

Report No:	REP12-07-01
File No:	RM110977, RM110980
Report Date:	5 July 2012
<b>Decision Required</b>	

**Report to:** Environment & Planning Subcommittee  
**Meeting Date:** Monday, 30 July 2012  
**Subject:** RM110977 (Subdivision) and RM110980 (Land Use)  
**Report Author:** Pauline Webby, Consent Planner- Subdivision

## 1. SUMMARY OF PROPOSAL

This application seeks to subdivide a 2.0391 hectare Rural 1 zoned property into three allotments and provide for a dwelling on each of Lots 1 and 3. The property has existing access and servicing for water and sewer from Bird Lane, Wakefield. The property is legally described as Lot 2 DP328246 and Part Lot 2 DP7804 and is located at 21 Bird Lane, Wakefield.

The north west boundary of this property adjoins a Light Industrial zone. (For location of Zones see Appendix 3). On the other boundaries the property adjoins strip residential development and lifestyle allotments, all of which are within the Rural 1 zone.

The application proposes three allotments as follows: Lot 1 is a bare land serviced site with an area of 1850 square metres that would lie between the applicants existing dwelling and two residential dwellings to the north east, Lot 2 would encompass 3100 square metres and include the existing dwelling and shed, Lot 3 is the balance area of 1.44 hectares and contains a new building location area for a future dwelling.

## 2. STATUS OF APPLICATION

Zoning: Rural 1  
Areas: Land Disturbance 1

Activity	Relevant permitted rule	Applicable rule	Status
Subdivision (Rural 1)	16.3.5.1	16.3.5.2	Discretionary
Dwellings on Lots 1 and 3 in a Rural 1 zone with areas less than 12 hectares.	17.5.3.1	17.5.3.3	Discretionary

Overall the proposal is Discretionary Activity.

### 3. NOTIFICATION AND SUBMISSIONS

#### 3.1 Written Approvals

Prior to notification written approvals were received from:

- B, R, S and A Andrews, 25 Bird Lane (Light Industrial Land)
- N R and C J Curtis family Trust, 17 Bird Lane
- K R and C J Nixey, 23 Bird Lane
- R J and E M Ramon, 21 Bird Lane
- G K and C J Baird, 187 Whitby Road, Wakefield
- M A Stuart and W McCulloch, 195 Whitby Road, Wakefield
- E B Illing, 197 Whitby Road, Wakefield
- B H and H S Disken, 193 Whitby Road, Wakefield

Pursuant to Section 104(3)(a)(ii) of the Act the decision-making panel must not have any regard to any effect on these parties. The location of these parties' properties is shown on the Map in Appendix A.

#### 3.2 Notification

The application was fully notified and submissions closed on 8/06/2012.

#### 3.3 Submissions

Neutral submissions

Submitter	Reasons	Heard?
NZ Fire Service Commission C/- J Luty (BECA)	Recommendations for compliance with NZ Fire Service Fighting water supplies Code of practice SNZ PAS 4509:2008	Yes

Submissions in opposition

Submitter	Reasons	Heard?
S and J Mattsen	Land Fragmentation and Visual effects	No

The submitters' in opposition property is shown on the Map in Appendix A.

#### 3.4 Comments on Submissions

The submission against the proposal raises some issues that are more reasonably matters for the consideration of Council's Compliance team. None of these issues are considered in this report other than the general concepts of the proposal being further fragmentation of land and the visual impact of further buildings.

### 4. STATUTORY CONSIDERATIONS

#### Section 104

A decision on this application must be made under Section 104 of the Act. The matters for the Council to address are:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)

- Objectives and Policies of the TRMP
- Other matters

## **Section 106**

No natural hazards have been identified for this property by Council's Resource Scientist.

## **5. SECTIONS 6, 7 AND 8**

The following matters are relevant to this application:

### **Matters of national importance**

#### **Other matters**

- S.7(b) the efficient use and development of natural and physical resources.
- S.7(c) the maintenance and enhancement of amenity values.

### **Treaty of Waitangi**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

## **6. KEY ISSUES**

The key issues are:

- Rural Character, landscape and amenity values
- Rural Land Productive Values
- Servicing (Includes access)
- Reverse Sensitivity/Adjoining Light Industrial Zone
- Cumulative loss of productive land / Precedent
- Financial contributions/development contributions
- Historical Consents

### **6.1 Rural Character, landscape and amenity values**

**Objective 5.1.3** *Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.*

**Policy 5.1.3.1** *To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.*

**Objective 5.2.2** *Maintenance and enhancement of amenity values on site and within communities throughout the District.*

**Policy 5.2.3.1** *To maintain privacy in residential properties, and for rural dwelling sites.*

**Objective 5.3.2** *Maintenance and enhancement of the special visual and aesthetic character of localities.*

**Policy 5.3.3.2** *To maintain the open space value of rural areas.*

**Objective 7.4.2** *Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.*

**Policy 7.4.3.1** *To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.*

**Objective 9.2.2** *Retention of the contribution rural landscapes make to the amenity values and the environmental qualities of the District, and the protection of those values from inappropriate subdivision and development.*

**Policy 9.2.3.1** *To integrate consideration of rural landscape values into any evaluation of proposals for more intensive subdivision and development than the Plan permits.*

**Policy 9.2.3.3** *To retain the rural characteristics of the landscape within rural areas.*

**Policy 9.2.3.5** *To evaluate, and to avoid, remedy, or mitigate cumulative adverse effects of development on landscape values within rural areas.*

**Subdivision Schedule matter 16.3.A (2)** *The potential effects of the subdivision on the amenity values and natural and physical character of the area.*

*Rural character* is defined in the TRMP (Chapter 2) as:

*"the character of the land as shown by the predominance of rural productive activities and includes:*

- (a) a high ratio of open space to built features;*
- (b) large areas of pasture, crops, forestry, and land used for productive end;*
- (c) built features associated with productive rural land uses;*
- (d) low population density;*
- (e) predominant form of residential activity directly associated with a productive land use;*
- (f) social and economic activity associated with productive land use;*
- (g) cultural values associated with farming and living on the land."*

*"Amenity values"*, as defined in Section 2 of the Resource Management Act 1991, is set out below:

*"Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."*

### **6.1.1 Rural Character, landscape and amenity values assessment**

The existing rural character of this property is more reflective of the values associated with both rural lifestyle and residential clusters than the rural context as defined in the TRMP policies and objectives and in the definition of rural character as set out above.

Standing in the open paddock that is shown as Lot 3, it can be observed that it is surrounded on three sides by residential sized allotments and small lifestyle properties all having a shared boundary with this property.

When viewed on the Council's GIS system this property appears as part of a limited residential/lifestyle enclave defined by a Light Industrial zone along the north-western perimeter, residential sized properties along the Bird Lane and Whitby Road frontages and is defined on the south western side by the Mattsen property, 171 Whitby Road, which has a very narrow access legin.

It is my view that this area does not have values that reflect what is anticipated in a rural context. However the area does have amenity qualities that are connected to lower density and lifestyle values associated with these smaller allotments.

Lot 1 is situated between existing dwellings and adjoins the Light Industrial boundary. This proposed allotment is not readily visible to any other user of Bird Lane or properties other than those who adjoin and have provided their written approvals. The density in this area is consistent with the strip development along Bird Lane albeit not within the Rural 1 zone.

Lot 3 is the larger allotment and will retain a large balance area of open paddock with a new dwelling sited at the north western end. It is not considered that another dwelling in this location will detract from the existing amenity values and context that surround this property. It has been sited to the north west of the site preserving maximum setbacks from other adjoining residential dwellings thus maintaining privacy for those other properties. The existing hedge and plantings along the lifestyle allotment to the south west will buffer the visibility of the proposed dwelling from this aspect.

The proposed development having a more residential use and curtilage is possibly more compatible with the surrounding uses than a productive rural land use. This statement does not take into account Light Industrial activities which are considered in Section 6.4.

## **6.2 Rural Land Productive Values**

Productive Value is defined in the Tasman Resource Management Plan (TRMP) as:

*“in relation to land, means the inherent or existing ability of the land to produce plant or animal biomass, arising from its natural and physical features, and includes measures of productivity and versatility.”*

with Productivity defined as:

*“in relation to land, means the inherent or existing ability to produce any type of plant or animal biomass over a given period and area.”*

and with Versatility defined as:

*“in relation to land, means the range of types of plant or animal biomass that may be produced over a given area.”*

**Objective 7.1.2** *Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.*

**Policy 7.1.3.1** *To avoid, remedy or mitigate the adverse effects of subdivision of rural land, particularly land of high productive value.*

**Policy 7.1.3.2** *To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.*

**Policy 7.1.3.3** *To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource.*

**Objective 7.2.2** *Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.*

**Policy 7.2.3.2** *To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:*

- (a) the productive and versatile values of the land;*
- (d) cross-boundary effects, including any actual and potential adverse effects of existing activities on such future activities;*
- (e) servicing availability;*
- (h) potential for cumulative adverse effects from further land fragmentation;*
- (j) efficient use of the rural land resource;*

**Objective 7.4.2** *Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.*

**Policy 7.4.3.1** *To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.*

**Policy 7.4.3.6** *To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land use opportunities are not compromised.*

**Subdivision Schedule matter 16.3.A (1)** *The productive value of the land in Rural 1, Rural 2 and Rural 3 zones, and the extent to which the proposed subdivision will adversely affect it and its potential availability.*

### **6.2.1 Rural Land productive Values assessment**

Council's Resource Scientist-Land has provided the following comment:

*"..there is little in the way of productive values to be protected. The area is small and surrounded by "residential", industrial or other small lots which almost entirely eliminates the possibility of intensive land based productive use or amalgamation with other productive blocks to realise its potential."*

This comment acknowledges that the productive values of this land are compromised by its limited size and proximity to existing dwellings and the Light Industrial Land. In light of this comment it is considered that this proposal is not detrimental to productive land use to any large degree, with the versatility of the land in terms of productivity compromised.

Policy 7.2.3.2 specifically appears to be enabling in terms of this application and the proposed two additional lifestyle allotments. The reasons for this include the minimal potential for productive use and maintenance of productive values and that there is servicing availability.

## **6.3 Servicing and Access**

**Objective 7.4.2** *"Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values."*

**Policy 7.4.3.9** *"To avoid, remedy or mitigate servicing effects of rural subdivision and development, including road access, water availability and wastewater disposal"*

### **Subdivision Schedule matters 16.3A relating to servicing.**

(8A) *For water supply, the extent of compliance with the "Drinking Water Standards for New Zealand 1995" or any subsequent replacement of this standard.*

(10) *Where wastewater disposal will occur within the net area of the allotment, the extent to which the site and soil assessment, design and construction of the system complies with the AS/NZS 1547; 2000, taking into account the requirements of rules in Chapter 36 regulating the discharge of wastewater.*

(11) *The adequate provision of potable water and water for fire fighting.*

### **6.3.1 Servicing Assessment**

Council's Engineering department have advised that there is sufficient capacity to allow for the provision of reticulated water supply and the discharge of wastewater to Council's Bird Land Lane wastewater pipeline for both proposed Lots 1 and 3. A Wastewater and Stormwater report from Enviro WW Ltd has been provided. This report confirms the onsite wastewater disposal system for Lot 2 has sufficient area to continue meeting the permitted activity standards set out in the TRMP and has an

alternate discharge field area if required. Lot 3 can also meet permitted standards for onsite disposal for wastewater but the applicants have volunteered to connect with the reticulated system.

Stormwater discharges from all three allotments can meet the permitted standards set out in the TRMP.

Applicants have volunteered to comply with NZ Fire Service Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 in terms of Lots 1 and 3 as the Council's Engineering department have confirmed there is no capacity in the water supply for meeting the standard for fire hydrants.

The existing Right of Way A easement area is to be extended to provide access to all three allotments. The existing access has a width of 6 metres and the formation has a sealed surface for the entire length to the margin of Lot 3. The southern edge with adjoining properties is landscaped with mature vegetation. The access has a clear line of sight. The formation is consistent with the standards specified in figure 16.3 of the TRMP for a rural property with 2-6 users. There are complying sightlines in both directions along Bird Lane. There is no need for any access formation upgrade given the existing high standard. Council's Engineering department have not indicated any issues.

**Subdivision Schedule matter 16.3A (9)** *The relationship of the proposed allotments with the pattern of adjoining subdivision, land use activities and access arrangements, in terms of future potential cross-boundary effects.*

## 6.4 Reverse Sensitivity Assessment

**Issue 6.17.1.3** *"Cross-boundary effects between residential and industrial activities."*

**Policy 6.17.3.3** *"To avoid, remedy or mitigate adverse effects on residential activity in the vicinity of the State Highway and the Bird Lane industrial area."*

**Method of Implementation 6.17.20.1(b)** *"Reducing the extent of residential zoning in the vicinity of the Bird Lane industrial area."*

The TRMP provides a commentary and explanation of the above issue and policy as it relates to further residential development on the boundary with the Bird Lane Light Industrial zone as follows:

*"The residential growth of Wakefield to the north towards the industrial zone is undesirable because of possible industrial cross-boundary effects. The former Brookside sawmill site at Bird Lane was a major site for timber treatment. New development and subdivision of the site will be discretionary until the risk to human health and the environment can be shown to be negligible."*

In terms of reverse sensitivity effects that relate to productive land use this proposal is not considered to increase any potential for this to occur.

In terms of the Light Industrial zone that adjoins the north western boundary it is considered that there is an increased potential for reverse sensitivity issues. There are already three dwellings close to the zone boundary and this proposal will increase this number to five with the additional two building location areas on Lots 1 and 3.



Lot 1 would be very constrained in its ability to set back a dwelling from the Light Industrial zone boundary. Reverse sensitivity may be lessened if Lot 1 was not included in the proposal; a potential dwelling on Lot 3 has the space to utilise larger setbacks from the Light Industrial boundary.

The existing Light Industrial Zone owners have provided their written approvals and any adverse effects on them are not specifically considered further.

With this proposal it is the longer term impact on the Light Industrial zone that must be considered. It is the incompatibility of residential activities with Light Industrial that is an issue. There is the potential for two additional residential activities to limit the ability of the zone to be fully utilised as the TRMP intended and the potential for a reduction in residential amenity for those two allotments from the adjoining zone.

A permitted building construction activity as permitted by TRMP Rule 17.4.3.1(m)(ii) in a Light Industrial Zone could allow a 15 metre high building setback no less than 20 metres from the boundary.

Adjoining Residential activities and Light Industrial uses have the potential to increase the risk of reverse sensitivity issues and subsequent complaints to Council.

The applicants have volunteered to provide plantings along these boundaries to help mitigate any issues that might arise between future Light Industrial zone use and Residential activities.

## **6.5 Cumulative Loss of Productive Land / Precedent.**

**Policy 7.1.3.3** *To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource.*

### **6.5 1 Cumulative loss of productive land / Precedent Assessment**

Council Policy Planners have advised that they consider this proposal may add to the cumulative loss of rural land from productive uses and involves an element of “*urban creep*”. Council Policy Planners have also confirmed that there are other rural residential opportunities available in the vicinity not yet taken up.

Case law has established that the granting of consent for one application (like for like) may well have an influence on how another application should be dealt with. The Council’s Resource Scientist-Land has identified that this proposal is located in a situation that constrains how the land can be used in a productive manner.

This property is isolated within residential strip development encouraged by earlier historical settlement and a deferred residential zoning under the earlier Tasman District Plan. This property and a small number of others are bounded by Bird Lane, Whitby Road, the Light Industrial zone and a small lifestyle allotment (171 Whitby Road) which has a narrow access legin. This does give some ability to set this proposal apart from others and limit any precedent argument in the future; in that it is limited by access, servicing capacity and is an area that is not intruding into functional Rural 1 land that has potential for productive use.

## **6.6 Historical Consents to Subdivide in this locality**

There have been a series of consents for both this property and nearby ones.

See Appendix B for location of consents.

RM930255 – 3 allotments Approved by Committee

RM950276 – 3 allotments declined by Committee and [W144/96] Env CRT decline

RM030603 – 1 additional allotment Charles non-notified approved (new lot created around an existing cottage leaving existing dwelling on balance area)

RM040318 – 2 allotments approved by Committee

RM950276 was declined and the Environment Court decision [W144/96] supported Council's 1995 decision to decline an application from Mr and Mrs Charles to subdivide this property in a similar manner as presented in the current application. The decision found that the effects on the environment would be minor, but supported the Council's decision in terms of policies and objectives and the Industrial Zone.

There are two key differences with the current proposal; one is that the deferred residential zoning in the Tasman District Plan (TDP) that applied to the land in 1995 was not carried through into the TRMP - therefore the presumption of future residential use no longer applies; and there is now an additional allotment and dwelling proposed for Lot 3 that adds to the degree of fragmentation or removal of land from productive use.

With this current application there are two additional allotments and dwellings which may add to the degree of fragmentation and increase reverse sensitivity issues for the Light Industrial zone.

This reasoning and the historical decisions from Council and the Environment Court were considered relevant in terms of the application being publically notified and for consistency in terms of the TRMP's Policies and Objectives.

## **6.7 Financial Contributions/Development Contributions**

The proposed application creates two additional allotments for which financial contributions would be payable on both Lots 1 and 3. The allotments are in the development contributions asset areas for roading, water, waste water and storm water. Therefore development contributions are payable for all four services on Lots 1 and 3.

## **7. SUMMARY OF KEY ISSUES**

- 7.1 Council's Resource Scientist (Land) has confirmed that there is little potential for productive land use on this property and therefore any cumulative impact in terms of productive land is minimal. It is therefore considered that the subdivision is not contrary to the objectives and policies of the TRMP in terms of productive values.

- 7.2 Servicing and access can be achieved in general accordance with the standards specified in the TRMP and there is capacity for the connection of Lots 1 and 3 to Council's reticulated water supply and wastewater services. This has been confirmed by Council's Engineering department.
- 7.3 It is considered that an additional two dwellings in this location will not reduce existing character and amenity values by any discernible degree given the current form of residential and lifestyle development in this location. This locality is not considered to provide a typically rural character envisaged by the TRMP's definition.
- 7.4 This site lies in a unique position; it is able to be serviced for water and wastewater, it does have a significant number of written approvals supporting it, it is bounded in a limited enclave of residential and lifestyle properties and it is defined along the north west margin by a Light Industrial Zone, therefore any issue of precedent may be limited.
- 7.6 The Council committee declined a similar application in 1995 and this decision was upheld by the Environment Court decision W144/96.
- 7.7 The potential for reverse sensitivity at the Light Industrial zone boundary does exist and could increase with the addition of two dwellings over and above the existing three dwellings that already exist close to the Light Industrial zone boundary. The applicants have volunteered conditions to mitigate. i.e landscape plantings along the shared boundary.

## **8. SECTION 5 AND RECOMMENDATION**

### **No recommendation**

As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, I consider that the considerations are finely balanced and I do not wish to OR cannot make a recommendation in this case.

However should the Committee determine that consent should be granted, I have attached draft conditions in Section 9 of this report.

## **9. CONDITIONS, ADVICE NOTES, PLANS**

### **9.1 Subdivision Consent (RM110977)**

#### **General**

1. The subdivision shall be undertaken in accordance with the information submitted with the application and in particular with the plan prepared by Verral & Partners Ltd titled, "*Proposed Subdivision 21 Bird Lane, Wakefield*", Job no 7055, dated October 2011 and attached to this consent as Plan A. If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

#### **Easements**

2. Easements shall be created over any services located outside the boundaries of the allotments that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. The survey plan which is

submitted for the purposes of Section 223 of the Act shall include reference to easements.

3. Easements shall be created over any right of way and shall be shown in a memorandum of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the land transfer title plan and any documents shall be prepared by a solicitor at the Consent Holder's expense.
4. The survey plan that is submitted for the purposes of Section 223 of the Act shall include reference to easements.

### **Industrial Emanations Easement**

5. An Industrial emanations easement ('No complaints' covenant) in favour of Lot 1 DP 19743 (25 Bird Lane) shall be registered on the title of proposed Lots 1 and 3 DP XXX.

### **Financial Contributions**

6. 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 6.25 per cent of the total market value of 2,500 square metres (rural)(at the time subdivision consent is granted) of Lot 3;
  - (b) the amount of the contribution shall be 6.25 per cent of the total market value of (at the time subdivision consent is granted) of Lot 1;
  - (c) 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;
  - (d) 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 6.25 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.

### **Power**

7. An underground power connection shall be provided to the boundary of Lots 1 and 3 and shall be to the standard required by the supply authority. Written confirmation of the above shall be provided from the supply authority.

## **Telephone**

8. Written confirmation shall be provided from the relevant utility provider that underground telecommunication services can be provided to Lots 1 and 3.

The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

## **Water Supply**

9. A water supply connection shall be provided to the boundary of Lots 1 and 3 and a Tasman District Council approved water meter shall be installed at the toby for Lots 1 and 3.

The location and details of the meter shall be recorded on the Tasman District Council's standard Water Meter Location form and submitted to the Tasman District Council for approval.

### **Advice Note**

Please note that a water connection fee for any new water connection will be payable under Council's Development Contributions Policy in the Long Term Council Community Plan.

## **Sewer**

10. A sewer connection shall be provided for Lots 1 and 3 in accordance with Council's Engineering Standards 2008.

### **Advice Note**

Note the specific design parameters specified in the Environ WW Ltd report. Report attached as Appendix 4.

## **Engineering conditions**

### **Commencement of Works and Inspection**

11. No works shall begin on-site until the engineering plans have been approved pursuant to Condition 12.
12. 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.

### **Advice Note**

Prior to the commencement of work the Consent Holder and its representatives may be invited to meet with Council staff to discuss the work to be undertaken including (but not limited to) roles and responsibilities, timing of the works and reporting.

## **Engineering Works and Plans**

13. Engineering plans detailing all works and services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works of the subdivision. All plans shall be in accordance with either the Council's Engineering Standards & Policies 2008 or else to the satisfaction of the Council's Engineering Manager.
14. All works shall be done in accordance with the approved engineering plans.

## **Engineering Certification**

15. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's Engineering Manager with written certification that all works, have been constructed in accordance with the approved engineering plans and the conditions of this consent.

## **Site certification**

16. Certification that a site has been identified on each of Lots 1 and 3 that is suitable for the construction of a residential building shall be submitted from a chartered professional engineer. This certificate shall define on Lots 1 and 3 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2010 Schedule 2A.

Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

## **As-Built Plans**

17. As-built engineering plans detailing all service connections for Lots 1 and 3 are required to be submitted to the Tasman District Council Engineering Manager. All engineering details are to be in accordance with the Tasman District Council Engineering Standards & Policies 2008.

## **Landscape plantings**

18. Prior to s224 approval a landscaping strip that complies with the TRMP definition of a "Shelter belt" shall be planted along the northwest boundaries of Lots 1 and 3.

## **Consent Notices**

19. The following consent notices shall be registered on the certificate of title for Lots 1 and 3 pursuant to Section 221 of the Resource Management Act.

### Fire fighting water storage (Volunteered) (Lots 1 and 3)

- (a) Water storage for fire fighting on Lots 1 and 3 will comply with the Fire Service Fighting water supplies Code of practice SNZ PAS 4509:2008.

### Building Location (Volunteered)

- (b) The specified dwelling site identified for Lot 3 shown on attached Plan A, dated October 2011 shall be shown on the Section 223 plan. The site shall be dimensioned and identified.

### Building Colour (Lots 1 and 3)

- (c) The exterior of any dwelling on Lots 1 and 3 DPXXX shall be finished in colours that are recessive and blend in with the immediate environment and have been approved by the Council. The Consent Holder shall submit to the Council's Planner for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$ , and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$ , and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$ , and hue range 06-12.	Excluded
Group E	Excluded	Excluded
<b>Finish</b>	Matt or Low-gloss	Matt or Low-gloss

As a guide, the Council will generally approve colours that meet the following criteria:

- the material to be used (eg, paint, Colorsteel);
- the name and manufacturer of the product or paint;
- the reflectance value of the colour;
- the proposed finish (eg, matt, low-gloss, gloss); and
- either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

## **Landscape Plantings (Lots 1 and 3)**

- (d) Shelter belt plantings along the north western boundary of Lots 1 and 3 shall be maintained in perpetuity to provide a buffer from the Light Industrial zone activities.

### **Advice Note**

Shelter belt is defined in Chapter 2 of the TRMP as: *“a line or area of vegetation, which at maturity, will be three metres or more in height and which is established to provide shelter from weather and includes a spray belt.”*

## **No Further Subdivision**

- (e) There shall be no further subdivision Lots 1 and 3 DPXXX.
- (i) the subdivision is a boundary adjustment where there is no creation of additional titles;
  - (ii) the Tasman Resource Management Plan (or subsequent relevant planning document) changes such that the proposed subdivision is either a permitted or controlled activity; or
  - (iii) the subdivision is for the sole purpose of creating a separate title for a network utility to be used by a network utility operator (as defined in Section 166 of the Resource Management Act 1991).

For the purposes of this consent notice "subdivision" has the same meaning as that set out in Section 218 of the Resource Management Act 1991.

### **Advice Note**

These consent notices shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis. All costs associated with approval and registration of the consent notice shall be paid by the Consent Holder.

## **GENERAL ADVICE NOTES**

### **Council Regulations**

1. This 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 Tasman Resource Management Plan Provisions**

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.



## **Consent Holder**

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

## **Development Contributions**

4. 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.

Development Contributions for roading, stormwater, wastewater and water are payable for Lots 1 and 3.

## **Archaeological**

5. In the event of Maori archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust’s Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

## **9.2 Land Use Consent (RM110980)**

### **General**

1. The proposed dwelling shall be in accordance with the application submitted, as shown on the attached plans labelled Plan A dated October 2011. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

### **Commencement Date and Lapsing of Consent**

2. The commencement date for this land use consent shall be the issue date of the certificate of title for Lots 1 and 3 approved by RM110977.

## **Colour**

3. The exterior of the dwelling on Lots 1 and 3 shall be finished in colours that are recessive and which blend in with the immediate environment. The Consent Holder shall submit to the Council's Consent Planner, Richmond for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:
  - (a) the material to be used (e.g. paint, colour steel);
  - (b) the name and manufacturer of the product or paint;
  - (c) the reflectance value of the colour;
  - (d) the proposed finish (e.g. matt, low-gloss, gloss); and
  - (e) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

### **Advice Note**

The Consent Holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

## **Review**

4. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent (within two years from the date of issue of this consent and thereafter within one within one month of the anniversary of the date of this consent) for any of the following purposes:
  - a) to 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 deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
  - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

## **ADVICE NOTES**

### **Council Regulations**

1. This 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 Tasman Resource Management Plan Provisions**

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

## **Consent Holder**

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

## **Development Contributions**

4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

## **Provision of water storage**

5. Water storage for fire fighting on Lots 1-3 will comply with the Fire Service Fire Fighting Water Supplies Code of practice SNZ PAS 4509:2008.

## **Monitoring**

6. Monitoring of this resource consent will be undertaken by the Council as provided for by section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimized by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

## **Archaeological**

7. In the event of Maori archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04)

801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

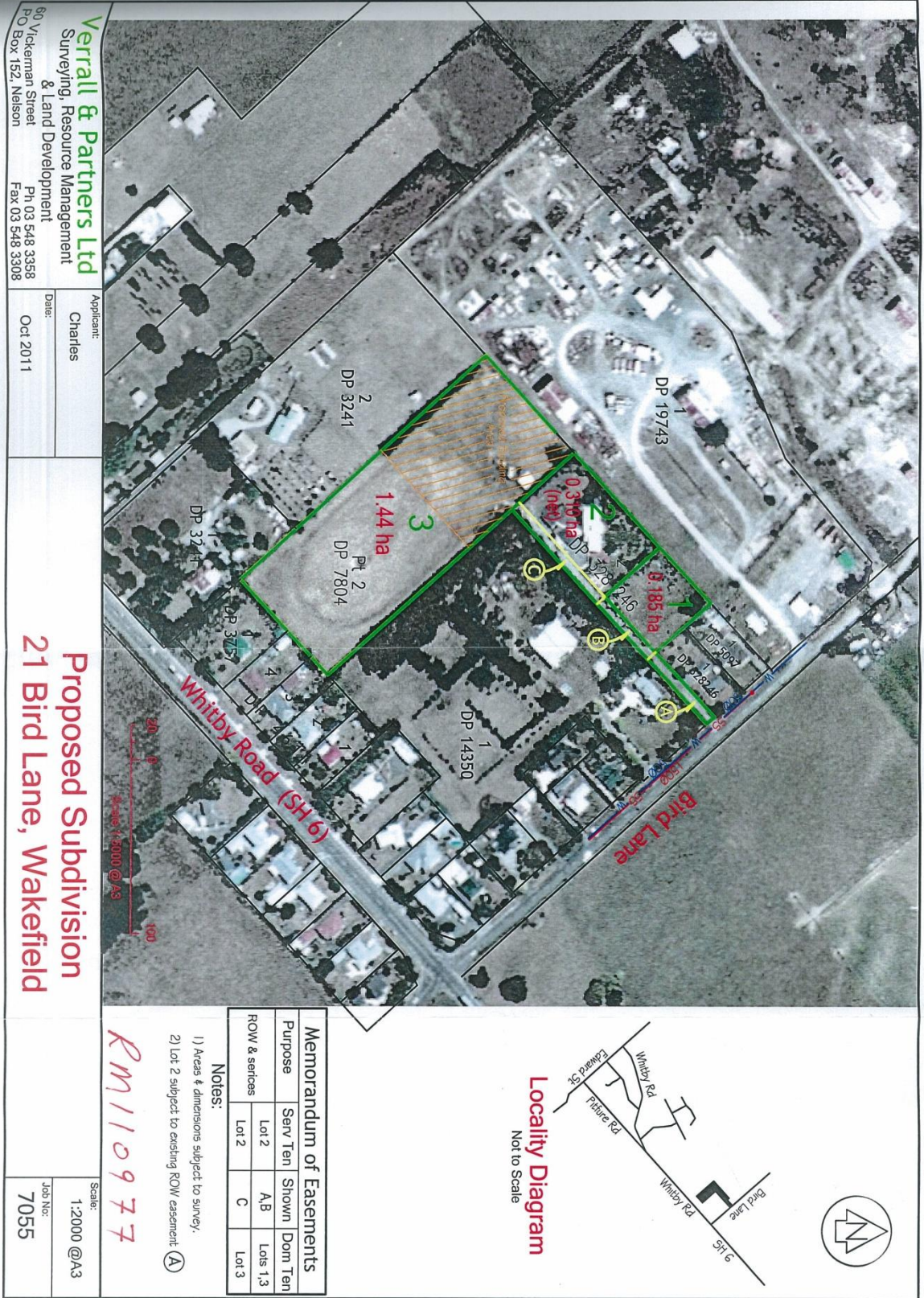
### **Interests Registered on Property Title**

8. The Consent Holder should note that this resource consent does not override any registered interest on the property title.



Pauline Webby

**Consent Planner- Subdivision**



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

Applicant:  
 Charles  
 Date:  
 Oct 2011

**Proposed Subdivision**  
**21 Bird Lane, Wakefield**

*RM110977*

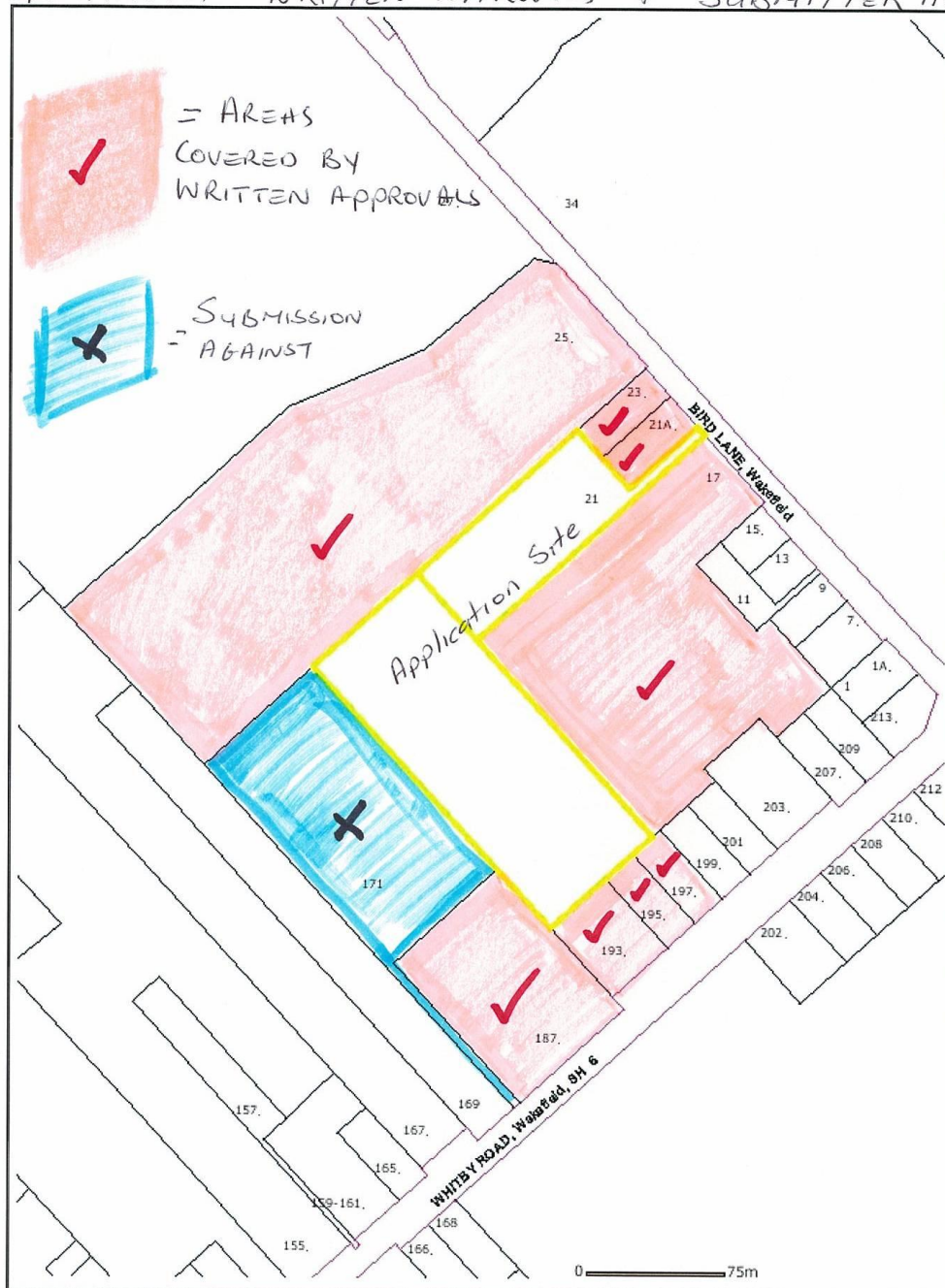
- Notes:
- 1) Areas & dimensions subject to survey.
  - 2) Lot 2 subject to existing ROW easement (A)

Memorandum of Easements			
Purpose	Serv Ten	Shown	Dom Ten
ROW & servises	Lot 2	A,B	Lots 1,3
	Lot 2	C	Lot 3

Scale:  
 1:2000 @A3  
 Job No:  
 7055



LOCATION OF WRITTEN APPROVALS + SUBMITTER AGAINST



ExploreTasmanMap

14/6/2012 **DISCLAIMER:**

This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the Tasman DC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, Tasman DC advises that the customer arrange onsite verification. Tasman DC will not be liable for any damages or loss whatsoever suffered from the use of this information.

Cadastre sourced from Land Information New Zealand (LINZ) data. Crown Copyright reserved.

<http://tsrvims-9/servlet/com.esri.esrimap.Esrimap?ServiceName=ExploreTasman&Cli...> 14/06/2012



APPENDIX 2 LOCATION OF CONSENTS



ExploreTasmanMap

2/7/2012 **DISCLAIMER:**

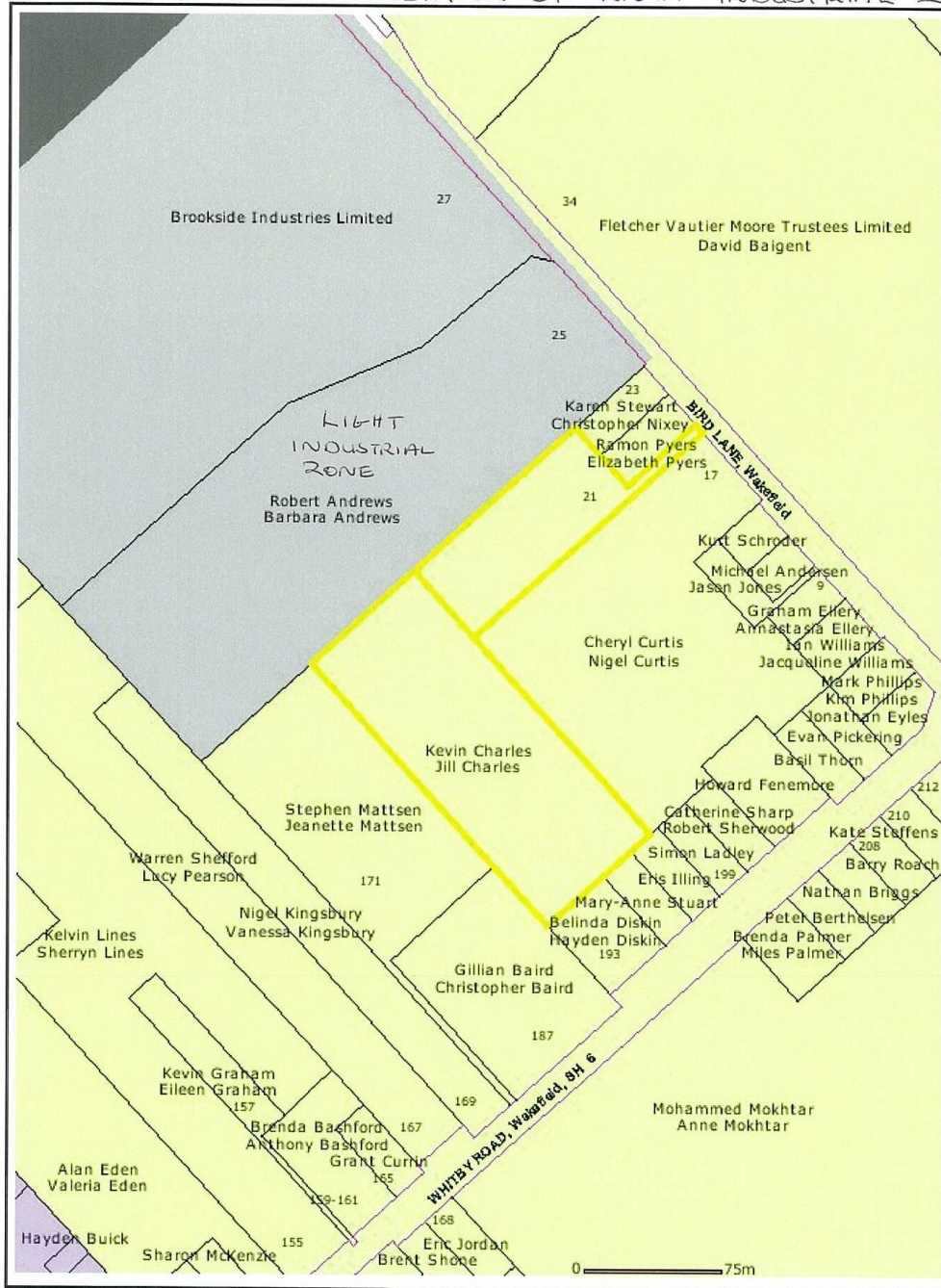
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APPENDIX 3 - LOCATION OF LIGHT INDUSTRIAL ZONE



ExploreTasmanMap

14/6/2012 **DISCLAIMER:**

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<http://tsrvims-9/servlet/com.esri.esrimap.Esrimap?ServiceName=ExploreTasman&Cli...> 14/06/2012



**APPENDIX 4**  
**Enviro WW Ltd Report for Stormwater and Wastewater**



**Enviro WW Limited**

At the environment's convenience!

34 Heaphy St,  
Richmond,  
Nelson 7020

Ph – Fax 03 5442314  
E-mail randjcox@clear.net.nz  
Web www.wastewaternz.co.nz

Date : 26 March 2012

Reference – RM 110977

Pauline Webby  
Consent Planner – Subdivision  
Tasman District Council  
Richmond

Response -

**Section 92 paragraphs 2, 3 & 4 of letter Dated 2 March 2012**

Subdivision - 21 Bird Lane  
Wakefield

This report is to provide surety of the land capability to sustain long term ability for discharges into the subsurface soils of both wastewater and stormwater within the proposed boundaries as defined on submitted plan 7055 dated October 2011.

Wastewater

Proposed Lot 2

The present wastewater stream from proposed lot 2 is an established activity. Currently operating onsite is an appropriately sized Primary treatment tank and a subsurface system of adsorption trenches. Both of these features are located within the proposed lot and display no discernible adverse environmental effects within the immediate close surrounding area. There is physically sufficient area to replace the adsorption trenches, if the present one fails, within the proposed boundaries.

Proposed Lot 1

It is my recommendation that this property be serviced for wastewater flows through an appropriately sized wet well and grinder pump and small bore low pressure pipe. This is to discharge into a velocity stop wet well located within the common property at a point not further than 2 meters from the boundary at Bird Lane. Gravity flow from this point onward into the reticulated system in Bird Lane.

Proposed Lot 3

Although this lot has not been commented on within the Section 92 information request, the property owners wish to volunteer that this lot be served by a wet well and grinder pump and small bore low pressure pipe discharging into the velocity stop wet well on common land.

Engineering Design will be required for the physical development of each section to conform to current TDC Engineering Standards 2008 and also the Building Act 2004.

1

Stormwater

Proposed Lots 1, 2 & 3 are located directly above ancient alluvial river run. Exact description of subsurface structure is '*Low terrace gravels, slightly weathered Speargrass Formation. includes some older terraces Harwea Series.*'

The former is the description taken from '*New Zealand Geological Map 1:250 000 1<sup>st</sup> Edition SHEET 14*'.

Soakage within this property as an entity is extremely rapid.

Any buildings erected on proposed lots 1 or 3 will require an engineered soak pit design, commiserate with the capture area being erected.

For your consideration and further action



Robert Cox  
Wastewater Engineer  
Enviro WW Limited