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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 the further information response submitted on 1 November 2019 regarding resource consent applications to subdivide Lot 1 DP18871 to create 2 rural allotments at 205 Lud Valley Road, Nelson (RM195191) and discharge permit for discharges to an on-site waste water field on Proposed Lot 2 (RM195192).

I can confirm that Questions 1 to 4, 6 to 8, 12, 14 and 17 have been addressed. However, the responses to Questions 5, 9, 10, 11 and 13 are not considered adequate, as detailed below. The CGW responses to Questions 15 and 16 are currently being considered by Council's geotechnical advisor and I will get back to you on these in due course.

#### **Subdivision**

4. Please provide a detailed assessment against the relevant objectives and policies, in particular RU2.ii b), RU2.2, RUr.2.5 and RU3.

*Your response is sufficient, however, as per my email dated 4 November 2019, the **rule** amended by Plan Change 05/01 does have legal effect and is not subject to any weighting. I note your comments regarding the objectives & policies and s21 of the RMA. **No further information is required.***

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.

*Section 106(1)(c) requires that sufficient provision is made for legal and physical access and unfortunately, verbal approval is not considered sufficient. Whilst I understand that written approval to the application (as lodged) has been provided, this does not constitute the provision of legal access and it also needs to be noted that the proposed subdivision will impact on the potential of any future subdivision of 207 Lud Valley - I note the site has a size of 15ha and given the zoning, could theoretically be subdivided into five 3ha lots - in terms of the allowable number of users on the ROW (refer to Q 9 & 10 below).*

## 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.

*The suggested Geotech conditions are noted (and are currently being reviewed by Council's geotechnical advisor). I accept that you wish to obtain a separate earthworks consent (if required) at a later stage. **No further information is required.***

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.

*I understand that the proposed shed has been deleted and that you intend to demonstrate compliance with RUr.1.c) and e) at a later stage. Note: if you cannot demonstrate compliance at BC stage, you will need to apply for a separate land use consent. **No further information is required.***

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.

*Fully addressed.*

## 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).*

*Questions 9 & 10 have not been adequately addressed. In order to demonstrate compliance with RUr.36 and the NTLDM, you need to provide details of the ROW's carriage width, legal width, gradient etc. Table 4-13 also requires that where a shared private access is more than 50m long, a passing bay will be provided at least once every 50m. The passing bays (width & intervals) need to be detailed to confirm compliance or*

otherwise. You state the number of current users is 4, but it appears that the ROW is also used by 227 Lud Valley. You need to clearly detail which lots have legal rights to use the ROW. A private access can only serve up to six users, thus the proposed subdivision has impacts on the future subdivision potential of other ROW users, in particular 207 Lud Valley.

## **Stormwater**

11. It is proposed to direct runoff from the developed area on Proposed Lot 2 into a 5,000l detention 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.

*The response from FEL states that it is not necessary nor recommended to pipe directly to the stream as originally proposed. This is accepted. However, if discharge to land is proposed instead you would need to show compliance with FWr.25.1.f). Alternatively, you would need to obtain a separate consent at a later stage if compliance cannot be achieved. **Please advise how you wish to proceed.***

## **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).

*Addressed.*

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 (BOD<sub>5</sub>, 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 Propose 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.

*The FEL response has provided general information for the majority of the above items, however it is understood that the tank size (b), exact location of the disposal field and reserves area (c), and specific maintenance requirements (j) can only be provided once a system has been selected, following detailed design.*

*As noted above, Council usually requires a detailed design to process a discharge permit for a specific system. The information provided demonstrates that waste water disposal for Proposed Lot 2 is feasible (as far as the subdivision consent is concerned). So, one option would be to remove the wastewater consent component (RM195192) from this proposal and pursue this at a later stage, along with the earthworks consent etc.*

*You argue that provided the system is designed to comply with AS/NZS1547:2012, detailed design is not necessary, and any effects would be no more than minor – however, AS/NZS1547:2012 does require a 100% reserve area, which has not been provided, nor does this seem feasible.*

*In my opinion, it may be possible to 'ring fence' the proposal and effects, based on the information provided by FEL and some volunteered conditions. As noted above, AS/NZS1547:2012 does require a 100% reserve area (which "may be reduced if an improved wastewater treatment and improved land application system is provided; if dose loading or alternating loading of the design land application area areas are employed; or where a standard procedure for site evaluation (see Appendix D of AS/NZS1547:2012) supports a reduction in area"). This information has not yet been provided but needs to be.*

*Therefore, can you please confirm the following parameters/ conditions of consent:*

- a. Proposed effluent quality in accordance with FEL response (i.e. max. BOD of 30mg/l and max. TSS of 45mg/l), with sampling point to be installed;*
- b. Tank size in accordance with AS/NZS1547:2012;*
- c. Specify max. flow allowance – 1320l as per CGW report (based on 8 people and water reduction fixtures being installed) or a lesser amount to ensure there is sufficient room for a reserve area – and confirm sufficient disposal and reserve area available (Note: the 1220m<sup>2</sup> in Figure 2, FEL response is not sufficient for the required 880m<sup>2</sup> disposal field and 100% reserve area, so you would either need to decrease the loading/ flow allowance or provide information/ justification from FEL that supports a reduction in reserve area to 38%);*
- d. Location of the discharge field in general accordance with Figure 2 of FEL response – I accept this is indicative only – subject to the min. 20m setback from the stream being met for disposal area and reserve field;*
- e. Requirement for stormwater cut off drains to be confirmed prior to system being installed;*
- f. A visual and/or audible alarm will be installed;*
- g. Maintenance requirements & frequency as per system requirements/ maintenance contract to be entered into, but at least 12 monthly.*

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.

*Addressed.*

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.

*Your response to this question is currently being considered by Council's geotechnical advisor and I will get back to you on these in due course.*

### **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.

*Your response to this question is currently being considered by Council's geotechnical advisor and I will get back to you on these in due course. However, I note that b. i) and ii) have not been provided.*

### **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).

*Addressed.*

The processing of this application will remain on hold until you respond to the Council. It is considered reasonable that you respond to the Council by **26 November 2019** (being 15 working days from the date of this follow up letter) 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.

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 **26 November 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**

RM195191 & RM195192

Section 92 Further information  
request – follow up

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