 DP 302279

Pursuant to Section 108 of the Act, this consent is subject to the following conditions and an expiry date of **31 May 2028**:

CONDITIONS

Site and Dam Details

- | | |
|----------------------------|---|
| 1. River Being Dammed: | Unnamed Tributary of the Seaton Valley Stream |
| Plan Zone, Catchment: | Moutere Surface Water Zone, Moutere |
| Catchment Area (ha): | 5.5 |
| Dam Height (m): | 6 |
| Storage (m ³): | 10,000 |
| Council Dam Number: | 173 |
| Location co-ordinates: | Easting: <u>1606011</u> Northing: <u>5434336 NZTM</u> |

Maintenance

2. The Consent Holder or their agent shall regularly inspect the dam and any associated structure and shall maintain the dam in a good state of repair including that it shall be kept free of debris.
3. If requested by the Council, the Consent Holder shall commission a dam safety inspection and report by a Chartered Professional Engineer practising in civil engineering and a copy of this report shall be provided to the Council.

Review of Conditions

4. The Council may within three months of the first anniversary of the granting of the consent and within three months following each annual anniversary thereafter of the granting of this consent 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 unexpected adverse effect on the environment which arises from the exercise of the consent, including adverse effects on downstream landowners, on bed or bank erosion or instream values; or
- (b) to require compliance with operative rules in the Tasman Resource Management Plan (TRMP) including requirements and rules relating to the operation and maintenance of dams; or
- (c) to ensure consistency with any dam safety regulations under the Building Act or other relevant legislation; or
- (d) to require changes to the dam to ensure that the dam is adequately protected against storm events.

Records to be Kept

- 5. The Consent Holder shall keep such records relating to the operation of this consent and effects of the activity on the environment as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. If it is necessary to install measuring devices to enable satisfactory records to be kept, the Consent Holder shall, at his or her own expense, install, operate and maintain suitable devices.
- 6. The dam embankment and within 5 metres of the toe of the embankment shall be maintained clear of any trees, any vegetation more than 1.5 metres in height, and any vegetation that prevents inspection of the dam embankment.

ADVICE NOTES

- 1. Pursuant to Section 36 of the Resource Management Act, the Consent Holder may be required to pay the reasonable costs associated with the monitoring of this consent.
- 2. Nothing in this consent authorises the trespass of any part of a dam, including any associated structure or any ponded water, onto any land without the consent of the landowner.
- 3. If requested, the Consent Holder shall maintain an appropriate level of public liability insurance cover throughout the life of the dam and produce evidence of cover on request.
- 4. Access by the Council or its officers or agents to the land subject to this consent is reserved pursuant to Section 332 of the Resource Management Act.
- 5. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
- 6. This consent can be surrendered upon completion of the dam alteration works authorised by consent RM140560.

Date Confirmed:

Chair: