

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 25 July 2005
TIME: 9.30 am
VENUE: Takaka Fire Station, Motupipi Street, Takaka

PRESENT: Crs E M (O'Regan), N Riley and E J Wilkins

IN ATTENDANCE: Co-Ordinator Resource Consents (R E Lieffering), Subdivision Officer (R D Shirley) and Administration Officer (B D Moore)

1. PARKER FARM TRUST, PITT STREET, PUPONGA, GOLDEN BAY – RM050188

1.1 Description of application

Subdivision Consent

To subdivide an existing 4,047 square metre property into four allotments with areas between 1,000 and 1,047 square metres. The site is zoned Residential under the Proposed Tasman Resource Management Plan (PTRMP). The subdivision proposal is a discretionary activity.

Land Use Consent (Dwellings)

To construct a dwelling within the Coastal Environment Area (CEA) on each of Lots 1, 2, 3, and 4 with each dwelling proposed to be located within 4.5 metres of a road boundary (Pitt Street). According to the PTRMP the construction of each dwelling is a controlled activity within the CEA and a restricted discretionary activity in terms of reduced setback from the road boundary.

Land Use Consent (Earthworks)

To undertake earthworks exceeding 1,000 square metres within the CEA associated with the subdivision development. The proposed earthworks include construction of Pitt Street, cutting through a historic embankment (the Puponga Coal and Gold Mining Company's Third Tramway), and localised filling of low areas on the site. The site is within the Land Disturbance Area 1 of the PTRMP. The earthworks are deemed to be a restricted discretionary activity according to the PTRMP.

The application site is located at the Corner of Seddon and Pitt streets, Puponga, Golden Bay, being legally described as Section 25 Town of Puponga Port, (CT NL 9C/823).

1.2 Presentation of Application

The applicant was represented at the Hearing by Mr N McFadden who tabled and read an introductory submission. He advised that the applicant accepted a submission received on time from B Cashman and it was noted that this had not been served on Council within the required timeframe.

The Chairman, Councillor O'Regan, ruled that this submission was accepted.

Mr McFadden introduced Mr O Thorp who was present at the Hearing, representing the applicant. Mr McFadden said that the applicant noted concerns of submitters and sought leave to amend the development proposal by restricting the height of buildings to a maximum height of 5 metres above the level of Pitt Street and that only the dwellings on Lots 2 and 4 would be located within 4.5 metres of the Pitt Street road boundary.

Neighbours' consents had been sought for the amended plan, although the applicant had still to get the written approval of Messrs Oakley and Powers.

The site is zoned residential under the proposed Tasman Resource Management Plan and although the proposed Lots meet the minimum net area of 1,000 m² for the zone, they do not meet the average net area of 1,200 m² and, therefore, fall for consideration as a discretionary activity. The proposed earthworks are a restricted discretionary activity and within 200 metres of the coastal marine area. The embankment is not protected by the plan nor is it registered by the New Zealand Historic Places Trust.

Mr McFadden said that the applicant would provide ongoing protection to the embankment by way of land covenants.

Pitt Street would be sealed to a width of 4.5 metres with grass swales either side. The buildings will be no higher than 5 metres above Pitt Street. The applicant will comply with Rule 36.1.5 of the proposed plan, for the special domestic wastewater disposal area effluent quality.

The applicant disagreed with the requirement for a \$20,000 maintenance performance bond for the formation of Pitt Street. This requirement was subsequently clarified by Mr Shirley who advised that it would only be \$4,000 in this case.

Planning and resource management consultant, Mrs J Hilson, read a statement of planning evidence. She said that the subject site contains a historical tramway embankment, used by the Pūponga Coal and Gold Mining Company between 1904 and 1943, to haul coal to the Wharf at Port Pūponga. About 40% of the embankment could be removed as of right, within the permitted earthworks rules in the proposed plan but that this would have to occur over a number of years. The applicant has recently been granted a Certificate of Compliance from the Council to create a 6 metre wide cut through the embankment.

Pitt Street is presently unformed and is surfaced with mown grass. Land either side of the embankment is lower lying than the road and parts will need to be raised for building platforms and effluent disposal beds. The evidence addressed the concerns of submitters, actual or potential effects on the environment and the policies and objectives in the plan.

The evidence addressed the proposed conditions of consent recommended in the Subdivision Officer's report. Mrs Hilson suggested a lesser standard of road formation for Pitt Street. A summary of the submissions received was included with this evidence.

Mr J Swanney read a statement of evidence on the engineering aspects of the application particularly about the wastewater management report which he had prepared, outlining the proposed effluent disposal scheme. An earthworks report had been lodged with the application. He recommended using an aerated water treatment plant in conjunction with an evapo-transpiration system on each of the four sites. He spoke about the strict performance criteria required for the special wastewater disposal area and confirmed that the effluent would be tertiary treated using UV light prior to being discharged to land.

1.3 Presentation of Submissions

Mr J Jellyman expressed his opposition to the proposed houses being too close to the road and that there will be destruction of the manuka bush and encroachment onto the tramway embankment. He said that the low lying areas of the site are presently subject to flooding and that the present grass formation of Pitt Street is maintained by the neighbours.

Mr R Wagner sought that Pitt Street be upgraded to recognise the existing number of users and potential additional number of users. He said he would not like to see street lights, footpaths or kerb and channel on Pitt Street and that Council should contribute to upgrading the road.

Mr J Taylor who also spoke on behalf of T C Taylor, sought the protection of the railway embankment. He said that this should be listed in the proposed plan for protection. He said that the proposed development will destroy the value of the site and its special character. He said that mature manuka trees will be destroyed. He was opposed to the upgrading of Pitt Street.

A submission from S and G Tellman was spoken to by Mr J Jellyman and he referred to that submitter's opposition to the proposed subdivision and the closeness of buildings to the road and the potential destruction of native bush and part of the railway embankment.

Mr C Mintrom advised that he withdrew his submission in opposition to the application provided the decision was as per the recommendation and said that the Council should look at future subdivision potential in Golden Bay. He said if the proposed road upgrading work goes ahead that Council should make a contribution also.

1.4 Staff Report

Subdivision Officer, Mr R D Shirley, spoke to his report contained within the agenda which summarised the submissions received and noted that the applicant had provided copies of the amended plan with agreement noted by submitters Rhodes, Oakley and Power. The assessment and evaluation contained within the report covered the topics of permitted baseline, heritage values, setbacks, earth works, effluent disposal and amenity and character.

The issue of colours of buildings was discussed and Mr Shirley provided a suggested approach and condition in the absence of details being provided in the application. He recommended consent subject to the conditions outlined within his report. Mr Shirley suggested that the street be formed to a 5 metre traffic lane with flush concrete nib edge restraints and a 1.4 metre asphalted concrete footpath on the northeast side. Other suggested conditions of consent were contained within the report.

Councillor O'Regan asked staff to comment on the potential success of the proposed effluent disposal system.

Dr Lieffering responded and explained that despite manufacturers' claims, none of the existing commercial available effluent treatment systems can meet the proposed Tasman Resource Management Plan standards in terms of BOD₅ and suspended solids concentrates.

1.5 Right of Reply

Mr McFadden responded on behalf of the applicant. He said he was concerned if Dr Lieffering is required to give evidence at this Hearing and then later assist the Subcommittee in its decision making process.

Mr McFadden said that the proposed condition regarding exterior colours is ultra vires as it needs a third party decision maker approval and that the reflectance value is a concern.

Mr McFadden said that the ponding and drainage problem adjacent to the embankment will change when levelling and drainage work is carried out. He said that in response to the Jellyman submission, that houses are already plainly visible in this location.

The applicant sought that the formation of Pitt Street be carried to a standard that reflects and respects the environment and that a two coat chip seal surfacing is recommended with a 4.5 metre width.

Mr McFadden reminded the Hearing Panel that the present residential zoning of this property has been in at least three of the Council Plans including the Golden Bay, Transitional and TRMP over a period of 20 to 30 years. He said that it was Crown land vested in Landcorp and then had other private owners. Mr McFadden said that this land is no different to any other residential land and that the applicant could carry out a series of subdivisions that does not protect the environment. He said that the manuka trees are not a special separate species and are not afforded any protection in the TRMP. A minimal disturbance to the existing vegetation is proposed.

Mr McFadden suggested that the condition relating to the tramway embankment read that the horizontal top surface is not to be damaged or destroyed.

The Subcommittee reserved its decision at 2.45 pm.

Moved Crs Wilkins / Riley
EP05/07/17

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

Parker Farm Trust

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
Parker Farm Trust	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs O'Regan / Riley
EP05/07/18

THAT for the purposes of discussing the application of Parker Farm Trust as an "In Committee" item, the Co-Ordinator Resource Consents be authorised to be in attendance as advisor.

CARRIED

Moved Crs Riley / O'Regan
EP05/07/19

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. PARKER FARM TRUST, PITT STREET, PUPONGA, GOLDEN BAY – RM050188

DECISION – RM050188 SUBDIVISION CONSENT and LAND USE (EARTHWORKS):

Moved Crs Riley / O'Regan
EP05/07/20

THAT pursuant to Sections 104 and 104B of the Resource Management Act 1991, the Council **GRANTS** consent to Parker Farm Trust to subdivide Section 25 Town of Puponga Port, Certificate of Title NL 9C/823, into three allotments and to undertake earthworks associated with the subdivision development. These consents are granted subject to the following conditions:

Amended Plan

1. The subdivision development shall be undertaken in general accordance with the information submitted with the application for consent. Notwithstanding the above, this consent only authorises the creation of three allotments and the scheme plan shall be amended accordingly to show only three allotments of approximately equal size. The numbering of the three new allotments shall be Lot 1 (being on the corner of Seddon and Pitt streets), Lot 2 (being immediately adjacent and to the north of Lot 1), and Lot 3 (being on the corner of Pitt Street and Ward Place). The amended scheme plan shall also show two proposed house sites on the western side of the railway embankment on Lots 1 and 3 and a house site on the eastern side of the railway embankment for Lot 2. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of consent shall prevail.

Advice Note:

The subdivision, as applied for, was to create four allotments, however this consent only authorises the creation of three allotments. Street numbering for each allotment will be decided on at the time the survey plan is approved pursuant to Section 223 of the Resource Management Act 1991.

Pitt Street Upgrade

2. The consent holder shall upgrade Pitt Street so that it is designed and constructed to comply with the following conditions and also to comply with the streetworks standards of the Council's Engineering Standards 2004:
 - a) The construction of Pitt Street shall extend from the edge of the existing carriageway of Seddon Street to the north-west boundary of Lot 3 (this being the corner of Pitt Street and Ward Place) and shall also include the turning bay required to be constructed in accordance with Condition 2(h) below;
 - b) The centre of the constructed road shall be located along the centreline of the road reserve;
 - c) The road shall be sealed to a width of not less than 5 metres and consist of two traffic lanes, each of equal width. For the purposes of this condition, "sealed" shall mean a two coat chip seal;
 - d) The edges of the road carriageway shall be constructed with flush concrete nib edge restraints;
 - e) A berm shall be designed and constructed on both sides of Pitt Street to provide a smooth, graded and grassed surface, with swales for stormwater drainage control and dispersal;

Advice Note:

There is no requirement to construct a formal footpath adjacent to Pitt Street in recognition of the fact that Puponga has no other formal footpaths. Pedestrian access will be available over the formed berm. Therefore, its construction for its full width (5-6 metres) to provide a smooth, graded and grassed surface is important.

- f) Vehicle crossings shall be constructed to service Lots 1, 2 and 3 off Pitt Street. The vehicle crossings shall be either sealed or constructed using porous blocks. The vehicle crossings shall be constructed in general accordance with the design shown on Appendix 1 (attached) and the sealed (or blocked) area shall extend at least 5 metres into property boundary of each allotment;
- g) Vehicle crossings shall be constructed to service Lot 1 DP 17880 (currently owned by J R Taylor) and Lot 2 DP 17880 (currently owned by M E Halliwell), both located on the western side of Pitt Street opposite this subdivision. The vehicle crossings shall be either sealed or constructed using porous blocks. The vehicle crossing shall be constructed in general accordance with the design shown on Appendix 2 (attached) and the sealed (or blocked) area shall extend to at least the property boundary of these two allotments;
- h) The consent holder shall submit to the Council's Engineering Manager for approval, a design for a sealed turning head at the intersection of Ward Place and Pitt Street. The sealed turning head design shall incorporate provision for vehicles to exit into Ward Place. The turning head shall be constructed in accordance with the approved plans;
- i) The road shall be designed and constructed to protect, as far as is practical, the existing stands of bush located on the road reserve.
- j) The consent holder shall submit to the Council's Engineering Manager for approval, a design for the intersection of Pitt Street and Seddon Street. This design shall incorporate the continuation and extension of the swales required by Condition 2(e) above and have sight distances of at least 125 metres in both directions along Seddon Street. The intersection shall be constructed in accordance with the approved plans.

Prior to undertaking any works, engineering plans addressing Condition 2(a) to (j) above as well as the proposed stormwater control and disposal associated with Pitt Street, shall be submitted to Council's Engineering Manager for approval. The engineering plans shall be prepared in accordance with Council's Engineering Standards 2004 and all works shall be undertaken in accordance with the approved plans.

Earthworks

3. The proposed new cutting through the railway embankment to provide access to the dwelling of Lot 2 shall be designed and constructed to provide a 5.0 metre wide cutting, measured at its base, suitable for vehicle access to the rear of the site. This cutting shall be either retained or battered at an angle at least 1V:1.5H and shall be designed by a suitably qualified and experienced chartered professional engineer. The location of the cutting shall be such that the top part of the cutting is located entirely within Lot 2.

Advice Note:

The consent holder has previously applied for, and been granted, a Certificate of Compliance to construct a cutting through the railway embankment, however due to the reconfiguration of the subdivision (i.e. from 4 to 3 allotments), the location of this cutting will need to be moved further to the north to provide vehicle access to the house site for Lot 2.

4. Apart from the earthworks authorised by Condition 3 above, the top surface of the railway embankment shall not be damaged or destroyed by any earthworks associated with the development of the subdivision.
5. The low-lying areas either side of the railway embankment shall be filled as necessary for the purpose of providing stable, flood-free building sites and an area to accommodate the on-site domestic wastewater treatment and disposal systems. Finished ground levels of each allotment shall be at least 50 millimetres above the finished crown level of Pitt Street opposite the site, with a continuous fall towards the street for that part of the site located on the western side of the railway embankment.
6. The minimum ground level of the building site on each allotment shall be not less than 3.90 metres above mean sea level.
7. If any filling obstructs the natural stormwater run-off from an adjoining property then provision shall be made for the drainage of that property.
8. All areas to be filled shall be designed, supervised and certified by a suitably qualified and experienced chartered professional engineer having specific regard to the letter report entitled "Earthworks – Proposed Subdivision, Pitt Street, Puponga" by Swanney Geotechnical and Civil Engineering (dated 28 January 2005) provided with the application. The certification shall include the identification of a site on each allotment that is suitable for the erection of a residential building and that on the building site the fill has been placed and compacted in accordance with NZS 4431:1989.
9. All earthworks shall be undertaken under the supervision of the design engineer, who shall, on completion of the works, provide a certificate to the Council confirming that all works are satisfactorily complied with.
10. Prior to undertaking any earthworks, engineering plans shall prepared by a suitably qualified and experienced chartered professional engineer in accordance with Council's Engineering Standards 2004 and these shall be submitted to the Council's Engineering Manager for approval. The earthworks design shall have particular regard to the letter report entitled "Earthworks – Proposed Subdivision, Pitt Street, Puponga" by Swanney Geotechnical and Civil Engineering (dated 28 January 2005), provided with the application, to ensure that the effects of the earthworks are minimised and do not compromise the stability of the railway embankment.

Power and Telephone

11. Live telephone and electric power connections shall be provided to the boundary of Lots 1, 2 and 3 and all wiring and connections shall be located underground and be to the standard required by the supply authority. Confirmation that these requirements have been met shall be provided by way of a statement from the supply authority and a copy of the supplier's certificate of compliance shall be provided to the Council prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.

12. The consent holder shall pay a financial contribution (for reserves and community services) to the Council. The amount of the financial contribution payable shall be 5.5% of the total market value (at the time the subdivision is granted) of two allotments. The consent holder shall engage the services of a registered valuer to undertake this assessment and a copy of the valuations shall be forwarded to the Council for calculation of the financial contribution. If the financial contribution payment is not made within two years of the date of granting of this consent, the consent holder shall prepare a revised valuation and the financial contribution shall be recalculated.

Advice Note:

The consent holder is advised that the Council will require the payment of a development contribution prior to the issue of a completion certificate, issued pursuant to Section 224(c) of the Resource Management Act 1991. The development contribution that is payable is as is set out in the Development Contributions Policy, prepared pursuant to the Local Government Act 2002. The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP). The consent holder is advised that the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading only and will be based on the creation of 2 additional allotments. The Management Team responsible for determining the amount payable for these development contributions should take into account the fact that the consent holder has undertaken significant off-site works associated with the upgrade of Pitt Street which will benefit not only the subdivision but also other ratepayers.

