

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Friday, 20 January 2006
TIME: 9.30 am
VENUE: Motueka Service Centre, 7 Hickmott Place, Motueka

PRESENT: Crs E M O'Regan (Chair), S G Bryant and E J Wilkins

IN ATTENDANCE: Manager Consents (J Hodson), Consent Planner, (M D Morris),
Administration Officer (B D Moore)

1. P C SMITH, D R AND C M KRAMMER & PARKERFIELD TRUST, MOTUEKA VALLEY WEST BANK ROAD - APPLICATION No. RM050539, RM050546

1.1 Proposal

RM050539: Subdivision The application seeks to subdivide three existing titles into seven allotments, with proposed Lots 3 and 4 being held together so that a total of six titles will be created. The proposed allotments would be Lot 1 of 1.9 hectares (containing an existing dwelling), Lot 2 of 3.4 hectares, Lot 3 of 9.6 hectares being held together with Lot 4 of 4.4 hectares, Lot 5 of 3.2 hectares (containing an existing dwelling), Lot 6 of 9.0 hectares (containing an existing dwelling) and Lot 7 of 10.4 hectares.

RM050546: Land Use The application seeks to undertake earthworks associated with the construction of building sites and an access road. The earthworks involve creating building sites on proposed Lots 2 and 7 and these works will involve average cuts (batter slopes) not exceeding 2 metres in height and the area of the earthworks will be less than 300 square metres on each of the allotments. The earthworks associated with the construction of an access road to the existing dwelling on proposed Lot 6 will involve average cuts of less than 2 metres.

The application site is located at Motueka Valley West Bank Road, being legally described as Lot 1 DP 9045, Lots 1, 2 & 3 DP 13703.

1.2 Presentation of Application

Mr N A McFadden, Counsel for the applicant, introduced the application. He spoke about the large areas of mature native bush either currently protected or proposed to be protected by QEII covenant. The submission claimed that the land was not high productive value and that the topography and soil type precludes any realistic use for productive purposes as envisaged by the plan.

Mr McFadden discussed the most relevant objectives and policies relating to the application including site amenity effects, rural environment effects, significant natural land and cultural heritage, land transport effects and the discharge to land. He advised that the owner of Lot 3, Mr Krammer, would volunteer a condition of consent regarding colour of buildings and other means of ensuring a natural effect. Mr McFadden said that a total of six effective allotments in positions on the site where because of the retention of the natural vegetation and its increase over time through QEII covenant, will have no effect on the rural amenity. He said it will protect, maintain and enhance that vegetation and habitat it creates, in accordance with the principles of sustainable management. Mr McFadden said the visibility of the access at Motueka Westbank Road is excellent and did not agree with Council officers for the need to upgrade that access.

Mr McFadden disagreed with Council officers claims that grant of consent to the application would provide a precedent or cumulative effect. The applicant was largely in agreement with the proposed conditions of consent except for that relating to the access road.

Mr D R Smythe, Planner and Registered Surveyor, tabled and read a statement of evidence on planning aspects of the application. He spoke about the formation and ownership of the access to the land and although this access meets Westbank Road at an acute angle, visibility is excellent. He addressed the matters within the staff report including the effects on the environment, traffic, precedent, cumulative effect and the relevance to the Tasman Resource Management Plan.

1.3 Submissions

No submitters were present at the hearing and Ms Hodson read letters received from P G Chant and R E Kiddle. Mr Smythe left the hearing at 10.45 am. Mr McFadden responded to questions from the hearing panel.

1.4 Staff Report

Consent Planner Subdivision, Mr M Morris, spoke to his report of 20 December 2005 contained within the agenda and outlined his main areas of concern. He spent some time explaining his concerns regarding the protection of rural productive land issues and the provision of opportunities for rural residential development. Mr Morris also explained his concerns regarding the potential effects on rural character, intensity and amenity. He explained the potential cumulative effect of the proposed subdivision and sought that if consent is granted that the access be upgraded and building sites be restricted to the proposed designated sites. Mr Morris then responded to the questions of the hearing panel.

1.5 Right of Reply

Mr McFadden advised that a fax message had been received from the QEII Trust to confirm acceptance of the proposed covenanted area. Mr McFadden said that provision can be made out of zone in certain restrictive situations for subdivision. He said the cumulative effect is only something that will happen over time and only a grant of consent may cause a cumulative effect. He said that the proposed activity is appropriate in the Rural 2 Zone and the purpose of this hearing is to consider this discretion.

The applicant volunteered the use of a stop sign at the intersection of Motueka Valley Highway. He repeated that there was no need for a road upgrade or a change of the angle of approach of that intersection. He said that building sites of 30 metre radius could have their location fixed by consent notice. He said that the construction of buildings on Lot 4 would be restricted as this is held together with Lot 3 so only one residential building would be allowed. He said a further restriction could be applied by consent so that there would be no residential building on Lot 4. Mr McFadden said that the staff report should be made to address specific matters and not be generic.

The hearing panel reserved its decision at 11.55 am.

After the site inspection, the Committee requested further information concerning the right-of-way entrance and what could be done to meet Council requirements.

Subsequently, an amended plan was received. A positive recommendation from Engineering staff was received on 9 March 2006.

The Committee met at Richmond for the final deliberation on Friday, 17 March 2006 at 3.00 pm.

Moved Crs O'Regan / Wilkins EP06/01/01

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

P C Smith, D R and C M Krammer & Parkerfield 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
P C Smith, D R and C M Krammer & Parkerfield Trust	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Bryant / Wilkins
EP06/01/02**

THAT for the purposes of discussing the application of P C Smith, D R and C M Krammer & Parkerfield Trust as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs O'Regan / Bryant
EP06/01/03**

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. P C SMITH, D R AND C M KRAMMER & PARKERFIELD TRUST, MOTUEKA
VALLEY WEST BANK ROAD - APPLICATION No. RM050539, RM050546**

**Moved Crs Bryant / Wilkins
EP06/01/04**

THAT pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council GRANTS consent to subdivide Lot 1 DP 9045, Lots 1, 2 and 3 DP 13703, CTs 8C/357, 8C/358 and NL 4C/289 into six allotments subject to the following conditions.

The reasons are stated below.

CONDITIONS - SUBDIVISION RM050539:

1. Amalgamation Condition

"That Lots 3 and 4 hereon be amalgamated and one certificate of title issue"

DLR reference to be advised.

- 2. 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 a notional building site of a 2,500 square metres on each of three 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 three additional allotments.

3. The right-of-way serving the lots shall be formed and with a minimum legal width of 6 metres and a minimum formation width of 4.5 metres, together with water tables for storm water drainage. The formation shall be a metalled all-weather surface (except for the first 10 metres which shall be sealed) with watertables to deal with stormwater. The maximum gradient of the right-of-way shall 1:6.

The right-of-way entrance on to Motueka River West Bank Road shall be upgraded and shall include the following

- i) The access shall be formed and sealed in accordance with the attached entrance design (Attachment 1) The access crossing shall intersect the West Bank road at a 90 degree angle .
- iii) The first six metres of the access in from the road formation shall be more or less level with the road formation.

Notes:

The amended plan provided by the applicant (attached) is accepted in principle but the Engineering Plans must be submitted and approved as per Condition 4.

The consent holder must comply with the permitted activity rules and conditions for earthworks in Land Disturbance Area 1 for the upgrade of the entranceway.

4. Prior to the commencement of works, engineering plans shall be submitted for approval by the Councils Engineering Manager, detailing all proposed earthworks, the access and right-of-way works, including the sight distances and the works required in condition 3.
5. Live telephone and electric power connections shall be provided to the building site of each new allotment 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.
6. Certification of each proposed building site shall be provided by a Chartered Professional Engineer in accordance with TDC Engineering standards Section 11 Appendix B and certification that all engineering works have been completed in accordance with TDC Engineering Standards or to the satisfaction of the Council's Engineering Manager.
7. The proposed building site as shown on Lots 2, 3 and 7 shall be shown on the survey plan as a 30m diameter circle.
8. Consent notices on the proposed titles including the following:
 - a) All buildings on Lot 2 and 3 and 7 shall be restricted to the Building site areas marked "X, Y and Z on the Title Plan .

- b) Treatment of domestic wastewater on Lots 2, 3 and 7 shall be by way of a treatment system that incorporates 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 30 milligrams per litre;
 - Total suspended solids shall be less than 45 milligrams per litre; and

The treated wastewater shall be discharged to land by way of pressure compensating drippers to a specifically designed and constructed disposal area.

- c) Rainwater from the roofs of buildings built on each of Lots 2, 3 and 7 shall be collected and stored in on-site water storage tank(s) that has total capacity of not less than 35,000 litres. A tank on each site shall be fitted with an accessible 50 millimetre diameter "Camlock" coupling to enable connection with fire fighting equipment.
- d) No buildings shall be erected on Lot 4.
- e) Height of any dwelling shall be no higher than 5.5 metres above natural ground level.
9. Easements shall be provided for all services located outside the allotments that they serve.
10. All works and engineering plan details are to be in accordance with Tasman District Engineering Standards 2004 or to the satisfaction of the Tasman District Engineering Manager.
11. The applicant's solicitor shall provide a written undertaking that the varied QEII covenant areas will be registered on the new titles.

DECISION: LAND DISTURBANCE RM 050546:

1. The land disturbance shall be carried out in general accordance with the application and plans submitted by Selwyn Light Surveyors Ltd and the applicant dated 23 June 2005, and further information submitted by Selwyn Light Surveyors Ltd dated 22 September 2005.
2. No earthworks or removal of native vegetation shall occur on proposed Lot 7 until written confirmation has been provided to Council that the QEII Covenant has been varied such that development may take place.
3. The earthworks shall be carried out during fine weather periods and the consent holder shall take all practical measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during the construction period, and thereafter.
4. Sediment controls shall be implemented and maintained in effective operational order at all times during the works.

5. All exposed ground shall be reinstated as soon as is practicable or at least within 12 months of the completion of works so that erosion/downhill movement of soil is limited as much as is practical. If a vegetated cover (such as standard rye grass/clover mix) is to be used to achieve this, compliance with this condition is considered to be when 100% vegetative cover has been established.
6. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:
 - a) deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the RMA.

NOTATIONS

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. Access by the Council's officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
4. Pursuant to Section 127 of the Resource Management Act 1991, the consent holder may apply to the consent authority for the change or cancellation of any condition of this consent.
5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

REASONS FOR THE DECISION – SUBDIVISION AND LAND DISTURBANCE:

The land is zoned Rural 2 under the Proposed Tasman Resource Management Plan. The subdivision is a discretionary activity under rule 16.3.9 of the Proposed Tasman Resource Management Plan in that the proposed lots are less than the 50 hectares required under rule 16.3.8(b) for a controlled activity subdivision in the Rural 2 zone. Schedule 16.3A of the Proposed Plan sets out the matters the Council will have regard to in assessing the application.

The Committee is aware that there is one reference pertaining to the subdivision rules and policies and objectives particularly relating to the Rural 1 zone. It is not considered that this reference could have the effect of altering the relevant rule or zoning of this land and therefore the provisions of the Transitional Plan are not considered to be relevant and all the weight will be placed on the policies and objectives of the Proposed Plan.

The application has been considered subject to Part 2 of the Act i.e. the purpose and principles of sustainable management of natural and physical resources, and Section 104 which requires the Committee to have regard to:

- a) any actual and potential effects on the environment of allowing the activity
- b) the relevant provisions of:
 - Regional Policy Statement
 - Plan or Proposed Plan
 - Any other matter considered relevant and reasonably necessary to determine the application.

The applicant explained that the land had very low productive value and this was confirmed by Council's Resource Scientist (Land). The native bush on the land is protected under a Queen Elizabeth II Trust covenant. The Trust has agreed to vary the covenant to provide for the building site on Lot 7. Confirmation of this arrangement is required as a condition of consent.

The proposed subdivision is in a rural area which includes forestry, regenerating native vegetation, grazing pastures, various agricultural uses and houses. The three existing houses on the land are not highly visible.

The Committee noted that three submissions were received. One in support and two in opposition. The issues raised by the submissions included:

- The loss of rural amenity associated with increased noise from cars and people associated with the three additional dwellings
- Need to retain the native bush and special qualities of the area which are close to town and provide a quiet peaceful sanctuary
- Possible reverse sensitivity effects between people carrying out rural activities which are not acceptable in closer kinds of settlements.
- Approval of subdivision would create a precedent for further subdivision. The proposal seems inappropriate and inconsistent with Council's planning documents.

Generally speaking, the Committee is concerned about the subdivision of rural land. The Plan policies seek to avoid the effects of fragmentation on all productive land which includes Rural 2 land. In this case the Committee was satisfied that the land had very low, productive value and the subdivision would not lead to any significant loss of land of productive value.

The Committee noted that the existing vehicle access serving the three existing dwellings on the land would need only relatively minor upgrading and therefore the amount of earthworks associated with the provision of vehicle access was limited and this was an advantage to the proposal.

The Committee considered that the existing dwellings were not highly visible as they were sited within the bush areas. The bush itself is protected by an existing QEII covenant and therefore the concerns of the submitter in relation to the loss of bush are not considered to be significant. The covenant is to be varied but again this is not significant in terms of the protection of the native bush.

The Committee noted that the proposed building sites were at a fairly high elevation and that the effects on rural character and amenity needed to be mitigated by the conditions of consent. It was considered that the future houses should be limited to the proposed building sites to ensure a good level of privacy and amenity is maintained between the dwellings and also limited in height to ensure they do not appear dominant on the skyline. It was noted that the nearest adjoining house (belonging to a submitter) was about 250 metres away and it was considered that the effects on the rural amenity of this property would be no more than minor.

The Committee was concerned initially about the layout of the existing vehicle entrance onto Motueka West Bank Road which was considered to be inappropriate for the additional users as it is was at an oblique angle to the road and was too steep at that point. However the applicants have offered an amended plan for the upgrading of this entrance and this is acceptable as it achieves a good degree of compliance with Council's engineering standards.

The Committee was satisfied that in this application there was an unusual set of circumstances which separated it from the generality of Rural 2 land and therefore that granting consent would not send a signal to the public that the subdivision of rural land for non-rural related activities was acceptable. The effects of the subdivision were considered to be relatively minor.

The Committee was satisfied that issues such as domestic wastewater disposal and other servicing issues could be adequately dealt with through the imposition of conditions.

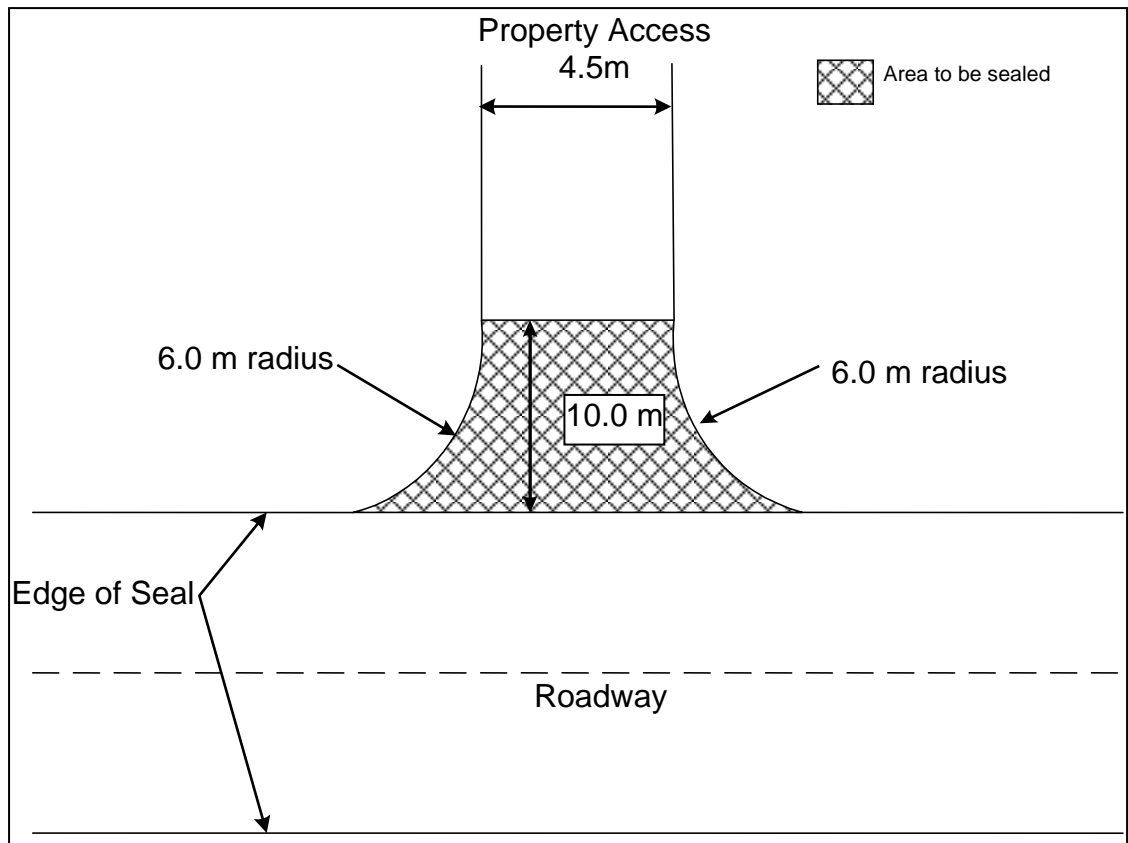
In addition the Committee was satisfied that the land disturbance associated with the construction of additional access and building platform construction would be minor and the conditions of that consent would minimise any potential adverse effects such as scouring and erosion and soil run-off. There are no water courses running through the area of proposed earthworks and the exposed areas will be revegetated within twelve months to ensure stability and minimising visual effects. No disturbance of native vegetation on Lot 7 is permitted until the QEII covenant is varied. The additional earthworks associated with the upgrade of the vehicle access to not require a land use consent as it is within the Land Disturbance 1 area, provided the appropriate practices are implemented to meet the standards for permitted activities.

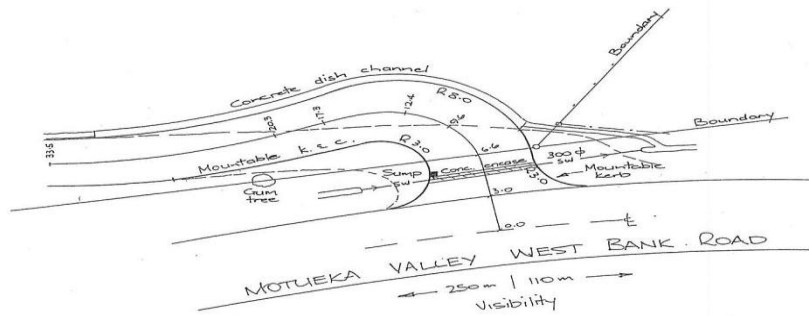
Date Confirmed:

Chair:

Appendix 1

Vehicle Crossing Design for Right of Way Access



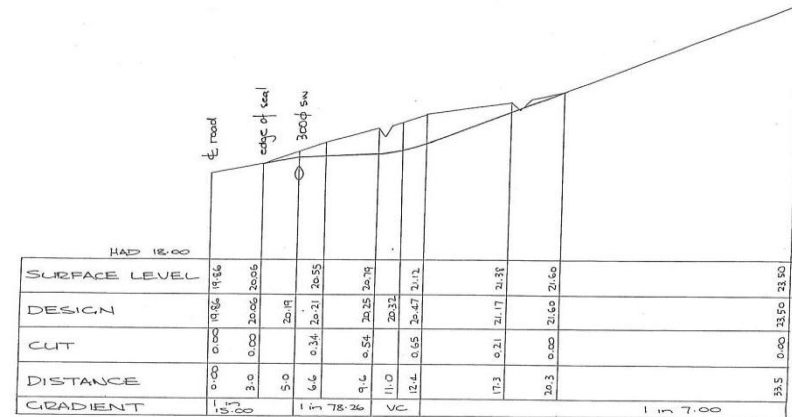


PLAN
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PROPOSED ENTRY MODIFICATION
SMITH KRAMMER PARKERFIELD SUBDN

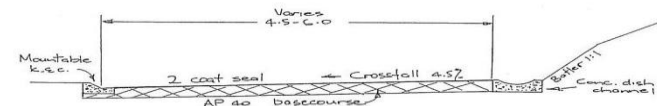
RM050539

Prepared by Selwyn Light Surveyors Ltd - Jan. 2006



LONGITUDINAL SECTION

Scales: H 1:200
V 1:50



TYPICAL CROSS SECTION
Scale: 1:50

