

19 September 2019

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Resource Consent Number: RM195191 &
195192

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Dear Courtenay

REQUEST FOR FURTHER INFORMATION - RESOURCE CONSENT 195191 & 195192

Thank you for your resource consent application to subdivide Lot 1 DP18871 to create 2 rural allotments at 205 Lud Valley Road, Nelson (RM195191) and for a discharge permit for discharges to an on-site waste water field on Proposed Lot 2 (RM195192).

Pursuant to section 92(1) of the Resource Management Act 1991 (the 'Act'), the following information is requested so that I can better understand: the nature of the activity proposed, the effects of the activity on the environment, the way in which any adverse effects of the activity may be mitigated:

Subdivision

1. Please provide an amended assessment of environmental effects to address any matters that may arise out of the preparation of the further information you provide to the Council.

This information is required to ensure that should any matter arise out of the further information that is provided, then the effects on the environment must be addressed as part of the application for resource consent.

2. Please clarify the proposed Lot sizes. The scheme plan shows Proposed Lot 1 as 2.1480ha and Proposed Lot 2 as 1.2000ha, however the application refers to "*an occupied/ unoccupied site comprising of*" 2133m² and 1215m² respectively, and the CGW report (section 9.1, page 10) refers to approximately 1.4ha for Proposed Lot 2.
3. Please provide an assessment of the effect of the proposal, in particular the allotment size on the rural character and the desired environmental outcomes for this area. This should also include an assessment of cumulative effects/ adverse effects precedent.
4. Please provide a detailed assessment against the relevant objectives and policies, in particular RU2.ii b), RU2.2, RUr.2.5 and RU3.
5. It appears that the application site does not currently have a ROW over Proposed ROW A and no information has been provided to demonstrate that ROW A to access Proposed Lot 2 has been agreed with the landowners and that legal access can be

gained to the Lot. Please demonstrate that sufficient provision has been made for legal and physical access to each allotment to be created by the subdivision in accordance with s106(1)(c) of the RMA.

Earthworks & Proposed building areas

6. The CGW report provided envisages that major earthworks will be required to construct the access and proposed development and recommends that a slope stability analysis is undertaken. It is likely that the proposal would also require a further resource consent under rule RUr.27 Earthwork to form the driveway and building platform. It would be prudent to add this to your current application(s). Alternatively, you would need to obtain a separate consent at a later stage. Please address and advise how you wish to proceed.
7. From the information provided, I am unable to determine compliance or otherwise with rule RUr.28, in particular RUr.28.1.c) and e), however given the areas shown on the conceptual site plan (drawing no. 18360/03) it appears likely that the proposed dwelling, shed and temporary accommodation would not meet the setback and defensibly space requirements. Please either demonstrate compliance by providing setback measurements or add these rule breaches to your current application(s). Alternatively, you would need to obtain a separate land use consent at a later stage.
8. Your application seeks to address water and firefighting provisions via appropriate consent conditions/ notice. Please confirm that you are volunteering appropriate consent conditions/ consent notice, i.e. that any future building on Proposed Lot would comply with the provisions of rules RUr.28.1.f) and g) and the New Zealand Fire service Firefighting Code of Practice.

Access

9. Please demonstrate compliance with rule RUr.36.
10. Please provide a more detailed assessment of the existing and proposed ROW, including number of current and proposed users, width, gradient etc. and demonstrate whether or not the ROWs comply with all of the minimum requirements/ access standards of the Nelson Tasman Land Development Manual 2019 (Table 4-13 etc.). If the ROWs do not meet all LDM requirements, please specify/ quantify any non-compliances and provide an assessment including reasons why you consider them to be acceptable.

Note: if the existing and/ or proposed ROW do not meet all LDM requirements, it is likely that the written approval from all other legal users of the ROW will be required (or, in case the application proceeds to public notification, notice would be served on those ROW users who have not yet provided written approval).

Stormwater

11. It is proposed to direct runoff from the developed area on Proposed Lot 2 into a 5,000l detainment tank and then into the stream via a pipe. This requires an additional discharge permit under rule FWr.22. It would be prudent to add this to your current application(s). Alternatively, you would need to obtain a separate consent at a later stage. Please address and advise how you wish to proceed.

Please note: the installation of an outlet structure in the stream, including erosion protection is not a permitted activity either and would require consent under section 13 of the RMA.

Wastewater discharge

12. The tests pits used to determine the soil type/ category of the disposal area are located outside the area proposed for the wastewater field. Please provide a soil evaluation, including soil investigations of the actual disposal area (Note: as per ANZS1547:2012 a detailed subsoil investigation shall examine and record the soil profile and solid features within the expected available areas).
13. As noted in the CGW report, all elements of the proposed onsite wastewater management system require detailed design – this information is required for Council to process the discharge permit, please provide. In particular, the following information is required:
 - a. Proposed effluent quality for secondary treatment (BOD₅, TSS) and location of a sampling point;
 - b. Tank size;
 - c. Exact location of the proposed disposal field and reserve area, including proposed drip line layout;
 - d. Setback from nearest water body (I note the report, and FWr.291. recommend a minimum setback of 20m, but no exact measurement/ setback has been provided);
 - e. Distance to nearest other disposal field, incl. existing field on Proposed Lot 1;
 - f. Distance to nearest bore;
 - g. The requirement for and location of stormwater cut off drains;
 - h. The requirement for visual and audible alarms;
 - i. Recommendations/ requirements for vegetation cover of the field;
 - j. Maintenance requirements & frequency.
14. I note that the proposed flow allowance for the site water supply is reliant on the new dwelling on Proposed Lot 2 being fitted with water reduction fixtures (“CGW understand that water saving appliances will be installed”). Please confirm that you are offering this proposed mitigation measure as a condition of consent and note that the fixtures would need to be maintained to ensure the discharge volume limit is met. Otherwise the flow allowance would need to be increased to 200l per person per day.
15. The CGW report (page 13) states: “it is proposed that sub-surface pressure compensating drip line is used to distribute treated effluent, installed a 1m interval perpendicular to the slope.” 1m is a typical line spacing – please provide an assessment from your geo-professional whether this should be increased, given the steep slope of the disposal area.

Geotech

16. Cameron Gibson Well (CGW) ‘Site Features and Investigation Location Plan’ highlights shallow instability is present within the upslope area of the proposed disposal fields location. The CGW report also describes the area as “*waning slope with several undulations*”. Review of TP2 log, located in the area of the proposed disposal field describes the presence of ‘high plastic’ materials. The report states that no ground

water was encountered, however, TP2 log describes soils encountered to be 'wet' above the contact with bedrock. All the above information is an indication the area has a history of slope instability and would be very sensitive to change of site conditions.

- a. Please provide commentary from your Geo-professional that address the concerns raised above as to the suitability of the area for installing a disposal fields.
- b. If the area is still deemed a suitable location for installing the proposed disposal field, please provide the following:
 - i) A geological cross-section through the steepest section of the proposed disposal field. The cross-section should extend up and down slope to capture the crest and toe.
 - ii) Results of slope stability analysis and commentary from the Geo-professional.

Duration for waste water discharge permit

17. Please specify the duration of consent you wish to apply for. Note: the serviceable life span required under AS/NZS 1547:2012, On-site domestic-wastewater management, Section 6.2.1 is 15 years. If the system has been designed by an Engineer to the above standard and in line with the Building Code then the minimum serviceable life must be 15 years. If the applicant wants resource consent for longer than this duration then the disposal field must be designed for this and supported with a statement from the Engineer to this effect.

Please either:

- a. Request the application to be processed as is, in which case because a period of consent has not been specified within the application then the maximum duration of consent must be 5 years as per Section 123(d) of the RMA; or
- b. Request the duration of consent to be in line with the minimum serviceable life of a wastewater system as per AS/NZS 1547:2012 being 15 years; or
- c. If you wish for the duration of consent to be longer than 15 years then submit a statement from the Engineer as to the extended serviceable life of the disposal field and a statement from the applicant matching it (maximum duration of consent under the RMA is 35 years).

Legislative requirements

Section 92A(1) of the Act requires you to respond to the Council by **10 October 2019** (being 15 working days from the date of this request) by either:

- (a) Providing the information; or
- (b) Agreeing in writing to provide the information within a reasonable timeframe to be agreed with the Council; or
- (c) Refusing in writing to provide the information.

The processing of this application will be put on hold until you respond to the Council. The time taken by you to provide the further information, or to respond to this request, is excluded from the calculation of working days for processing your consent.

If you do not respond to the Council in writing as per (a) and (b) above, or if you refuse to provide the information by **10 October 2019**, the Council must:

- (a) Publicly notify the application pursuant to Section 95C of the Act if the Council has not already decided whether to give public or limited notification of the application;

And

- (b) Must consider the application under Section 104 of the Act. Under Section 104(6), the Council may decline the application on the grounds that it has inadequate information to determine the application. In making an assessment on the adequacy of the information, the Council must have regard to whether any requests made of the applicant for further information or reports have resulted in further information or any reports being available (Section 104(7)).

Notification of the application will involve an additional charge of \$7,000, which must be paid before the application is notified. This is in addition to the initial payment made when the application was lodged.

My contact details are on the top of this letter. Please contact me at if you would like to discuss any matters relating to this request.

Yours faithfully



Susi B. Solly
Consultant Planner