13. Easements shall be created over any services located outside the boundaries of the allotments that they serve as easements-in-gross to the Tasman District Council for Council reticulated services or appurtenant to the appropriate allotment. This shall also include easements-in-gross for the stormwater secondary flow paths, where required.
14. The consent holder shall provide the Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be a maximum of \$3,000, or a lesser figure if agreed to by the Council's Engineering Manager. The bond shall apply for a period of two years from the date of issue of completion certificate issued for the subdivision pursuant to Section 224(c) of the Resource Management Act 1991.
15. The following consent notices shall be registered on the titles of Lots 1, 2 and 3 pursuant to Section 221 of the Resource Management Act 1991:
 - a) Treatment of domestic wastewater shall be by way of a treatment system that incorporates ultra violet (UV) light disinfection, with the wastewater being treated to a tertiary standard prior to being discharged to land. Tertiary treatment is defined as meeting the following standards:
 - 5-day biochemical oxygen demand (BOD₅) shall be less than 20 milligrams per litre;
 - Total suspended solids shall be less than 30 milligrams per litre; and
 - Total faecal coliforms shall be less than 100 colony forming units (cfu) per 100 millilitres.

The type of wastewater treatment system selected shall take into account the likely occupancy patterns of the property (e.g. holiday versus permanent occupancy). The treated wastewater shall be discharged to land either by way of pressure compensating drippers to a specifically designed and constructed disposal area or by way of an evapotranspiration-seepage (ETS) disposal system. The on-site wastewater treatment and disposal system be designed, supervised and certified by a chartered professional engineer.

- b) An on-site water storage tank that has a capacity of not less than 23,000 litres shall be provided and used for potable water supply for the dwelling. This tank shall be fitted with an accessible 50 millimetre diameter "Camlock" coupling to enable connection with fire fighting equipment.
- c) No part of any dwelling built on the property shall be higher than 8.9 metres above mean sea level.
- d) The materials, landscaping and colour of any dwelling built on the property shall be designed and constructed having regard to the amenity and natural character of the locality and the effects on natural features, landscape and seascape values, significant natural values and the nature of the existing development. The building consent application for the dwelling shall be accompanied by a report prepared by a suitably qualified and experienced landscape or urban designer certifying that the above matters have been incorporated into the design of the dwelling.
- e) Any dwelling constructed on the property shall meet all the conditions of land use consent RM050188 which has already been granted by the Council.
- f) The top surface of the railway embankment shall not be damaged or destroyed.

Note:

The above requirement provides for house foundations to be cut into the railway embankment, or in the case of pole foundations to penetrate into the embankment, without intruding onto or destroying the top surface of the embankment.

The consent notices shall be prepared by the consent holder's solicitor and submitted to Council for signing and approval. All costs associated with approval and registration of the consent notices shall be paid by the consent holder.

DECISION – RM050188 LAND USE (DWELLINGS):

THAT pursuant to Sections 104, 104A, and 104B of the Resource Management Act 1991, the Council **GRANTS** consent to Parker Farm Trust to construct a single dwelling on each of proposed Lots 1, 2, and 3 of a subdivision of Section 25 Town of Puponga Port, Certificate of Title NL 9C/823. This consent is granted subject to the following conditions:

1. The date of commencement of the land use consent for the construction of dwellings on Lots 1, 2, and 3 shall be the date the survey plan for the subdivision is deposited.
2. Each dwelling constructed on Lots 1, 2, and 3 shall comply with all the conditions specified in Appendix 3 (attached).

3. The dwellings constructed on Lots 1 and 3 shall be located at least 2.0 metres from the legal road boundary of Pitt Street.
4. No part of the dwelling shall be higher than 8.9 metres above mean sea level.
5. The materials, landscaping and colour of the dwelling shall be designed and constructed having regard to the amenity and natural character of the locality and the effects on natural features, landscape and seascape values, significant natural values and the nature of the existing development. The building consent application for the dwelling shall be accompanied by a report prepared by a suitably qualified and experienced landscape or urban designer certifying that the above matters have been incorporated into the design of the dwelling.
6. An on-site water storage tank that has a capacity of not less than 23,000 litres shall be provided and used for potable water supply for the dwelling. This tank shall be fitted with an accessible 50 millimetre diameter "Camlock" coupling to enable connection with fire fighting equipment.

Advice Note:

Matters relating to on-site domestic wastewater treatment and disposal, and building design are also imposed as consent notices on the subdivision. This will provide a greater transparency and certainty of outcome.

REASONS FOR THE DECISIONS:

The land is zoned Residential under the PTRMP. This proposal, as applied for, is to create four allotments and would meet the minimum net area requirement but the average net area of the allotments would be 1,012 square metres and therefore the activity is deemed to be a discretionary activity pursuant to Rule 16.3.4 of the PTRMP. Schedule 16.3A of the PTRMP sets out the matters the Committee has had regard to in assessing this subdivision application.

The application has been considered subject to Part 2 (i.e. the purpose and principles of sustainable management of natural and physical resources) of the Resource Management Act 1991 (RMA), and Section 104 of the RMA.

The committee considered that, given the proximity of the property to Golden Bay and Pūponga Inlet, that the successful long term disposal of domestic wastewater was a crucial factor in determining appropriate allotment sizes. The Committee notes that around 40% of the property is occupied by a historic railway embankment which should be afforded some protection in terms of development of each allotment. What this means is that of each 1,000 square metre site proposed, around 400 square metres is occupied by the embankment, leaving only 600 square metres available (300 square metres on either side of the embankment) for construction of a dwelling (and associated buildings) and area for wastewater disposal.

The report and evidence presented by Mr Swanney for the applicant suggested that there would be “*ample room to accommodate the proposed disposal field (with adequate reserve area) within the set clearance distances from neighbouring properties.....*”. No specific calculations or disposal area layout were presented to show that sufficient area was available on the proposed allotments. Based on previous experience and other consent applications for similar treatment and disposal systems, the Committee considers that the sizes of the allotments should be larger to ensure that there is sufficient area available for the successful long term disposal of wastewater on-site, including provision for a reserve area should this be required to be used in the longer term. Consequently, it is the Committee’s decision that three allotments of approximately equal size should be authorised instead of the four allotments applied for. The three allotments would be approximately 1,350 square metres in area and as such there would be around 430 square metres of land available for the disposal of the domestic wastewater generated on-site. This increased area is considered necessary to ensure wastewater can continue to be disposed of on each allotment in the long term.

The Committee notes that the applicant has volunteered a number of conditions of consent to address the concerns of submitters and also to mitigate the effects on the environment associated with this subdivision development. These volunteered conditions include:

- a building height restriction of 5 metres, measured relative to the finished crown of Pitt Street. However, the Committee felt that it to be more accurate to specify a maximum height of 5 metres above the building platform, meaning that no dwelling should be higher than 8.9 metres above mean sea level;
- the treatment of the domestic wastewater generated on-site to a tertiary standard to comply with the permitted activity rule for discharges in the Special Domestic Wastewater Disposal Area of the PTRMP; and
- a condition which prohibits the alteration of the top of the historic railway embankment (apart from a cut through the embankment to provide access to Lot 2).

The Committee spent considerable time deliberating on the timing of the earthworks associated with the subdivision development and considered that all filling and construction of suitable building platforms should occur prior to issuing a completion certificate for the subdivision. The Committee considered that having each individual owner undertaking separate earthworks after purchasing their allotment could lead to problems in terms of stormwater management and ensuring that all works are completed to the same standard.

The Committee has also imposed a significant off-site works component on the subdivision consent associated with the upgrade of Pitt Street and also providing constructed accesses to two other users of Pitt Street. In addition to benefiting the applicant, these works also benefit other ratepayers and as such the Committee recommends that the Council’s Management Team (who are responsible for determining the development contributions payable for such developments) take this into account when calculating the development contributions required to be paid for roading.

The Committee appreciates the concerns of submitters with regard to the presence of the historic railway embankment on the subject land, however the Committee notes that the land is zoned “residential” and has been so through a series of planning processes. It is therefore reasonable to expect that the land can be used for residential purposes and although there is no formal protection mechanism for the railway embankment provided for in the PTRMP, nor by the Historic Place Trust, the Committee notes that it has only been able to impose a condition preserving at least part of the embankment due to the applicant volunteering such protection. Through issuing this consent, the Council is able to afford the embankment some protection which it would otherwise not have.

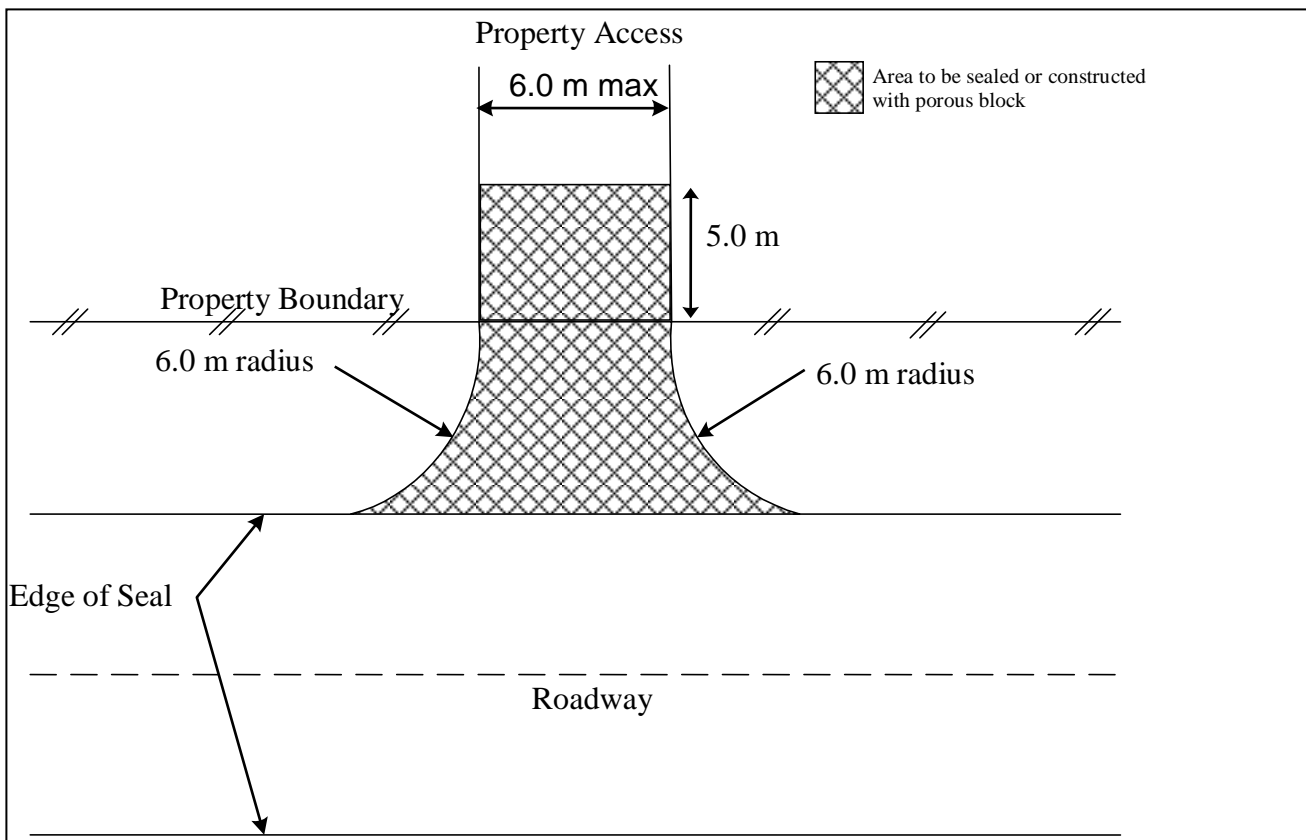
The Committee considers that granting these consents would not adversely affect the natural amenity of the locality. The Committee considered that this subdivision would not be contrary to the relevant objectives and policies of the PTRMP.

The Committee considered that the policies and objectives of the PTRMP, when taken as a whole, may be interpreted as “providing for” residential subdivision in this area. The Committee also notes that the written approval of the immediate neighbours were provided with the application, including the amended subdivision plan and layout, and as such the effects of this subdivision on those persons must not be taken into account pursuant to Section 104(3)(b) of the RMA.

In summary, the Committee considered that the applications were consistent with the purpose and principles of Part 2 of the Resource Management Act and the policies and objectives of the PTRMP and the Regional Policy Statement. It was considered that the creation of three residential allotments in this area would be appropriate.

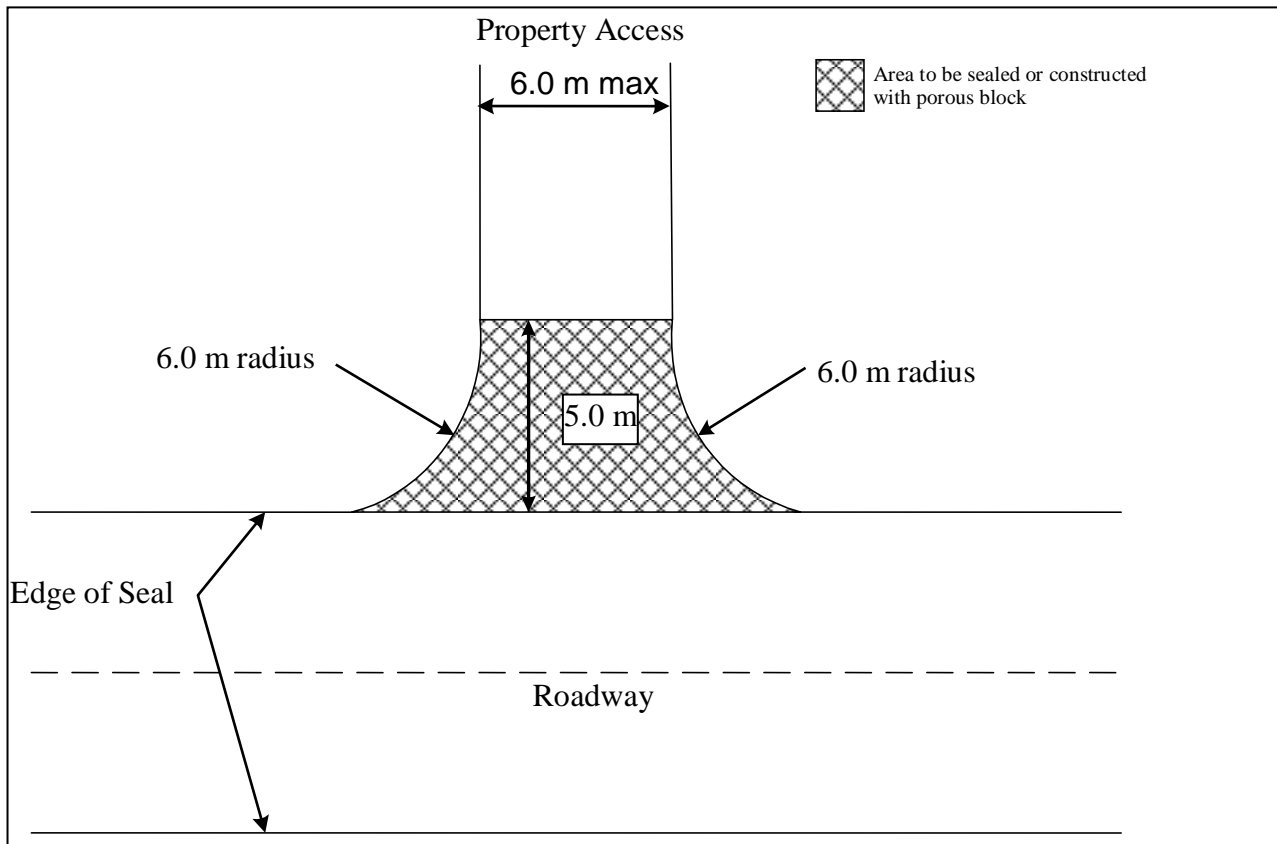
Appendix 1:

Vehicle Crossing Design for Accesses to Lots 1, 2, and 3 off Pitt Street



Appendix 2:

Vehicle Crossing Design for Accesses to Lot 1 DP 17880 (currently owned by J R Taylor) and Lot 2 DP 17880 (currently owned by M E Halliwell), both located on the western side of Pitt Street opposite this subdivision.



Appendix 3

Building Coverage

Maximum building coverage is 33 percent, provided the maximum building coverage is reduced by 18 square metres if a garage is not provided on site.

Maximum Dwellings per Site

There shall be no more than one dwelling per allotment.

Outdoor Living Space

Each dwelling shall have an area of outdoor living space for the exclusive use of the occupants of that dwelling which:

- i) has a minimum area of 60 square metres;
- ii) contains a circle with a diameter of at least six metres;
- iii) is located to receive sunshine in midwinter; and
- iv) is readily accessible from a living area of the dwelling.

Balcony

Where a dwelling does not have outdoor living space at ground level, it is provided with a balcony at first floor level of at least seven square metres and 1.5 metres minimum dimension, directly accessible from a living area.

Balconies with a finished floor level above two metres high are no closer than four metres from side or internal boundaries.

Building Envelope – Daylight Over and Around

No dwelling shall project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries. The angle to be used is to be determined using the diagram in shown in Schedule 17.1A of the Proposed Tasman Resource Management Plan.

Where a single gable end with a base (excluding eaves) of 7.5 metres or less faces a boundary, and a daylight admission line strikes no lower than halfway between the eaves and the ridgeline, the gable end may penetrate the building envelope.

Setbacks

All dwellings shall be set back at least 1.5 metres from the internal boundaries on one side and at least 3 metres from all other internal boundaries (side and rear).

All dwellings shall be set back at least 1 metre from any access located within the site if the access serves another site or dwelling.

CARRIED

Confirmed:

Chair: