

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 7 November 2005
TIME: 9.30 am
VENUE: Golden Bay Service Centre, 78 Commercial Street, Takaka

PRESENT: Crs T B King (Chair), S J Borlase and N Riley

IN ATTENDANCE: Consents Manager (J Hodson), Development Engineer (D Ley) and Administration Officer (B D Moore).

1. T A OSBORNE, 29 IRONWORKS ROAD, ONEKAKA, GOLDEN BAY – APPLICATION RM050279 and RM050663

1.1 Proposal

The applicant sought resource consent RM050279, to subdivide a property at Ironworks Road, Onekaka into two allotments, Lot 1 being 2270 m² and Lot 2 being 3361 m². A discharge permit was also sought for grey water RM050663, to discharge up to 500 litres per day of domestic grey water, within 20 metres of the pond located on proposed Lot 2.

1.2 Presentation of Application

Ms T A Osborne tabled and read a submission of evidence and provided a description of the house, garage and sleepout contained on proposed Lot 1 and gave a physical description of the proposed subdivision, referring to an attached scheme plan of subdivision. She said that subdivision was required as the property is too large for her and she wished to sell the house and half of her land to the Sadowski family. Roof rainwater will be collected for use on both properties as the community water scheme has no reserve capacity.

A consultant has designed a wastewater treatment system that fits the topography of the land and contains the effects within the boundaries of Lot 2. The proposed allotment sizes are to be 2270 m² and 3361 m² instead of the minimum 5000 m² for a controlled activity. The back of the garage and sleepout are to be 1.5 metres from the boundary instead of 5 metres.

The evidence discussed the relevant plan provisions including amenity effects, maintenance of privacy for rural dwellings, effects of fragmentation of productive land and the effects on servicing and infrastructure. On the issue of discharge to land and watercourses, the application advised that the wastewater treatment system proposed for Lot 2 is located a minimum of 5 metres from the edge of the existing pond, instead of 20 metres required by the District Plan. The 5 metre separation distance has been well planted and has a good depth of topsoil from the pond excavation.

The issue of the effects on traffic safety was addressed in the evidence and the applicant submitted that some local residents do not wish to see any upgrading or changes to Ironworks Road. The applicant submitted that by keeping this road narrow with a gravel surface it will discourage traffic from travelling too fast. The road presently serves 15 household lots with five additional existing sections without dwellings. There is land available in this location to provide for a maximum of 45 households. The applicant said that the subject subdivision represents only a minor increase in the potential traffic on Ironworks Road.

The applicant requested that no condition be required for the removal of a neighbouring hedge located on road reserve which reduces sight distance to the applicant's existing driveway.

Ms Osborne referred to the potential effects on the State Highway intersection, especially the intersection of Ironworks Road and State Highway 60. She disagreed that the intersection is below standard and noted that this is a school bus marshalling area and that the buses also do U-turns in this location. She disagreed that anything was required to be done to improve the safety of this intersection and noted that the application has the potential to only increase the traffic by eight vehicle movements per day at the intersection.

Ms Osborne said that this proposal is unique and has a point of difference that could be arguably used to mitigate the potential precedent effect. She noted that the subject proposal has the support of all four immediate neighbours and six others along the road, representing ownership of 12 of the 19 existing titles accessed off Ironworks Road. The applicant accepted the proposed conditions of consent except for proposed conditions 4 and 5 regarding the road widening and improvement to site distances for access to Lots 1 and 2. She requested that condition 9 be modified, to allow roof rain water on Lot 1 to be discharged directly into the adjacent pond.

1.3 Submissions

Mr I A Milne, a farmer of Ironworks Road, spoke in support of the application and referred to the affordability of the proposal for the Sadowski family to begin home ownership. He spoke of the low impact of this proposed subdivision and new dwelling and acknowledged the proximity to the immediate neighbours who are supportive of the application. He said that the site distance at the intersection of Ironworks Road and State Highway 60 should be addressed by speed restrictions and said that it was unrealistic for Transit NZ to require the applicant to remedy this situation. He said that Ironworks Road is perfectly adequate the way it is and any straightening or widening will only speed up traffic and lead to issues of safety and dust nuisance.

Ms T M Blithe supported the application and said that the proposal makes environmentally sound provisions for water collection, sewerage and wastewater disposal and stormwater disposal. She said it would also provide an extra affordable home in this area on a back section. She said that Ironworks Road does not need sealing and that the speed limit on the State Highway should be reduced to 80 kph in the vicinity of Ironworks Road.

Ms E Crombie and Mr Peter Sadowski said that their purchase of proposed Lot 2 will allow their family to remain part of this community. The submitters referred to the support received from the residents of Ironworks Road and the letters of consent from all of the immediate neighbours to the subject site. They said that granting of the application will allow a contributing working family to remain part of its community.

A submission from Transit NZ was introduced by Mr M T Lord of Opus International Consultants. He spoke about the Land Transport Act 2003 saying that Transit NZ is now required to give greater recognition of land use/transportation interaction and potential cumulative effects, arising from proposals that have the potential to adversely affect the future functioning of that route. He said that Transit's main concerns, are the adverse impacts on this stretch of State Highway 60, in terms of:

1. the potential for approval of this application to create an expectation that further applications for the creation of substandard allotment sizes will be granted, resulting in a cumulative effect over time;
2. increased traffic movements from an intersection that has inadequate site distances.

Within his resource management evidence, Mr Lord referred to the Council's report contained within the agenda for this meeting and the proposed Tasman Resource Management Plan references including Schedule 16.3A and Chapter 11. He said that the proposed subdivision is contrary to the assessment matters and the objectives and policies referred to in that plan.

Mr Lord said that he considered that this proposal for substantially reduced lot sizes, in a situation where there are no unique or unusual circumstances, will create a precedent pressure for the Council to approve subsequent applications. He said that the cumulative consequences would put at further risk, the sustainability of the State Highway resource.

Mr M D Taylor, a roading engineer of Opus, continued with the Transit NZ submission. He referred to the potential for further subdivision development to occur around Ironworks Road and that each additional house will increase the risk for a crash to occur at the intersection of Ironworks Road and State Highway 60. He said that Ironworks Road intersection has substandard sight distance that increases the safety risk at the intersection. He said it would be costly to achieve the required sight distance at this intersection.

Mr Lord provided copies of Transit NZ planning policy manual supplement of 1 September 2005 which Transit NZ issued prior to a complete review of the planning policy manual.

1.4 Staff Reports

Montgomery Watson Harza Consultant Consent Planner, Mr A Tester, had been unable to attend the hearing. However copies of a note from Mr Tester were tabled at the hearing. This note emphasised the main points regarding amenity values, roading and servicing and precedent effects. In his staff report Mr Tester had recommended that the application be declined for the reasons outlined within the report.

Development Engineer, D Ley, spoke to the matter of impacts on traffic which the extra allotment is expected to create. The recommended conditions of consent sought that Ironworks Road be widened to a 5 metre base course carriageway width with widening carried out to its eastern side. The widening should be from the intersection with State Highway 60, up to the southern boundary of Lot 2. Sight distances from the vehicle accesses to Lot 1 and 2 would require improvement to meet Council standards and may involve removal of shrubs and vegetation along the road reserve. The proposed conditions sought that a gravel footpath, separate from the carriageway be laid on road reserve from the southern boundary of Lot 2, to the intersection of Ironworks Road with State Highway 60.

1.5 Right of Reply

Ms Osborne responded that the precedent effect appeared to be of most concern to Transit NZ. She reminded the hearing panel that the Council has discretionary authority to consider the merits of the proposal which she said had very little adverse effects. Ms Osborne said that the application is not out of character and has the support of the community. She said that this is a rural residential location and does not require urban infrastructure. The applicant said that the State Highway should support the development of the community and ask that the State Highway be responsive to the community needs.

The Committee reserved its decision at 12.30 pm.

Moved Crs King / Borlase EP05/11/01

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

T A Osborne

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

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

CARRIED

Moved Crs Riley / Borlase EP05/11/02

THAT for the purposes of discussing the application of T A Osborne as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs Borlase / King
EP05/11/03**

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

CARRIED

**2. T A OSBORNE, 29 IRONWORKS ROAD, ONEKAKA, GOLDEN BAY –
APPLICATION RM050279 and RM050663**

**Moved Crs King / Riley
EP05/11/04**

THAT pursuant to Section 104B, 220 and 221 of the Resource Management Act 1991, Council **GRANTS** consent to T Osborne to subdivide Lot 2 DP 13610 into two allotments.

The consent is subject to the following conditions and granted for the following reasons.

CONDITIONS – SUBDIVISION:

1. The subdivision development shall be undertaken in general accordance with the application and scheme plan and additional information supplied, particularly the scheme plan date stamped 12 July 2005, prepared by F Wingate of Golden Bay Surveyors, the resource consent application dated 5 April 2005, and the additional information date stamped received 12 July and 26 July 2005. In addition, if there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of consent shall prevail.
2. Live telephone and electric power connections shall be provided to the boundary of Lot 2 and all wiring and connections shall be located underground and be to the standard required by the supply authority. Confirmation that these requirements have been met shall be provided by way of a statement from the supply authority and a copy of the supplier's certificate of compliance shall be provided to the Council prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.
3. The consent holder shall pay a financial contribution (for reserves and community services) to the Council. The amount of the financial contribution payable shall be 5.5% of the total market value (at the time the subdivision is granted) of a notional building site on Lot 2 of 2500 m². The consent holder shall engage the services of a registered valuer to undertake this assessment and a copy of the valuations shall be forwarded to the Council for calculation of the financial contribution. If the financial contribution payment is not made within two years of the date of granting of this consent, the consent holder shall prepare a revised valuation and the financial contribution shall be recalculated.

4. That Ironworks Road shall be widened to a 5.0 metre basecourse carriageway width, with widening carried out to its eastern side. This widening should be from the intersection with State Highway 60 up to the southern boundary of Lot 2.
5. Site distances from the vehicle accesses to Lots 1 and 2 shall be improved to meet Council standards (see Figure 16.2C from Proposed Tasman Resource Management Plan attached to this consent). This may involve removal of shrubs and vegetation along the road reserve of the subject property and adjoining properties to ensure a sight distance of at least 35 is achieved.
6. That a chartered professional engineer shall certify that an appropriate building site is available on Lot 2.

4.

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Consent Notice:

7. That any discharge of domestic wastewater shall be undertaken in accordance with Resource Consent RM050633 (or any subsequent variation) or in accordance with permitted activity criteria of the Proposed Tasman Resource Management Plan.

Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 recording the requirement of this condition on the certificate of title. All associated costs will be paid by the consent holder.

Advice Note:

The consent holder is advised that the Council will require the payment of a development contribution prior to the issue of a completion certificate, issued pursuant to Section 224(c) of the Resource Management Act 1991. The development contribution that is payable is as is set out in the Development Contributions Policy, prepared pursuant to the Local Government Act 2002. The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP). The consent holder is advised that the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading only and will be based on the creation of one additional allotment.

DECISION – DISCHARGE:

THAT pursuant to Section 104 and 104B of the Resource Management Act 1991, Council **GRANTS** consent for T Osborne to discharge domestic wastewater (grey water) to land.

The consent is subject to the following conditions and granted for the following reasons.

1. All domestic wastewater shall be treated and discharged to ground by soakage trenches in accordance with the information submitted with the application for resource consent RM050633 and Appendix 1 attached.
2. The discharge shall only comprise of wastewater generated from the domestic dwelling on Lot 2 but shall not include toilet waste from this dwelling.

Advice Note:

A composting toilet has been proposed to deal with toilet waste from the dwelling, no discharge from the composting toilet was sought to be included in this consent. The discharge of wastewater authorised by this consent would include wastewater generated from laundry, bathing, hand washing, and kitchen.

3. The maximum daily discharge volume shall not exceed 500 litres.
4. All pipe work and fittings associated with the treatment and disposal system shall be specifically constructed for the disposal of domestic wastewater.
5. The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems.

The person supervising the construction and installation of the system shall provide a written certificate or producer statement to the Council's Co-Ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Conditions of this consent and shall include a set of final "as built" plans.

6. The wastewater disposal area (including the reserve area) shall be located not less than; 5 metres away from any surface water body; and 20 metres from any bore for domestic water supply; and 1.5 metres from any adjoining property; and there shall be not less than 600 millimetres of unsaturated soil from base of disposal trench to the seasonal groundwater level.
7. A suitable wastewater disposal reserve area equivalent to not less than 100 % the size of the primary disposal area shall be kept available for future use for wastewater disposal. This reserve area shall remain undeveloped and shall be located within the boundaries of the subject property.
8. The disposal area including the designated buffer area (marked on Appendix 1) shall be planted with species suitable for wastewater uptake prior to the exercise of this consent; these plants shall be maintained in good health for the duration of this consent. The disposal area shall only be used for wastewater disposal and the boundaries of the area shall be clearly delineated by vegetation or other type of border.
9. There shall be no ponding or runoff of wastewater on the ground surface or any direct discharge or run-off of wastewater to surface water.
10. The wastewater treatment and disposal system shall be inspected and serviced on a regular basis (not less every three years) by a suitably experienced Wastewater Service Provider. A copy of the service provider's maintenance report shall be forwarded to the Council's Co-Ordinator Compliance Monitoring within one month of each inspection. The inspection report shall include, but not be limited to, the following information: the date the inspection was undertaken and the name of the service provider; any maintenance undertaken during the visit or still required; a description of the appearance of the filter/s and tanks; the location and source of any odour detected from the system during the inspection; and a description of the appearance of the disposal area (ponding, vegetation growth etc).
11. The wastewater treatment system shall be maintained and operated in a well functioning and appropriate manner at all times.

Advice Note:

The Consent Holder is advised that the discharge of wastewater from an appropriately designed, well functioning greywater treatment system should comply with the following wastewater quality standards;

- i) Five day biochemical oxygen demand 30 milligrams per litre
- ii) Total suspended solids 45 milligrams per litre

The Consent Holder is further advised that careful management of inputs to the treatment plant will be required to enable adequate treatment to occur, cleaning products will need to be carefully controlled and inputs from the kitchen sink (foodscraps, fats, oils and greases) will need to be minimised.

12. A sampling point, to allow collection of a sample of the treated wastewater, shall be provided at a point located directly after the final pump-out chamber and before the point where the wastewater discharges to the disposal field. Details of the location of this sampling point shall be forwarded to the Council's Co-Ordinator Compliance Monitoring prior to the exercise of this consent.

Advice Note:

Specific sampling of the wastewater discharge authorised by this consent has not been required by condition of consent due to the low discharge volumes anticipated. However, Council may undertake visual inspections of the wastewater treatment and disposal system and in addition the Council reserves the right to collect samples of the discharge at any time, and irrespective of whether the conditions of consent are being complied with.

13. The Council may, in the period 31 May to 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - i) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - ii) to require the consent holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - iii) reviewing the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - iv) reviewing the level of and frequency of monitoring and/or number of determinants analysed if the results indicate that this is required and/or appropriate.
14. Pursuant to Section 36 of the Resource Management Act 1991, the permit holder shall meet the reasonable costs associated with the monitoring and administration of this permit. Costs can be minimised by consistently complying with the conditions of this consent and thereby reducing the frequency of Council visits.

Advice Notes:

1. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.

2. The Consent Holder is reminded with regards to Advice Note 1, the discharge may not create an offensive or objectionable odour beyond the property boundary and all associated excavation work must comply with the permitted activity requirements of the Tasman Resource Management Plan unless otherwise authorised by resource consent.
3. Health Bylaws, Regulations and Acts. A Building Consent is required for any drainage works.
4. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-Ordinator Compliance Monitoring.
5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g. shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
6. References to wastewater in this consent refer to all domestic wastewater generated from the proposed dwelling excluding toilet waste.

REASONS FOR THE DECISION - SUBDIVISION AND DISCHARGE:

1. The land is within the Onekaka Rural Residential Zone under the Proposed Tasman Resource Management Plan. The minimum lot size for a controlled activity subdivision is 5000 m² according to Rule 16.3.10, thus the application is deemed to be a discretionary activity, as it does not comply with this rule.
2. It is understood that there are no references to either the zoning of the land or the relevant subdivision objectives, policies and rules of the Proposed Tasman Resource Management Plan and therefore in accordance with Section 19 of the Amendment Act, no weight is given to the Transitional Plan.
3. The application has been considered subject to Part 2 of the Act i.e. the purpose and principles of sustainable management of natural and physical resources, and Section 104 which requires the Committee to have regard to:
 - a) any actual and potential effects on the environment of allowing the activity
 - b) the relevant provisions of:
 - Regional Policy Statement
 - Plan or Proposed Plan
 - Any other matter considered relevant and reasonably necessary to determine the application.
4. The Committee noted that the application had received eight submissions; one in opposition and seven in support.

The concerns raised were:

- Only rainwater is available as a source of domestic water
- Not wishing to contribute to the upgrading of Ironworks Road

- Not wishing to see Ironworks Road upgraded
 - Better provision for stormwater in Ironworks Road is required
 - Insufficient site distances at the Onekaka Road/SH60 intersection and the hazard will be made worse by additional traffic movements
 - Concern about precedent effect if subdivision granted and the consequent adverse effect on State Highway efficiency and safety.
6. The Committee considered that there were three key issues which had to be considered; rural character and amenity values, traffic effects, “precedent” and cumulative effects.
7. In terms of the rural character and amenity values, the Committee considered that there were two issues. One was the fact that there were a number of small lots to the immediate south of the application site and the property to the north contained two dwellings. Therefore the density of dwellings in the immediate context of this site is greater than would be the case if all the dwellings existed on 5000 m² sites.

The Committee considered that creating an additional lot would not be out of character with the existing development in the vicinity and the existing character of the immediate area would therefore not be adversely affected by the additional dwelling. The second consideration which the Committee agreed was important was that the topography of the site was such that there would be no loss of privacy and amenity value for any of the surrounding dwellings. The Committee noted the proposed boundary line would reduce the normal set back requirement, but this was not considered to be a significant issue as it was “internal” to the site.

8. The Committee heard that the existing layout and design of the intersection of Ironworks Road and State Highway 60 was substandard in terms of sight distance to the south and that there had been accidents at this corner in the past. Transit New Zealand representatives acknowledged that the actual effects of one additional allotment would not be significant in terms of the intersection safety. The issue of precedent appeared to be the greater concern for this submitter.

However the Committee was clear that the approval in this instance would not send a signal that lots of this size would be acceptable over the whole of the Onekaka Rural Residential Zone, as the particular circumstances of this application were not likely to be able to be replicated elsewhere. In terms of the “precedent” and cumulative effects of granting the application, the Committee was clear that each application must be assessed on its merits, but that the decisions made by Council should be consistent, that is, like being treated as like. This process of consistent assessment is made in terms of the adjoining development and the effects on the character and values of the area. Approvals send a signal which lead to other applications and thus cumulative effects and this is a valid consideration. The Committee did not wish to send a signal that development of the intensity as was proposed is compatible with the outcome of the Onekaka Rural Residential.

The Committee was confident that granting consent to one additional lot on this property would not send a signal that that lots less than 5000 m² would be acceptable throughout the zone.

The Committee did not consider the application to be unique because of the community support or the intention of the applicant to assist with the provision of affordable housing for a family active in the community. The Committee did not consider that these factors were able to be given much weight because the circumstances of those involved could change and the Council has no control over these things.

9. In terms of traffic effects, the Committee considered that there was a need to do some minor upgrading to Ironworks Road to improve safety and the standard required was modest in terms of the Engineering Standards. It was considered that a footpath was not triggered by the granting of one additional lot, but it was expected that the safety of the road in this area would be enhanced by the minor road widening and the improvement of sight distances.
10. The Committee noted the intention of the applicant to install a composting toilet and that the wastewater disposed on site would be grey water only. It was considered that conditions of consent would ensure the discharge would have no adverse effects on surface water.
11. In summary, the Committee considered that the effects from one additional lot would be acceptable and would be consistent with the purposes and principles of the Resource Management Act 1991 and the relevant provisions of the Proposed Plan.

CARRIED

Confirmed:

Chair: