

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 24 September 2007
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

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

IN ATTENDANCE: Principal Consents Planner (R Askew), Co-Ordinator Subdivision Consents (M D Morris), Development Engineer (D Ley), Consent Planner (R Squire), Administration Officer (B D Moore)

1. APPLICATION NO. RM070169, RM070170 - I F AND N D KEARNEY AND ST LEGER GROUP LTD, CHAMPION ROAD, RICHMOND

1.1 Proposal

The application is for the following consents:

- **RM070169**
Subdivision consent to subdivide an two existing titles of 2.0863 hectares (being CT NL 111/234 and CT 8178) to create the following:
 - Seventeen allotments (proposed Lots 1-17) of between 830 and 860 square metres)
 - Road to vest of 1,365 square metres.
 - One allotment (proposed Lot 18) of 4,729 square metres containing an existing dwelling.
- **RM070170**
A land use consent to construct a single dwelling on each of the proposed Lots 1-17 of the subdivision described above (Application RM070169). The application seeks, for each dwelling on the proposed Lots 1-17, to apply the Residential Zone permitted activity rule criteria in respect of site coverage (up to 33% site coverage) and setbacks (as set out in Rules 17.1.4(r)-(t) of the Proposed Tasman Resource Management Plan.

The property is located at 104 Champion Road, being the corner of Champion Road and Park Drive, Richmond. The legal description of the land is Pt Sec 93 Waimea East District (CTs NL 111/234 and 8178).

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision at 4.30 pm

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs O'Regan / Bryant
EP07/09/36

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

I F and N D Kearney & St Leger Group Ltd

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 passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
I F and N D Kearney & St Leger Group Ltd	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

Moved Crs Bryant / Henry
EP07/09/37

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.
CARRIED

2. APPLICATION NO. RM070169, RM070170 - I F AND N D KEARNEY AND ST LEGER GROUP LTD, CHAMPION ROAD, RICHMOND

Moved Crs Henry / O'Regan
EP07/09/38

THAT pursuant to Section 104B of the Act, the Committee GRANTS consent to the application for subdivision consent RM070169 and GRANTS consent to land use consent RM070170 subject to conditions.
CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond

on 24 September 2007, commencing at 9.39 am

A Hearings Committee (“the Committee”) of the Tasman District Council was convened to hear the applications lodged by I F and N D Kearney & St Leger Group Ltd relating to:

- a) subdivision of two existing rural residential zoned titles to provide seventeen substandard rural residential allotments and three lots as road to vest and one balance lot containing the dwelling for the property; and
- b) land use for dwellings on each residential allotment to apply the setback and site coverage provisions applicable to the residential zone.

The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Tasman District Council and referenced as RM070169 (subdivision) and RM070170 (land use).

PRESENT:

Hearings Committee

Cr E M O’Regan, Chairperson

Cr E E Henry

Cr S G Bryant

APPLICANT:

Mr G M Downing, (Counsel for the applicant)

Mr D R Smythe, (Planning Consultant for the applicant)

Mr J McCartin, (Engineering Consultant for the applicant)

CONSENT AUTHORITY:

Tasman District Council

Mr M D Morris, (Co-ordinator Subdivision Consents)

Mr D Ley, (Development Engineer)

Ms R Squires, (Planner, Community Services)

SUBMITTERS:

Mr R and Mrs D Remington, Mr C Delaney (attended but did not wish to speak), Mr D Spencer (on behalf of D and J Spencer), Mr J A Jones (on behalf of J A and R M Jones)

IN ATTENDANCE:

Mr R Askew (Principal Resource Consents Adviser) –
Assisting the Committee

Mr B Moore – Committee Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant has applied to Council to:

- a) subdivide two existing rural residential zoned titles to provide seventeen substandard rural residential allotments and three lots as road to vest and one balance lot containing the dwelling for the property; and

- b) land use for dwellings on each residential allotment to apply the setback and site coverage provisions applicable to the residential zone. Most of the lots (1-14) will access via a proposed cul-de-sac off Park drive and three lots (15-17) will access directly off Champion Road.

The application is for the following consents:

- **RM070169**
Subdivision consent to subdivide two existing titles of 2.0863 hectares (being CT NL 111/234 and CT 8178) to create the following:
 - Seventeen allotments (proposed Lots 1-17) of between 830 and 860 square metres (note at the hearing Lot 14 was amended to 818 square metres to provide for additional road to vest to include roadside oak tree).
 - Road to vest of 1,365 square metres (proposed cul-de-sac).
 - One allotment (proposed Lot 18) of 4,729 square metres containing an existing dwelling (note at the hearing Lot 18 was amended to 4,572 square metres and that with the reduction in adjoining Lot 14 provided for a new Lot 20 of 170 square metres being road to vest to include roadside oak tree and an identified new Lot 21 of 12 square metres for the road reserve snipe at corner of Park Drive and Champion Road).
- **RM070170**
Land Use consent to construct a single dwelling on each of the proposed Lots 1-17 of the subdivision described above (Application RM070169). The application seeks, for each dwelling on the proposed Lots 1-17, to apply the Residential Zone permitted activity rule criteria in respect of site coverage (up to 33% site coverage) and setbacks (as set out in Rules 17.1.4(r)-(t) of the Proposed Tasman Resource Management Plan.

The 2 hectare property is located at 104 Champion Road, being the corner of Champion Road and Park Drive, Richmond.

The property has a house and established trees and gardens in the north eastern corner, with the rest of the site divided into small paddocks divided by shelter belts.

The entire site is relatively flat sloping towards the north.

The legal description of the land is Pt Sec 93 Waimea East District (CTs NL 111/234 and 8178).

2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (“PTRMP”) ZONING, AREAS AND RULE(S) AFFECTED

According to the PTRMP the following apply to the subject property:

Zoning: The land is zoned Rural Residential (Serviced) under the Proposed Tasman Resource Management Plan.

Area(s): Land Disturbance Area 1

The proposed subdivision activity does not comply with Controlled Activity Rule 16.3.10 of the Proposed Tasman Resource Management Plan in that the minimum lot size is less than 2000 square metres required under the controlled activity rule for the Rural Residential (Serviced) zone and is deemed to be a discretionary activity in accordance with Rule 16.3.11 of the Plan.

The proposed land use does not comply with the Permitted Activity Rule 17.6.4 of the Proposed Tasman Resource Management Plan in that the proposed building site coverage could exceed 20% and the building setbacks could be less than 10 metres from road boundaries and 5 metres from internal boundaries and is a Restricted Discretionary activity in accordance with Rule 17.6.5 of the Plan but as the subdivision proposal is open discretionary activity the land use also has to be considered as an open Discretionary Activity .

3. NOTIFICATION AND SUBMISSIONS/WRITTEN APPROVALS RECEIVED

The application(s) was notified on publicly notified on 7 July 2007 pursuant to Section 93 of the Act. A total of 14 submissions were received. The following is a summary of the written submissions received and the main issues raised:

1. Graham L Clark (38 Park Drive)

Did not support or oppose the application, but was concerned about the increased traffic entering the Champion Road and Hill Street intersection, which is already poorly designed and confusing. Extra traffic will add to this confusion. This corner needs a traffic island.

The submitter did not wish to be heard.

2. Dunstan Group Ltd

Supported the application for the following reasons:

- This is the best use of the land.
- The size of the sections are to be big enough to create a nice visual open area with clustering of the houses.
- The applicant has taken time to considered the existing surrounding developments as being the best way to improve the land.

The submitter did not wish to be heard.

3. Granville Dunstan

Supported the application stating that the proposed activity is in keeping with other developments surrounding it and it will be the best use of this land.

The submitter did not wish to be heard.

4. Malcolm J and Doreen A Newport (1 Highland Drive)

Opposed to the application for the following reasons:

- The section sizes should be consistent with the rest of the Park Drive area.
- The average size (excluding Lot 18) is 841 square metres, whereas the average for the rest of the Park Drive Area is approximately 1010 square metres.
- There is no provision for a reserve area. It will be a long walk to the nearest play area in Highland Drive.

There should be a walkway established so that people can connect up with the walkway in Riding Grove.

Any subdivision of this block should have a footpath formed from Park Drive to Hill Street.

When we purchased our property we understood that this block could only be subdivided into a minimum of 2000 square metres sections.

The submitter wished to be heard.

5. Tony Gray (15 Park Drive)

Opposed to the application for the following reasons:

- Previous developments in the Park Drive area were consented for larger sections with significant restrictions on the type and nature of development. These restrictions are undermined by this application.
- The building of second road access onto Park Drive next to the proposed right-of-way access for the adjoining subdivision of six sections would lead to possible exit/entry problems.

The number of sections should be decreased so that the individual lot size coincides with the average size of the existing sections in Park Drive.

Access needs to be created on to Champion Road and a pedestrian walkway needs to be formed on Champion Road.

The submitter did not wish to be heard.

6. Stephen G Russ (24 Park Drive)

Opposed to the application for the following reasons:

- The subdivision into Lots under 950 square metres would be detrimental to the character of the area.
- The attraction of this area is the rural nature of the surroundings.
- Having another access road will also be detrimental to the area, particularly as it is so close to Perendale Close.

The shelter trees along the Park Drive boundary should be retained.

Each of the allotments should be a minimum of 950 square metres in area and that the access should be from Champion Road only.

Specimen trees should be incorporated into the roadside planting within the new development.

The submitter did not wish to be heard.

7. Derrick Byron (6 Ridings Grove)

Opposed to the application for the following reasons:

- The development further erodes green space between Richmond and Stoke.
- The residential zone status should not be granted over rural residential.

All sections should take their access from Champion Road to ensure road safety in the area.

The Champion Road/Hill Street intersection needs improvement to ensure road safety.

Champion road requires full pedestrian footpaths and verges and a cycle lane to ensure pedestrian safety.

The submitter did not wish to be heard.

8. Lynne Robinson (3 Highland Drive)

Opposed to the application for the following reasons:

- Subdivision into smaller lots is not in keeping with the rest of the Park drive estate.
- Driveways directly accessing onto Upper Champion Road are dangerous and not in keeping with the rural nature of the area.

- The cross roads at the intersection of Hill street and Champion Road will be dangerous with more traffic. This would be further compounded by the additional subdivisions in lower Champion Road.
- With other subdivision developments approved in lower Champion road, next to Garin College, there is currently sufficient supply of sections in the area.

The submitter did not wish to be heard.

9. Russell Gifford and Diana Ruth Remington (9 Park Drive)

Opposed to the application for the following reasons:

- The lot sizes are less than what is allowed under the rural residential zone rules.
- The proposed allotments are smaller than the other approved subdivisions in the area.
- To approve a subdivision would be a huge disservice to the people who purchased properties in this area on the understanding that they would be protected by the rural residential rules.
- This subdivision will create a precedent for further reductions in lot sizes in the development of adjoining land.
- The new access road will cause major problems increased traffic from the 14 lots.
- There is no mention of reserves or tree planting as part of the subdivision.
- The large oak tree close to the Park drive frontage should be retained and protected.

The submitter wished to be heard.

10. Colin Delaney (7 Park Drive)

Opposed to the application for the following reasons:

- Having the main access off Park drive will cause traffic access problems because of the narrowness of the road.
- The lot sizes should not be smaller than what has already been approved in the area.

Requested that the large oak tree close to the Park drive frontage should be protected.

The submitter wished to be heard.

11. David and Judith Spencer (10 Park Drive)

Opposed to the application for the following reasons

- The proposed lot sizes are not in accordance what has already been approved in the area. The average size for the new allotments is 841 square metres which is much smaller than the adjoining Perendale Close subdivision which has an average section size of 1015 square metres. The overall average lot size in the Park Drive area is 1012 square metres.
- The proposed lot size should not be less than the 1000 square metre lot size that is common in the Park Drive Area.
- The proposal to take the main access off Park Drive will create traffic problems.
- The proposed street intersection on to Park Drive will have access problems because of the curve in Park Drive that hinders visibility.
- A significant oak tree is sited on the Park Drive boundary and is a significant feature of the Park Drive landscape.
- The approval of a subdivision such as this one, would create an undesirable precedent for further subdivision to create smaller lots on the other properties in the Park Drive area.
- The application gives no information on the "covenants" that are mentioned in the application.

The submitter wished to be heard.

12. Richmond South Gospel Hall Trust Incorporated. (61 Hill Street)

Are neighbours to the applicant's property.

Did not support or oppose the application, but asked that the application be granted.

The submitter did not wish to be heard.

13. Jeffrey Alexander and Rosalie Margaret Jones (12 Park Drive)

Opposed to the application for the following reasons:

- The subdivision will significantly adversely affect the environment and amenity of the neighbourhood of Park Drive.
- It will create additional traffic effects and in particular there will be traffic conflicts at the new road connection to Park Drive which is only 100 metres before the major Park Drive/Champion Road intersection.

- The narrowness of the proposed road coupled with the right-of-way access at the cul-de-sac head and the smaller lot size will inevitably result in overflow parking on Park Drive.
- The main access to the subdivision should come off Champion Road not Park Drive.
- The average size of the residential lots is 841 square metres not the 1056 implied in the application.
- The reference to the adjoining subdivision (RM060753) is misleading in that it includes the access lot in the lot sizing when the average lot size is bigger than this subdivision.
- This subdivision will create a new “minimum” standard instead of the present 1000 square metre average for Park Drive that exists at present.
- It is unreasonable to reduce lot sizes further, at the tail end of a staged development when landowners have purchased into the area on the basis of the protection of the rural residential zone.
- The subdivision will create a precedent for further development on the hill block on the south east side of Park Drive.

The large Oak Tree next to Park Drive should be protected.

The submitter wished to be heard.

14. John and Kathleen Gale (16 Park Drive)

Opposed to the application for the following reasons:

- The average lot size in this subdivision is significantly smaller than all the previous subdivisions in the Park Drive area.
- The main access road should be off Champion Road, not Park Drive, which will cause additional traffic movements on to the Park Drive Champion Rd intersection.
- The applicant should have to provide footpath from the corner of Park Drive to the Hill Street intersection with Champion Rd.
- We bought into this area on the understanding that lot sizes would not be reduced further than the current 1000 square metre average and that this “modified” rural residential standard would be kept.
- The existing Park Drive reserve is too far for young kids to walk to. An open space reserve should be provided as part of the subdivision.

The submitter wished to be heard.

WRITTEN APPROVALS

The applicant has provided the signed written consent from the following parties:

- i) Owner of 51 Hill Street
- ii) Owner of 53 Hill Street.
- iii) Owner of 55A Hill Street
- iv) Owner of 57 Hill Street.
- v) Owner of 59 Hill Street
- vi) Owner of 61, 65 and 67 Hill Street. (B Richards, who owns the property adjoining the south western boundary which is being developed under RM060753)
- v) Owner of Lot 74 DP 302052, which is narrow strip of land separating the site from Park drive.

4. PROCEDURAL MATTERS

Two points of order were raised at the hearing, the first was raised by Mr G M Downing, the applicant's counsel regarding Mr J A Jones' introduction of matters outside of his submission and raising matters of 'expert opinion'. Mr Jones verbally outlined his qualifications and his ability to provide expert opinion. The Chair ruled that Mr Jones' evidence and opinion be allowed to continue as new material was introduced by the applicant's engineering consultant regarding stormwater issues. Mr Downing in accepting the ruling reserved his position on the matter.

The second point of order was raised by Mr Jones during the applicants summing up in regard to matters of new evidence that had been raised regarding possible alternative access to the proposed subdivision. The Chair ruled that the applicant's Counsel be permitted to continue to address the matter which was raised by Council's Development Engineer in regards to options for secondary overland flow paths for stormwater out to Champion Road.

5. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Mr G M Downing, counsel for the applicant, tabled and read an opening submission and referred to the subdivision application as a discretionary activity application, as it does not meet the controlled activity subdivision standard of a minimum 2000 square metres for each new allotment in the Rural-Residential (Champion Road and Hill Street North) zone.

Mr Downing explained that the land use consent is also a discretionary activity, because the applicant wished to have different set-back and coverage standards imposed to what would be a controlled standard in the Rural-Residential zone.

Mr Downing acknowledged the concerns of submitters in regard to proposed new residential lot sizes that range between 830 square metres and 818 square metres with the balance area containing the existing dwelling of 4572 square metres. Mr Downing said there is no resource management logic in the submitter's argument that the lots sizes should be slightly larger and he said the difference between 850 square metres and 900 square metres or even 1000 square metres is a relatively trivial matter. Mr Downing said that the subdivision has been designed with only the existing house having access of Champion Road with the remaining allotments having access of Park Drive via a new road to be constructed. The large oak tree on the Kearney lot was proposed to be incorporated within the road reserve area and thereby protected. The applicant did not propose to set aside land for a reserve or walkway.

Mr Downing included comments on those conditions of consent within his submission. The hearing panel was reminded that this proposal is the last of the residential subdivision proposals in the neighbourhood and there is an expectation that it will be given similar treatment to previous subdivision consents in the neighbourhood. Mr Downing added that there seems to be no dispute that the neighbourhood is now residential in character.

Mr D R Smythe, resource management consultant, tabled and read a statement of evidence and provided annexures, including an aerial photograph with the subdivision design overlaid and also provided an annexure of amended draft consent conditions, based on those provided by the Council's reporting officer and including amendments and deletions sought by the applicant.

Mr Smythe interrupted the presentation of his evidence part way through to allow engineering evidence on behalf of the applicant to be presented.

Mr J McCartin presented engineering evidence on the stormwater aspects of the application. He advised that he had been engaged to carry out a review of the need or otherwise for an extra provision for potential surface flows in extreme events.

Mr McCartin provided technical details on the engineering aspects of the proposed pipe system performance that the applicant proposed to convey stormwater from the subject subdivision.

Mr McCartin explained the nature of the terrain is such that any sheetflows generated within the Kearney block, cannot naturally collect or make their way to the cul-de-sac. The evidence explained that upslope catchment shedding occurs both towards both Champion Road and southward towards Riding Grove. He explained that a 375 millimetres diameter stormwater pipe affords some extra margin and will convey all hard surface flows via a pipe from the end of the cul-de-sac, out to Hill Street.

Mr Smythe then continued to read his statement of evidence and addressed the concerns of submitters. The evidence explained how the proposed average lot size is only about 100 square metres less than the average lot size in Park Drive, where there is also a range of allotment sizes.

Mr Smythe explained how the subdivision cul-de-sac is to be off Park Drive instead of Champion Road where future development work will occur. Frontage is to be obtained to Park Drive by purchasing the strip of land along the western side Park Drive from St Leger Group Ltd, which is a named applicant.

Mr Smythe said the applicant proposed that a small allotment of 170 square metres containing the oak tree should be added to the legal road reserve of Park Drive and the value of the land and tree should be deducted from the total Community Services Levy of 5.5% of the value of the 17 accessible allotments. The applicant opposed berm-side parking at the head of the cul-de-sac and also opposed the provision of any additional reserve or walkway.

As referred to in Mr McCartin's evidence, Mr Smythe said the applicant proposed no additional overland stormwater flow channel and sought that proposed condition 24(a) be altered to refer to a 1 in 50 year event. Mr Smythe expressed concern that the applicant would be required to pay a roading contribution towards the cost of upgrading Champion Road from Hill Street to Park Drive and in addition pipe the open ditch along the front of Champion Road. The applicant sought that the access to the garage at the Kearney house should have its access off Park Drive located in a position such that no partial demolition of the garage is required, in order to achieve access.

Mr Smythe referred the attention of the hearing panel to the amended conditions of consent within his tabled annexure 3. He provided reasons why conditions of consent proposed by staff were of a concern in regard to validity, fairness and reasonableness.

5.2 Submitters' Evidence

Mr R G and Mrs D R Remington

The submitter tabled and read a submission seeking that the subdivision be based on average lot sizes of at least 1000 square metres, excluding Lot 18 of 4729 square metres in the averaging. The submitter stated that when they purchased their property in Park Drive that they had been advised that the minimum permitted lot size for subdivision in their property's rural residential zone was 2000 square metres and had relied on the Council adhering to that minimum lot size. The submitters sought that the subdivision gains access off Champion Road and there be some beautification in the form of tree planting. They sought that the large oak tree close to Park Drive frontage be retained and protected.

Mr C M Delaney

The submitter who had indicated he wished to be heard attended the hearing but he advised that he did not wish to make a further verbal submission and that he supported the submissions made by submitters Spencer and Jones.

Mr D Spencer

On behalf of D and J Spencer the submitter tabled and read a submission saying that the potential affects of the smaller section sizes and increased density is opposed because of the potential of the character and amenity values of the area to be adversely affected. The submitter also raised concerns regarding increased traffic

flows as a result of the subdivision. Mr Spencer said that the subdivision should gain access from Champion Road where residents will have greater visibility and less opportunity for traffic and pedestrian conflicts than if the access was on Park Drive. In response to a question regarding the effects that a reduction in the number of allotments would have on them the submitter replied that he thought that when Perrendale Close was fully developed, that the development would not be visible from their property. The submitter tabled a summary of section sizes to support their claim that the proposed allotment size for the application was significantly denser than had been approved for previous subdivisions in the area.

Mr J A Jones

On behalf of J A and R M Jones the submitter tabled and read a further submission on behalf of J and R M Jones. The submitters were concerned about the proposed average lot size of 850 square metres, after severance of the current owner's property. Mr Jones said that the average section size should be 1000 square metres to maintain consistency with previous subdivision approvals in the area. The submitter stated that the proposed subdivision could establish precedence for future subdivisions in the area. The submission sought that the subdivision has the bulk of the lots serviced by road directly connected to the proposed reconstructed Champion Road. Mr Jones sought the maintenance and enhancement of amenity values of the present environment within Park Drive.

The Chairman allowed Mr Jones to comment on matters raised in the applicant's evidence, not being matters contained within the submitter's original submission.

Mr M Gale

Mr Gale on behalf of J and K Gale attended the hearing but he advised that he did not wish to make a further verbal submission as he felt that all matters had been fully addressed by previous submitters.

5.3 Council's Reporting Officer's Report and Evidence

Co-Ordinator Subdivision Consents, Mr M Morris, spoke of how the amenity of this area changed significantly with the approval of the Midas Trust subdivision (now St Leger) in May 2000 that allowed for the approval of 62 residential allotments with areas between 820 square metres and 1242 square metres' with an average area of 1003 square metres' Mr Morris said that he considered the adverse amenity effects proposed by this subdivision in the context of the existing Park Drive subdivisions are no more than minor. He said he did not see a significant diminishment of urban amenity between lots of 820 m² to 120 square metres and lots of 830 square metres and 860 square metres' Mr Morris said there is very little in the PTRMP to guide Council in this area of lot size and amenity effect. Mr Morris recommended approval of this application for subdivision and land use consent subject to the listed conditions of consent contained within this report.

Development Engineer, Mr D Ley, referred to his report contained within the agenda and described how Champion Road requires upgrading and widening and recommended that the applicant be required to pipe the open drain on the west side of Champion Road. Mr Ley confirmed that payment of the water connection fee would be required at RMA Section 224(c) stage. Mr Ley said that a secondary stormwater flow path to Champion Road would be an advantage. Mr Ley said that

access to the balance Lot 18 garage should be taken off Park Drive and be 30 metres from the corner and the existing access to Champion Road be walled up.

Community Services Planner, Ms R Squire, said she did not think it was reasonable to provide a reserve fund contribution credit for the oak tree adjacent to Park Drive, but rather it should be covenanted. She recommended the formation of a public access easement from the cul-de-sac running between Lots 4 and 5 to the western boundary. She said that the adjacent land, Part Lot 1 DP3780 could in future provide the link to an extended walkway.

5.4 Applicants Right of Reply

Mr Downing responded for the applicant and noted that when questioned a submitter was unable to explain the effect of one less section and slightly increased allotment areas in the proposed subdivision.

Mr Downing said that applications for less than 2000 square metres were probably discretionary and the Council has no standard established for lesser lot sizes. He said that despite the claims of submitters, a blanket 1000 square metres allotment size cannot be used in a discretionary activity application.

Mr Downing said that the stormwater subject seems to be the biggest issue. He noted that Mr McCartin said in evidence that a 375 millimetres diameter stormwater pipe is an over-design could meet climate change requirements to 2080 according to NIWA estimates. He said that the applicant questioned the purpose in designing more than that. He said that there is no significant stormwater overland flows on this land and the applicant needs to deal with stormwater from the subject sites. He said that the Perrindale Close stormwater disposal was designed to the same 375 millimetres diameter pipe. Mr Downing referred to the secondary overland stormwater flow subject as a red herring.

Mr Downing noted that Development Engineer, D Ley, had changed his view to accommodate a secondary flow path configured at right angles to Champion Road, but Lots 6, 7,8, 15 and 16 would still have overland flows to Hill Street. He said that potential change to traffic access to and from Champion Road would mean a worse traffic situation and worse overland stormwater flows.

Mr Downing said that Mr Ley said at this hearing that access was to be from a secondary road and that in this case this must be Park Drive. Mr Downing said that there is no overland stormwater flow. Access to the garage on Lot 18 was volunteered by Mr Kearney to be 25 metres from Champion Road, off Park Drive, being measured from the present corner with the alignment of Champion Road.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Would the smaller average size of the allotments detract from the rural residential character of the area which was established by the zoning?
- b) Would the access onto Park Drive create adverse effects and given that an alternative access to Champion Road could be achieved?

- c) Would the development ensure adequate vehicle parking was provided both on and off-street so as to ensure parking of vehicles along Park Drive did not occur?
- d) Is stormwater servicing for the proposed subdivision adequate regarding size of proposed piping and the need for secondary overland flow pathways to cater for a 1 in 100 year storm event acknowledging the increased probability of significant storm events with climate change?
- e) What would happen to the unprotected oak tree on the subject property?

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application which is based on the evidence and opinion given at the hearing and also from site visit of the property following the hearing:

- a) The pattern of subdivision and land use in the eastern part of Park Drive has since 2000, had the characteristics of residential zone development rather than rural residential. Although the average lot size has been larger than currently proposed (around 1000 square metres), the density allowed of 33% coverage together with reduced setbacks has resulted in what could be considered to be typical upmarket residential development on large residential lots.
- b) Although Park Drive is a recently formed roadway having footpaths and 8 metre sealed road width, the Committee noted the effect of on street parking particularly where parking on both sides of the road may occur.
- c) The Committee noted the existing formation of Champion Road south of Hill Street included the narrower sealed road width and the drainage channels on either side which reduced footpath access.
- d) The Committee checked the current access to proposed Lot 18 and the recommended changed access onto Park Drive and that this would provide a greater setback from the intersection of Park Drive with Champion Road.
- e) The Committee in considering the evidence at the hearing compared that evidence with the actual topography of the site and noted that there was no dominant drainage flow on the property apart from a gentle slope, generally towards Hill Street.
- f) The Committee noted the oak tree on the site and that it was a notable specimen worthy of protection.
- g) The Committee at the site visit noted the proximity of Highland and Park Drive reserve/playground. The Committee also noted the walkway provided for Riding Grove to Hill Street and the linkage through the unnamed creek walkway to the Reservoir Creek walkway.
- h) On inspecting the adjoining Perrindale Close subdivision that the balance lot of that subdivision (the Richards property described as Lot 1 DP 384045) comprising 3878 square metres had the potential for further subdivision.

- i) It was noted that the property is fully serviced having access to water supply and stormwater and wastewater reticulated services.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS);
- b) the Transitional Regional Plan (TRP);
- c) the Proposed Tasman Resource Management Plan (PTRMP);
- d) Resource Consents RM990481 (Midas Trust/Leger Trust – Ridings Grove), RM060753 (Richards/Leger Trust), and RM070749 (Ramsay – 51 Hill Street).

8.2 Part II Matters

In considering this application, the Committee has 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 Section 104B of the Act, the Committee **GRANTS** consent to the application for subdivision consent RM070169 and **GRANTS** consent to land use consent RM070170 subject to conditions.

10. REASONS FOR THE DECISION

The subdivision proposal is a Discretionary Activity under the Proposed Tasman Resource Management Plan.

Having regard to policies and objectives in Chapter 5 of the Proposed Tasman Resource Management Plan relating to site amenity effects, Council must ensure that the character and amenity values of the site and surrounding environment are protected, and any actual or potential adverse effects of the proposed subdivision must be avoided remedied or mitigated, including cross boundary effects.

Some submitters considered that the higher density could lead to reduction of amenity and subsequent property values in the area and that approval of the subdivision would set a precedent or bench mark that any future subdivisions of undeveloped land within the zone would wish to utilise and/or that even further reduced average section sizes could result.

Some submitters raised concerns regarding the potential for the denser subdivision to lead to adverse effects from on-street parking on Park Drive. The applicant was concerned about the practicality of the angle parking in the proposed cul-de-sac as recommended in evidence by Council's Development Engineer.

In this area precedence for smaller sized allotments has been established by the approval of the Midas Trust subdivision (now St Leger) in May 2000 (RM990481), which created Park Drive and allowed for a relatively large number of such smaller residential sections in the area. The approval of that subdivision has created the potential for more similar applications for residential subdivision within this zone and this has occurred.

It was acknowledged that the 2000 square metres lot size for the Rural Residential Zone had been previously reduced for the Midas Trust Subdivision. That subdivision allowed for of 62 residential allotments with areas between 820 square metres and 1242 square metres with average area of 1003 metres.

A more recent subdivision (RM060753) adjoining the subject property (Richards St Leger Group Ltd) was approved for six lots ranging in size from 900 square metres to 1100 square metres and is now referred to as Perrendale Close. Isolated infill subdivision has also resulted in small lot sizes (such as Ramsay on the corner of Hill Street and Champion Road – RM070749 which provided for a 475 square metres new lot with the balance remaining being 860 square metres).

The 2000 square metres area provides the limit for approval for subdivisions as controlled activities and any subdivision below 2000 square metres is a discretionary activity. There is no fixed size limit for sections in this area and there is no set bottom limit beyond which subdivision is prohibited. The reason for the 1000 square metres average section size that seems to have developed in the area since 2000 is unclear but has not been established through any Council controlling Rule, Policy or Objective.

Whilst the general lot size for previous subdivisions has been larger than this proposal the proposed building coverage for the development has been the same being 33% which has had the effect of establishing the density of the built environment which is consistently more residential than rural residential in appearance. The Park Drive area therefore has developed as essentially residential in character, the main difference being the sections are larger than normal, allowing a larger than normal house to be built on them.

In the context of previously approved subdivisions in the Park Drive area, the adverse effects of this proposed subdivision are no more than minor and it is not considered to be contrary to the policies and objectives of the Proposed Tasman Resource Management.

There is considered to be no significant diminishment in urban amenity between lots averaging 1000 square metres and lots averaging 850 square metres particularly given the 33% building coverage that has been permitted under previous consents.

The proposed subdivision will need to be fully serviced for water, sewer and stormwater without adversely affecting Council's servicing infrastructure. There are potential effects from stormwater overflows that can be addressed either by over-designing the primary stormwater piping system and/or by provisions to allow for secondary stormwater flows to cater for a 1 in 100 year storm event. Policies and objectives under Chapter 6 of the Proposed Tasman Resource Management Plan relating to Urban Environment Effects, provide for serviced urban development within existing settlements that provides for a livable and sustainable environment for the community.

Evidence presented by the applicant's consulting engineer, Mr McCartin was that an increased capacity pipe size to 375 millimetres would more than cater for a 20% AEP (Annual Exceedence Probability) or a 1 in 5 year event and with the gradient proposed could cater for a 168 millimetres per hour (mm/hr) event which was much greater than a 2% AEP intensity of 118 mm/hr for a 10 minute storm. Mr McCartin noted that the 600 millimetres pipe in Hill Street from the proposed connection of the pipe servicing the subject property to the large culvert would need to be further assessed as to whether it was capable of taking the additional flow.

Mr Jones noted that the two 90 degree dog legs proposed in the pipe would not provide for efficient flows and Council's Development Engineer confirmed that two 45 degree bends rather than one 90 degree bend for each corner would be preferable. The matter of provision of a formed floodway to Hill Street would need approval of landowners outside of the subject property.

The Committee notes the need for the subdivision to be fully serviced for water, storm water and sewer reticulation without adverse effects on the environment and the Committee is satisfied that this can be achieved.

Some submitters raised concerns that the potential increase in traffic flows to 170 vehicle movements a day (as provided in Council's Development Engineer's evidence) could result in increased safety hazards at the intersection of the proposed road with Park Drive and at the Hill Street Champion Road intersection. It was noted that the section of Champion Road from Park Drive to Hill Street is to be upgraded according to the Long Term Council Community Plan in year five (2010/11) at a cost of \$223,000, but that this work did not include piping the open drain.

Council's Development Engineer had included in his report that Hill Street was constructed to a Residential Standard with an 8.0 metre seal width and footpaths on both sides whereas Champion Road had only a 6.0 metre seal width and was a rural style road. Council's Development Engineer, Mr Ley in verbal opinion given at the hearing did however state that access from Champion Road may have some merit regarding provision of secondary overland flow paths.

Some submitters raised concerns that the tree could be lost as a result of the subdivision. The applicant at the hearing volunteered to incorporate the oak tree within a new lot to be vested as road reserve. This would provide for public ownership of the tree.

11. COMMENTARY ON CONDITIONS OF CONSENT

Roading Access

The applicant is able to provide complying road access for this subdivision. The proposed Champion Road upgrade which will include seal widening, kerb channelling, a footpath down the southern side and an upgrade of the Hill street intersection will mitigate effects of traffic on Champion Road from this subdivision. Whilst it was not considered reasonable to include a condition preventing uplifting of the 224(c) certificate until the Champion Road upgrade was completed (due to lack of absolute certainty as to the timing of such work), the Committee does consider that piping of the open drain along Champion Road will improve road safety and can provide an informal walking space for pedestrians.

Whilst some submitters gave opinion that the new cul-de-sac access should be off Champion Road rather than Park Drive, the matter of the relatively poorer standard of the current formation of Champion Road compared with Park Drive, as presented as evidence at the hearing and as observed at the site visit was evident. The Committee does not find sufficient persuasion to decline the application even though evidence presented verbally indicated access to Champion Road may have some benefits in providing a better route for secondary flow path for stormwater.

The matter of relocating the current access to the applicants property on Champion Road with its close proximity, (around 6.0 metre advised by the applicant verbally at the hearing) of that road with Park Drive was raised by Council's Development Engineer who recommended that the access be relocated onto Park Drive and setback 35 metre from the intersection. In summing up the applicant suggested that an access off Park Drive could be accepted provided the setback from the intersection was reduced to 25 metre so as to avoid the need to move the garage on the site.

Stormwater

The Committee noted the expert opinion and evidence presented at the hearing from all parties and has included conditions to ensure that stormwater disposal from the developed site will be efficient and effective. The Committee has noted the need to consider the potential for future climate changes and increase in storm events. It considers that given the location and topography of the site and with the increased capacity of the stormwater reticulation system that the subdivision should be adequately served in this matter. The option of utilizing overland secondary flow paths has been considered as an alternative option in lieu of oversized piping.

Parking

Opinion and evidence presented at the hearing raised concerns regarding the possible effects of increased on-street parking along Park Drive. The conditions to provide an additional two useable car-parks per dwelling on-site (which doubles the permitted activity rule provision for two on-site carparks per dwelling), the provision of parking along the south-western side of the cul-de-sac, plus the angle parking in the cul-de-sac head should mitigate the effects from those special occasions such as significant anniversaries or other celebrations when there may be an unusual number of visitors to a property.

Oak Tree

The Oak tree is not listed as a protected tree in the Proposed Tasman Resource Management Plan; however a number of submitters have raised the matter of its significance and amenity value for that area of Park Drive and the subsequent need to provide for its protection.

The Committee has viewed the tree and agrees with the need to protect it and has accepted the amended site layout volunteered at the hearing that provides an area within an enlarged road reserve to accommodate the tree.

Accepting this amendment means that the policies and objectives under Chapter 10 – Significant Natural Values and Cultural Heritage will be satisfied.

Pedestrian Access

The Community Services Department indicated that a public access easement within Lot 5 adjoining an amended boundary with lot 4 (the boundary between Lots 4 and 5 does not currently coincide with Lot 1 DP 384045 to the south west) would provide the first link for a future walkway between the proposed road and the existing walkway off Ridings Grove. It is anticipated that this link would be completed if/when the adjoining property to the south west is subdivided. The walkway would ultimately provide a convenient, safe, off road link for residents of the subdivision and the wider catchment to the walkway network provided by the Ridings Grove walkway, the walkway adjoining the unnamed creek and Reservoir Creek, Richmond town centre, Richmond schools and bus routes. The proposed walkway could also provide for the future development of improved secondary flow paths for stormwater as referred to in commentary on the stormwater conditions discussed previously.

The Community Services Planner, Ms Squires confirmed that the proximity of play area reserves (Highland Drive being the closest) did not warrant an additional reserve being created for the subject property however the matter of pedestrian linkages raised by Ms Squires recommended that consideration for a future walkway linkage from the subdivision to Hill Street, either directly or by way of the walkway from Ridings Grove be provided.

With reference to the condition of a proposed future walkway it is further considered that such walkway could provide additional secondary flood pathway and also could be used as an alternative pathway for the proposed sewerage thereby eliminating one right angle corner in the system.

Issued this 4th day of October 2007

E M O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070169

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

I F AND N D KEARNEY & St LEGER GROUP LTD
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: Subdivision consent to subdivide two existing titles of 2.0863 hectares (being CT NL 111/234 and CT 8178) to create the following:

- Seventeen allotments (proposed Lots 1-17) of between 830 and 860 square metres (note at the hearing Lot 14 was amended to 818 square metres to provide for additional road to vest to include roadside oak tree).
- Road to vest of 1,365 square metres (proposed cul-de-sac). (note that conditions requiring angle parking in the cul-de-sac head will require adjustments to the road area and also lots adjoining the cul-de-sac head adjacent to the required angle parking).
- One allotment (proposed Lot 18) of 4,729 square metres containing an existing dwelling (note at the hearing Lot 18 was amended to 4,572 square metres and that with the reduction in adjoining Lot 14 provided for a new Lot 20 of 170 square metres being road to vest to include roadside oak tree and an identified new Lot 21 of 12 square metres for the road reserve snipe at corner of Park Drive and Champion Road).

LOCATION DETAILS:

Address of property: 104 Champion Road, Richmond

Legal description: Pt Section 93 Waimea East District and Pt Lot 74 DP 302052

Certificates of title CT NL 111/234 and CT 8178

Valuation number: 1961032100 and part Valuation Number 1961035300

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

CONDITIONS

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and as amended at the hearing and/or by these conditions and in particular with the amended plan entitled “Proposed Subdivision Pt Section 93 Waimea East and Pt Lot 74 DP302052” Job No. 6039 dated September 2007, prepared by Verrall and Partners Ltd, and attached to this consent as Plan A. The layout will be further amended by the incorporation of angle parking in the cul-de-sac head conceptually shown on TDC plan 607, 2004 Engineering Standards, and which is attached to this consent as Plan B. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

Staging

2. Stage 1 of the subdivision shall be lots 18, 20 and 21 only and which shall include all conditions hereunder applicable to Lot 18. Stage 2 shall comprise lots 1 to 17 inclusive and lot 19 as shown on Plan A. A consent notice shall be recorded in respect of lot 18 that lot 18 shall be connected to the reticulated stormwater and wastewater sewerage systems at Stage 2.

Easements

3. Easements are to be created over any right-of-way and/or over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the title plan and endorsed as a Memorandum of Easements. Easements shall be prepared by a solicitor or other suitably qualified legal professional at the consent holder's expense.

Street Names and Numbers

4. Street names shall be submitted to Council's Environment & Planning Manager, prior to the approval of the 223 Certificate, together with reasons for each option.
5. The street numbers allocated are:

Lot 1 - 1 New road to vest	Lot 6 - 11 New road to vest	Lot 11 - 8 New road to vest	Lot 16 - 100 Champion Road
Lot 2 - 3 New road to vest	Lot 7 - 11A New road to vest	Lot 12 - 6 New road to vest	Lot 17 - 102 Champion Road
Lot 3 - 5 New road to vest	Lot 8 - 11B New road to vest	Lot 13 - 4 New road to vest	Lot 18 - 4 Park Drive
Lot 4 - 7 New road to vest	Lot 9 - 10A New road to vest	Lot 14 - 2 New road to vest	
Lot 5 - 9 New road to vest	Lot 10 - 10 New road to vest	Lot 15 - 98 Champion Road	

6. The street numbers shall be shown on the engineering plans.
7. The cost of a name plate for any new street or private way sign shall be met by the consent holder on application to Tasman District Council.

Right-of-Way

8. The right-of-way serving Lots 7 - 9 shall be formed, and permanently surfaced to a minimum 3.5 metre width with kerb, channel and sumps and a maximum gradient of 1-in-5.

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.

9. The seal formation shall extend to the back of the road kerb.

Champion Road

10. The open ditch along the site frontage of Champion Road shall be piped, with the pipe size approved by the Council's Engineering Manager.

Advice Note:

The Champion Road upgrade between Park Drive and Hill Street is scheduled to be carried out in 2010/2011 in the LTCCP 2006; however, the upgrade does not include the piping of the existing open ditch along the southern side of the existing road formation. The consent holder, therefore, may wish to liaise with Council Engineering staff to coordinate timing of the pipe installation.

Road to vest.

11. The road to vest as set on the plan entitled "Proposed Subdivision Pt Section 93 Waimea East and Pt Lot 74 DP302052" Job No. 6039 dated September 2007, prepared by Verrall and Partners Ltd, and attached to this consent shall have a minimum legal width of 11.4 metres, with a sealed carriageway width of 7 metres. A 1.4 metre footpath shall be constructed on the north side of the road. The footpath to be setback from the kerb to provide for an adequate grass berm.
12. Kerb, channels and sumps shall be installed in accordance with Tasman District Council's Engineering Standards and amendments.
13. A 5 metre x 5 metre corner snipe at the intersection of Park Drive and Champion Road shall vest as road as shown on Plan A as Lot 21.

Parking

14. On-street parking on the south-west side of the cul-de-sac shall be marked and the cul-de-sac shall be provided with angle parking for four vehicles to be constructed on road reserve and which is conceptually shown on TDC plan 607, 2004 Engineering Standards, and which is attached to this consent as Plan B.

Advice Note: Work involving developing the angle parking may require some adjustment of lots.

Access

15. A formed access crossing shall be constructed to each lot at a minimum grade of 1 in 6 and in accordance with Diagram 616 of the Council Engineering Standards.
 - i) This shall include new crossing for lot 18 on to Park Drive, which shall be located at least 25 metres away from the Park Drive/Champion Road intersection.

Advice Note: for the avoidance of doubt the 25 metres shall be measured from the current site boundary corner of Park Drive with Champion Road.

- ii) The existing access crossing for Lot 18 shall be physically closed off so as not to be able to be used for vehicle access.

Advice Note: This condition as applicable to lot 18 is to be completed prior to signing of the Section 224(c) certificate for Stage 1.

16. Pram crossings at the street intersections shall be provided.

Water Supply

17. Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed and a water meter and approved housing box shall be provided for each lot.
18. Water connection fees will be payable under Council's Long Term Community Plan for stage 2 pursuant to schedule of Fees and Charges for any new water connections prior to issue of certificate under section 224(c) of the Resource Management Act 1991.

Sewer

18. Full sewer reticulation discharging to Council's approved reticulated system shall be installed complete with any necessary manholes and a connection to each lot (including connecting the existing house on Lot 18 at stage 2). This will include work outside the subdivision to connect to or upgrade existing systems in Hill Street (as detailed in annexure 3 submitted as evidence at the hearing and attached hereto as Plan C).

Stormwater

19. A full stormwater reticulation discharging to Council's approved reticulated system shall be installed complete with all necessary manholes, sumps, inlets and a connection to each lot. This will include work outside the subdivision.
20. The following measures shall be required to mitigate risk to Council for the secondary stormwater flow path from the subdivision:
 - i) Two standard back entry double sumps shall be installed at the western turning head of the cul-de-sac;
 - ii) The pipe system discharging from the site through to the Hill Street outlet shall either:
 - be a minimum 375 millimetres diameter and the stormwater pipe in Hill Street upgraded as shown on Plan C to cope with a 1 in 100 year storm event.or
 - As an alternative option, a secondary flow path to Hill Street carriageway formed with concrete to a minimum bottom width of a trapezoidal channel of 1.0 metre and to a depth of 200 millimetres shall be provided for achieving the above 1 in 100 year storm event capacity.

Advice Note: Final size of pipes are to be confirmed by Council's Engineering Manager.

21. Three metre wide easements in gross in favour of Council over the pipeline and any secondary flow paths shall be provided.
22. The site shall be engineered to ensure that all finished ground levels are at least 50 millimetres above the top of kerb level of the street that the site is draining to **or** the crown level of the road where there is no kerb.
23. If filling obstructs the natural runoff from an adjoining property then provision shall be made for the drainage of that property.

Cabling

24. Live telephone and electric power connections shall be provided to each lot and all wiring shall be underground to the standard required by the supply authority.
25. Confirmation of the above from the supply authority and a copy of the supplier's Certificate of Compliance shall be provided to the Council.

Electricity

26. Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "**Road to Vest**" on the survey plan if adjacent to a road or road to vest.

Street Lighting

27. The consent holder shall provide street lighting in accordance with the Tasman District Council's Engineering Standards and amendments. This work will include installation of cabling, poles, outreach arms and lanterns.

Pedestrian Access

28. A public access easement having a minimum width of 3.0 metres shall be provided within lot 5 adjoining an amended boundary with lot 4 to facilitate a future public walkway through Lot 1 DP 384045 along the southern boundary of that Lot to the existing walkway serving Ridings Grove. Such an easement could also provide a partial alternate route for sewerage services through proposed lot 5.

Advice Note:

Public accessways will be credited towards the Reserves and Community Services provided for under Condition 39.

Engineering Certification

29. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide Council with written certification that the works have been constructed to the standards required.
30. Certification that a site has been identified on each new lot (1-17) suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly foundation stability). The certificate shall define on each lot the area suitable for the erection of residential buildings.

31. Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

32. **Construction Earthworks**

a) Placement of Spoil

No spoil shall be placed in any watercourse, or where it may move or wash into a watercourse or onto adjoining land.

b) Discharge of Sediments and Dust During or as a Result of Construction Works

i) All construction areas shall have adequate sedimentation mitigation or control measures to ensure that no stormwater discharge has a suspended solid level exceeding 100 grams per cubic metre of water.

A sediment management plan shall be provided at the engineering earthworks plan stage. The plan shall be to the satisfaction of the Tasman District Council Engineering Manager.

Advice Note:

All discharges from construction works will need to comply with the discharge standards under Section 36.2.4 of the Proposed Tasman Management Plan, unless authorised by discharge consent.

ii) All sedimentation mitigation or control measures shall be maintained by the consent holder for as long as there is a potential for sediment movement (resulting from earthworks) to affect off-site areas or natural water.

iii) A copy of the approved earthworks plans shall be provided to the Council's Co-ordinator Compliance Monitoring to allow for monitoring of the earthworks. All monitoring costs shall be borne by the applicant.

iv) The site shall be watered as necessary to prevent dust from being blown across public roads and/or adjoining property.

c) Supervision

All earthworks (including stormwater control) shall be planned and supervised under the direction of a suitably experienced chartered professional engineer or registered professional surveyor experienced in large-scale earthworks and soils engineering.

d) Monitoring

The applicant shall advise in writing the Council's Co-ordinator Compliance Monitoring and provide a copy of the approved engineering plans (earthworks) prior to the commencement of any earthworks on the site. All costs of monitoring and any subsequent remedial works shall be paid for by the applicant.

Maintenance Performance Bond

33. The consent holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,000 per lot to a maximum of \$20,000 or a lesser figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of 224(c) certification for the subdivision.

Engineering Plans

34. All engineering works as outlined above shall be shown on engineering plans and to the requirements as set out in the Tasman District Council engineering standards and amendments. The engineering plans shall include a sediment management plan as set out in condition 32.
35. A 223 certificate for Stage 2 shall not be issued until the engineering plans have been approved and signed by Council's Engineering Manager.
36. 'As-Built' plans detailing all completed engineering works and finished earthworks shall be provided for approval and signing by Council's Engineering Manager. Plan details shall be in accordance with Tasman District Engineering Standards.

Commencement of Works and Inspection

37. The Council's Engineering Department 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 Department when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

Engineering Works

38. All engineering works referred to in Conditions 4-32, shall, unless otherwise specified herein, be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 or to the Council's Engineering Manager's satisfaction in respect of any lesser standards.

Financial Contributions

39. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
 - a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of each of Lots 1-17.
 - 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 5.5 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.

Advice Note:

Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions 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 in full.

This consent will attract development contributions on one allotment for Stage 1 and sixteen allotments for Stage 2 in respect of:

- Roding
- Wastewater
- Water
- Stormwater

Oak Tree Protection

40. The existing oak tree that is near the road boundary with Park Drive, approximately 70 metres from the intersection of Park Drive with Champion Road shall be located in proposed lot 20 "Road to Vest" as shown on the subdivision consent Plan A.

Consent Notices

41. The following consent notices shall be registered on the certificate of title for Lots 1-17 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
- i) The protection of stormwater secondary flow paths as provided in the advice notes to condition 20 (where such stormwater secondary flow paths option is chosen).
 - ii) Any recommended conditions from the engineering site certification reports provided under condition 31.

GENERAL ADVICE NOTES

Council Regulations

1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

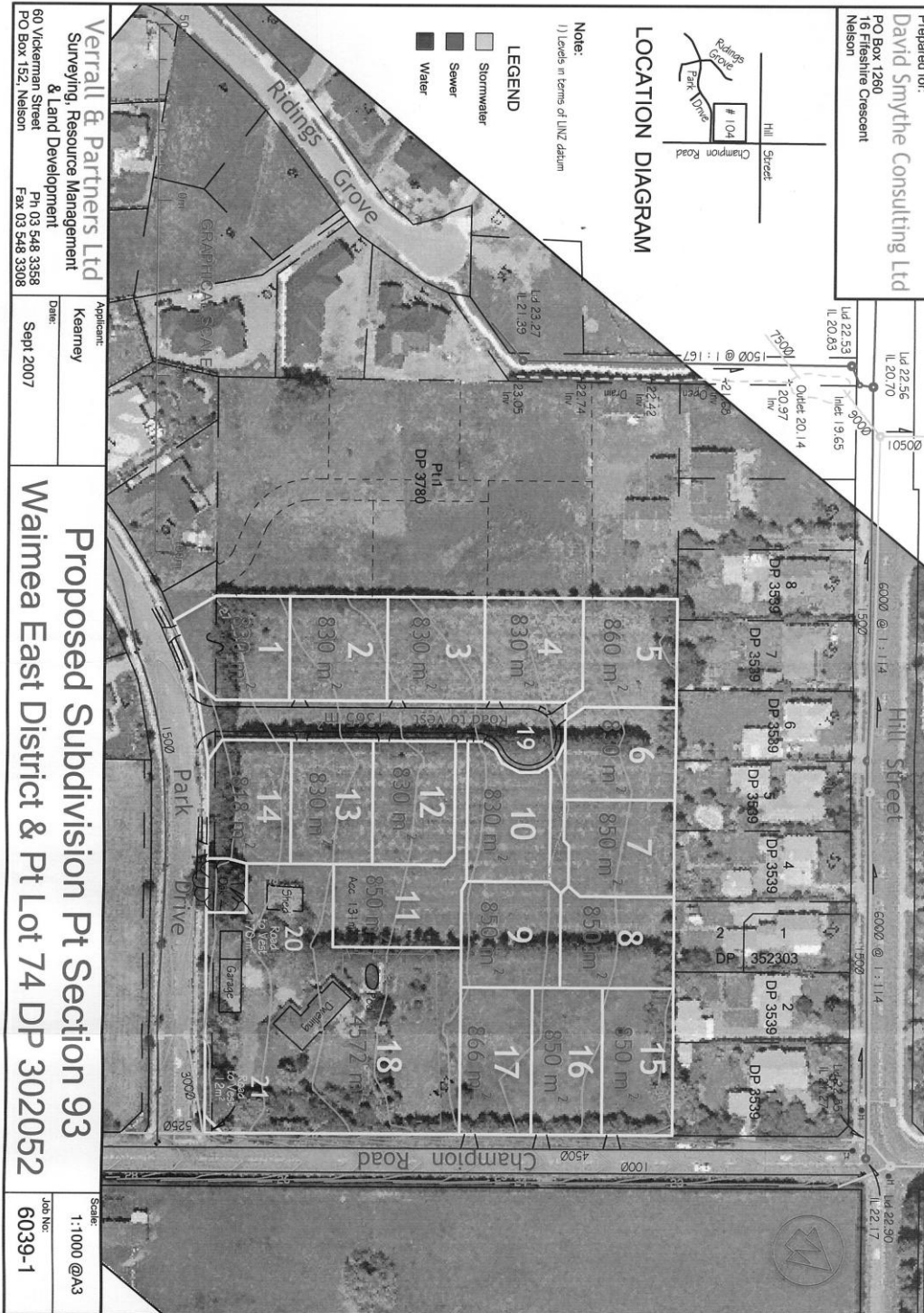
Other Proposed Tasman Resource Management Plan Provisions

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.
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. 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.
5. 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.
6. 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.

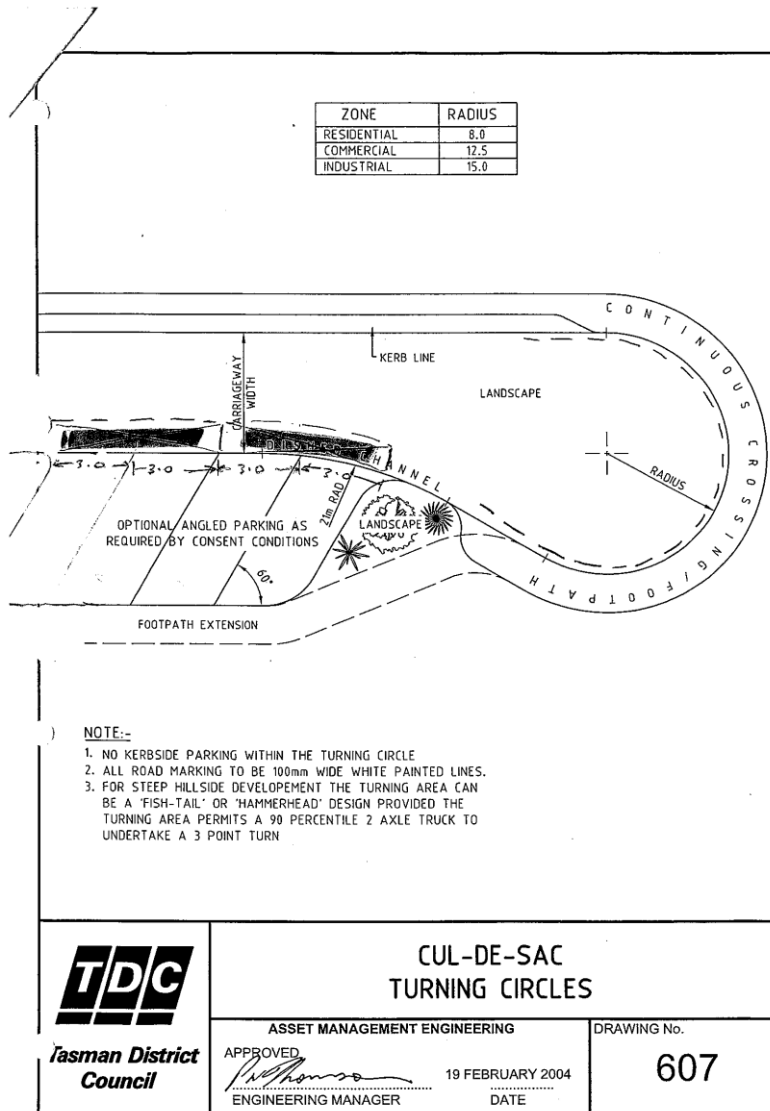
Issued this 4th day of October 2007

E M O'Regan
Chair of Hearings Committee

**PLAN A:
RM070169**



PLAN B:



Tasman District Council

**CUL-DE-SAC
TURNING CIRCLES**

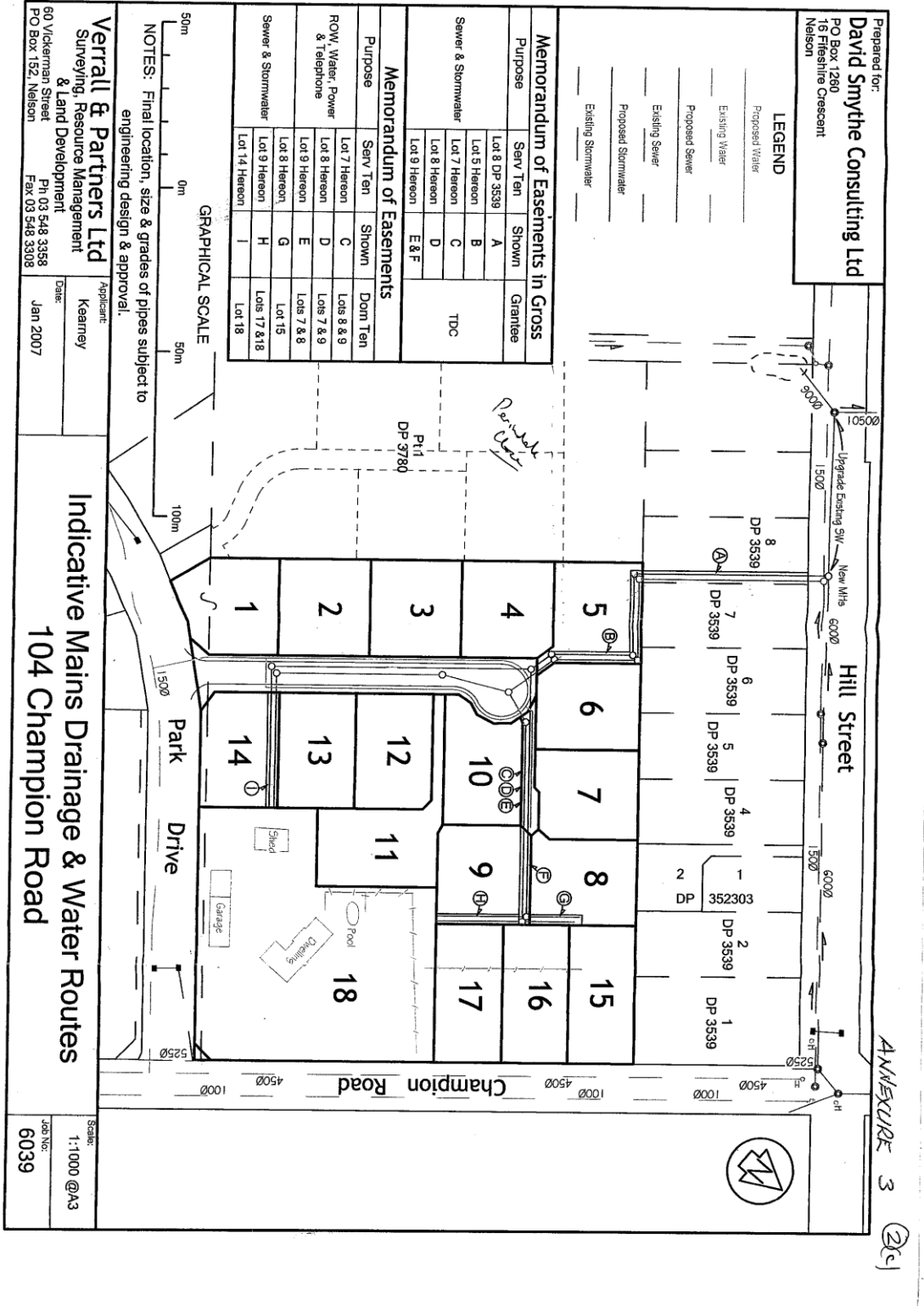
ASSET MANAGEMENT ENGINEERING
 APPROVED
[Signature]
 ENGINEERING MANAGER

DRAWING No.

607

19 FEBRUARY 2004
 DATE

PLAN C:



Verrall & Partners Ltd
Surveying, Resource Management & Land Development
60 Vickerman Street
PO Box 152, Nelson
Ph: 03 548 3358
Fax: 03 548 3308

Applicant: Kearney
Date: Jan 2007

Indicative Mains Drainage & Water Routes
104 Champion Road

Scale: 1:1000 @A3
Job No.: 6039

RESOURCE CONSENT NUMBER: RM070170

Pursuant to Section 104C of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

I F and N D Kearney & St Leger Group
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: Land use consent to erect a dwelling on each of the proposed lots 1-17, to apply the residential Zone permitted activity rule criteria in respect of site coverage (up to 33% site coverage) and setbacks, as set out in rules 17.1.4 (r) -(t), of the Proposed Tasman resource Management Plan.

LOCATION DETAILS:

Address of property: 104 Champion Rd, Richmond.
Legal description: Pt Section 93, Waimea East District and Pt Lot 74 DP 30205
Certificate of title: CT NL 111/234 and 8178
Valuation number: 1961032100 and part Valuation Number 1961035300

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

CONDITIONS

1. The commencement date for this land use consent shall be the issue date of the certificates of title for the proposed allotments created as part of the subdivision consent RM070169.
2. Each dwelling shall comply with the bulk and location standards as set out in Schedule A attached to this consent.

Advice Note:

Schedule A is extracted from the Rules in the Proposed Tasman Resource Management Plan providing for permitted activity standards in the Residential Zone. These Rules provide, in addition to the allowances for coverage and setback as permitted by this consent, provisions to ensure spatial amenity provisions for buildings applicable to the Residential Zone. In all other respects the provisions of the Rural Residential Zone shall apply. All meanings of words are to be referenced to the Proposed Tasman Resource Management Plan

3. Off-street parking shall be at least four spaces per dwelling unit being two spaces per dwelling unit as required by Rule 16.2.3 (c) of the Tasman Resource Management Plan plus an additional minimum two useable car park spaces on site per dwelling unit.
4. The two additional usable parking spaces may be located in the driveway or other formed surface suitable for vehicular parking and provided that there shall be no more than two parking spaces located one behind the other.

5. Any dwelling shall be subject to the relevant engineering conditions arising from the engineering reports submitted under Condition 30 of the subdivision consent RM070169.

GENERAL ADVICE NOTES

Council Regulations

1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.
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. 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.
5. 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.
6. 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.

SCHEDULE A

BUILDING CONSTRUCTION OR ALTERATION BULK AND LOCATION APPLICABLE UNDER RESOURCE CONSENT RM070170

Building Coverage

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

Outdoor Living Space

2. Each dwelling has an area of outdoor living space for the exclusive use of the occupants of that dwelling which:

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

Balcony or Deck

3. A balcony or deck with a finished floor level above two metres high is no closer than four metres from site or internal boundaries.

Walls

4. An offset of at least 2.5 metres is required at intervals no greater than 15 metres along any wall.

Building Envelope – Daylight Over and Around

5. No building projects 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 diagram A attached hereto.
6. For any roof with a slope of 15 degrees or greater and the roof ridge generally at right angles to the boundary, the end of the ridge may be up to 1.5 metres above the indicator plane and the end area up to 2.5 square metres when viewed in elevation.

Height

7. The maximum height of a dwelling is 7.5 metres on sites and 3.6 metres for accessory buildings (including garages and carport that are accessory buildings attached to the side of a dwelling).

Setbacks

8. Buildings are set back at least 4.5 metres from road boundaries, in the case of all buildings; except that buildings are at least 5.5 metres from road boundaries in the case of garages if the vehicle door of the garage faces the road.
9. Buildings are set back at least 1.5 metres from the internal boundaries on one side and at least three metres from all other internal boundaries (side and rear), in the case of all buildings.
10. Buildings are set back at least 1 metre from any access located within the site if the access serves another site or dwelling

DIAGRAM A: DAYLIGHT ADMISSION ANGLES

The angle of inclination over the site for daylight control planes is determined separately for each boundary of the site using the elevation calculator in the diagram below, in the following manner:

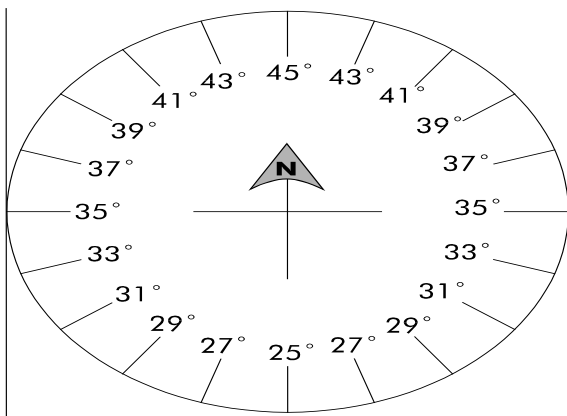
- a) Place the circumference of the elevation calculation disc on the inside of the boundary for which the calculation is required so that the north point indicator is aligned with the north point on the site plan.

- b) A separate calculation is required for each site boundary.
- c) Read off the elevation angle closest to the point of contact between the boundary line and the circumference of the elevation calculation disc. This is the maximum angle of elevation permitted along that boundary.

In the example below, the daylight control angle elevation for the western boundary of the site is 35 degrees.

Advice Note: Vertical lines represent site boundaries.

DAYLIGHT ADMISSION ANGLE DIAGRAM



Issued this 4th day of October 2007

E M O'Regan
Chair of Hearings Committee

Date Confirmed:

Chair: